

## DELEGATED DECISION OFFICER REPORT

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	NW	17/11/2020
Planning Development Manager authorisation:	TC	18/11/2020
Admin checks / despatch completed	ER	18/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	18/11/2020

**Application:** 20/01224/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr S Rose - Rose Builders

**Address:** Land North-East of The Avenue Lawford

**Development:** Proposed children's nursery.

### **1. Town / Parish Council**

Lawford Parish Council      No Objections  
02.11.2020

### **2. Consultation Responses**

ECC Highways Dept      Due to current COVID-19 restrictions, a site visit was not undertaken  
13.11.2020      in conjunction with this planning application. The information submitted has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and previous site visit. It is noted that the main entrance will be via The Avenue and where there is a new car park provided as part of the development which appears to be available for parents to use during drop off and collection times with the adjacent primary school. The site also has good footway connectivity from the new development to the site, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation the following highway measure shall be implemented on the road to highlight the entrance to the Nursery School:

- The provision of 'school keep clear' road markings to Diagram. no. 1027.1 outside the main vehicle/ pedestrian entrance (min. length: 25.56 metres).

Reason: To ensure that on-street parking does not occur outside the main entrance obscuring pedestrians potentially crossing the road and highlights to passing traffic that pedestrians will be crossing within the highway in the interests of highway safety and Policy DM1.

Note: The diagram numbers referred to above are taken from 'The Traffic Signs Regulations and General Directions 2016'.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in

perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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 DM1.

5. Any gates provided at the pedestrian access shall be inward opening only.

Reason: In the interest of highway safety in accordance with policy DM1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

8. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

9. Prior to occupation, the applicant shall provide/update their School Travel Plan to the specifications and requirements of the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance

with policies DM9 and DM10.

10. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that 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 Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Informative

1: Essex County Council's Travel Plan team is willing to help with the preparation and the details of the Travel Plan.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Schools Service

No comment received.

Essex County Council  
Ecology  
29.10.2020

Thank you for consulting Place Services on the above application. No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Update (Geosphere Environmental, September 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Update (Geosphere Environmental, September 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species, particularly breeding birds.

We note that the Ecological Update (Geosphere Environmental, September 2020) does not make any recommendations for biodiversity. These should be included to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. We recommend that the Detailed Planting Proposals (Liz Lake Associates, September 2020) is updated to demonstrate native species planting. Where exotic, ornamental species are proposed, wildlife friendly species, which provide nectar or shelter should be chosen instead, for these areas accessible to pre-school children.

Reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

#### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Update (Geosphere Environmental, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

## 2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall include bird, bat and insect boxes.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely,

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

Place Services at Essex County Council

Building Control and  
Access Officer  
13.10.2020

No adverse comments at this time.

Tree & Landscape Officer  
07.10.2020

There are no trees or other significant vegetation on the application site.

There is a small group of trees immediately to the east of the application site; within the grounds of the adjacent school. There are also small trees and hedgerow plants within the curtilage of the garden centre to the north of the application site.

This vegetation is not threatened by the development proposal and the amenity value of the trees is such that they do not meet the criteria under which they merit formal legal protection by means of a tree preservation order.

Should planning permission be likely to be granted then a condition should be attached to secure details of a soft landscaping scheme, including tree planting in order to soften, screen and enhance the appearance of the development.

Environmental Protection  
09.11.2020

Please find revised comments below to include CMS.

20/01224/FUL - Land North East of The Avenue, Lawford, Essex,  
CO11 2HS

Construction

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise

Environmental Protection require a noise assessment from a qualified acoustician to show that the proposed use of the building (Nursery/school) is not causing adverse impact on the amenity of nearby residents. Also where applicable to ensure the acoustic conditions and sound insulation of each room or other space (e.g. play areas, garden area etc.) is suitable for the nature of the proposed activities taking place therein.

Where this is unable to be achieved, Consultants recommendations must be followed in terms of methods recommended in attenuating the sound levels to an acceptable level e.g. sound Insulation, walls or fencing etc.

Tree & Landscape Officer 09.11.2020 The information provided in terms of soft landscaping are acceptable and sufficient to secure a satisfactory level of new planting.

- Third Party Comments

Diane Macefield, from the Children's Community Development Lead (NE Essex) Strategy, Planning and Performance Education Directorate Essex County Council, fully supports the application.

No letters from members of the public were received.

### 3. Planning History

15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.	Approved	13.04.2017
17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
19/01475/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	09.07.2020

20/00458/OUT	Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation.	Current
20/00480/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 3 of outline permission (15/00876/OUT) including 100 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Current
20/01224/FUL	Proposed children's nursery.	Current

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019  
National Planning Practice Guidance

*Tendring District Local Plan 2007*

QL9 Design of New Development  
QL10 Designing New Development to Meet Functional Needs  
QL11 Environmental Impacts and Compatibility of Uses  
COM3 Protection of Existing Local Services and Facilities  
COM4 New Community Facilities (Including Built Sports and Recreation Facilities)  
COM7a Protection of Existing Playing Fields, Including School Playing Fields  
COM8 Provision and Improvement of Outdoor Recreational Facilities  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

SPL3 Sustainable Design  
HP2 Community Facilities  
HP3 Green Infrastructure  
HP4 Safeguarded Local Greenspace  
HP5 Open Space, Sports & Recreation Facilities  
CP1 Sustainable Transport and Accessibility

*Local Planning Guidance*

*Essex County Council Car Parking Standards - Design and Good Practice Essex Design Guide*

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and



that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The host site is located within an area of land south of Long Road and east of Bromley Road in a site known locally as the Lawford Green development. Effectively in 2015 outline planning permission (15/00876/OUT) was granted for the construction of upto 360 dwellings in this wider site that spans some 22.76 hectares. As part of this application a Children’s Nursery building was offered forward as ‘enabling developments’ associated with the 360 dwellings. The site was outside the settlement boundary of the adopted Local Plan. However, the emerging Local Plan sees the entire approved Lawford Green development as within the settlement boundary of Lawford.

The host site for this application is on land immediately to the west of ‘Lawford Church of England Primary School’ and immediately south of ‘Hearts Delight Home and Garden Centre’. The site is accessed from Bromley Road some 150 metres to the east via the new estate road through the Lawford Green housing development, known as ‘The Avenue’.

The site is rectangular in shape, measuring approximately 1040 metres squared or 0.1 hectares. Phase 1 of the new residential dwellings of the Lawford Green development have been built some 30 metres to the south of the host site (17/01527/DETAIL). Immediately east of the host site is a parking area for a new community building proposed within the Lawford Green development, this is not yet built out.

The land is flat and there is no significant vegetation on site. There are no public footpaths nearby, Listed Buildings or Conservation Areas.

### Description of Proposal

The application seeks full planning permission for the erection of a single storey building to accommodate a new children’s nursery school with associated parking and landscaping.

### Assessment

The main considerations in this instance are:

- Principle of Development
- Design and Visual Impact
- Impact on Neighbours
- Highways

- Other matters

### Principle of development

The original outline approval 15/00876/OUT and associated Section 106 required this nursery to be built. Furthermore, the land forming the Children's Nursey and the Nursery itself to be given to Essex Council County, prior to the 50<sup>th</sup> occupation of the wider Lawford Green development. The land and the building is being given to Essex County Council free of charge, in accordance with the original Section 106 document.

The proposal provides a detached, single storey nursery building, located in an area adjacent to an existing school. Also, the site is next door to a car parking area to the east, provided within the Lawford Green development. The site chosen is in sensible location within a sustainable, accessible, built up area. The proposed building will not result in any loss of usable open space for the wider Lawford Green development. The land was always allocated for the Nursery use.

Therefore, the development is considered acceptable in principle.

### Design & Visual Impact

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is modern in design / appearance and single storey. The building measures approximately 3 metres to the eaves and 6.3 metres to the ridge, some 24.5 metres in length and 17 metres in width. The materials include Highcliffe Weathered Buff Stock Brick, Oak posts with canopies clad in vertical timber. The roof is finished in a standing black seam, the windows / doors are dark grey powder coated aluminium.

Internally, the building provides for a Staff room, Reception, Lobby, Kitchen, Food store and prep room, W.C's and three play space rooms between 27 m<sup>2</sup> and 37m<sup>2</sup>. Outside to the north are 6 parking spaces, while South of the main building is a 28 m x 8 m area for outside play.

Overall, there is some 158m<sup>2</sup> outside space, the building includes a rear canopy to provide shade to the classrooms. The site is enclosed by a 1.2 high estate railing in black, with a sliding 5 metre entrance gate. The rear outdoor space is enclosed with a 1.8 metre high timber acoustic fence. Significant soft vegetation is provided around the perimeter of the site, including south of the 1.8 metre acoustic fence, thus obscuring this fence partially in time.

The building relates closely to the Lawford Church of England Primary School to the east. The single storey nature of the building means the buildings does not appear prominent in the landscape or the context of the area. Overall, the proposed development will not appear harmful to visual amenity or the character of the area. The modern design and finishes will add visual interest being a positive addition to the locality.

Significant landscaping is provided with the application that has been support by the Tree and Landscape Officer. The retention of this planting shall be secured by planning condition.

### Impact on Neighbours

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives supports these objectives. Furthermore, Saved

Policy HG14 requires a minimum of 1 metre side isolation between dwellings and new development to safeguard the amenities of neighbouring dwellings.

Due to the nature of the host building and the location of the residential dwellings to the south and school to the east. Officers are of the view that the proposed building shall not over dominate, overshadow or overlook any neighbouring use or building.

The significant landscaping and fencing proposed with the development will help to minimise any noise or disturbance from the proposed use.

### Highways

The access to the proposed nursery is via the new access from Bromley Road to the east of the site. The additional vehicle movements via this access has been assessed at outline stage and has been accepted by Essex highways Authority. There is ample drop off and pick areas within the car park area to the immediate east of the host site. Also, covered bike storage areas have been included within the designs.

Overall, Essex County Council Highway Authority raised no objection to the development subject to conditions which will be imposed where necessary. Officer have no in principle objections to the highways objectives of this application.

### Other Matters

- Ownership

The host development is to be constructed by Rose Builders. Once complete the entire site and building itself shall be gifted to Essex County Council to run in its entirety. This is in accordance with the original Section 106 Agreement.

- Ecology

The application has been furnished with a Geosphere Environmental Report that confirms habitats within the site are of negligible ecological value. Although the boundary vegetation to the north and west shall offer some potential for nesting birds.

Essex County Ecology services has agreed with this conclusion and recommended no objection subject to securing biodiversity mitigation and enhancement measures. However, given that the site has been fenced off for several years and is regularly cut back there is not considered to be any significant ability for protected species to be present on site. Therefore, Officers do not consider the requested ecological conditions necessary in this instance.

- Drainage

There is not a specific drainage strategy submitted with this application. However, due to the size of the site ie 0.1 hectares, this is below the NPPF 1 hectare threshold for a specific flood risk assessment to be carried out on land in flood zone 1 which this is. Furthermore, the building and hard standing takes up approximately 50% of the site, the remainder is laid to vegetation, thus allowing for drainage on site. It is also noteworthy that the entire area of the neighbouring Phase 1 residential build out has been controlled by a specific surface water drainage strategy. Therefore, Officers are content that a condition in relation to surface water drainage details is not required in this instance.

- Land Contamination

The applicant has submitted a Phase 1 and Phase 2 study of the host site. The findings state, the land was not previously developed and comprised of open fields. Also, no landfill sites, waster transfer stations or similar are documented as being within influencing distance of the site. The report states that the potential sources of contamination could come from the nearby garage and there were concerns raised over possible migration of gases and vapours associated with hydrocarbon

leaks and spills from the garage / petrol station. However, no sources of contamination have been identified at the site and the lab tests indicated no contamination is present. Finally, no evidence has been uncovered to indicate migration of contaminants onto the site from surrounding land uses.

Officers are content with these findings and no further Planning conditions are suggested.

- Environmental Protection

The Environmental Protection team have requested a Construction Management Plan to be submitted prior to commencing the works. Officers agree with this request due to the fact that residents live nearby within the newly built out Lawford Green residential development to the south. The EP department have also requested a Noise Assessment of the building to be carried out to ensure the building does not cause an adverse impact on the amenity of nearby residents.

Officers understand this request however, given the nature of the use (Children's Nursery 0 – 4 year olds) and the times of operation, it is not considered that significant noise would be generated from the building. Furthermore, the neighbouring residential dwellings are some 30 metres to the south of the site, the site also borders a primary school and busy garden centre to the north. These factors together with the noticeable background traffic noise in this location would result in noise generated from the building 'blending' into the background. In any event, keeping the windows shut during classes ect is not realistic. If noise from the host building becomes a problem for the adjacent users, there is separate legislation via the statutory nuisance legislation that could deal with this eventuality. Given that the building is being run by Essex County Council, Officers are content that a specific (and costly) Noise Assessment is not required in this instance. Officers note the 1.8m high acoustic, vertical boarded, timber fence with capping rail, within the rear outdoor play area, this shall further help with noise pollution.

Finally, the Building Regulations department have their own separate legislation to ensure community / school buildings such as this are built to the correct standards in relation to wall / window insulation.

- Materials

Officers are impressed with the pallet of materials on offer, however, no specific details have been given for the fencing. One area of concern would be the 1.2 high perimeter fence. Officers would like to ensure there are no spikes on this fence given the age of the children using the facility. Therefore, a condition is suggested that the estate railing bordering the site shall be a 'Flat Top Fencing Rail' ie with no spikes. Officers also suggest the colour of the fence should be dark Green or Black. This is laid out within a condition below.

### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval subject to conditions outlined below.

## **6. Recommendation**

Approve

## **7. Conditions**

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

<u>Drawing Number</u>	<u>Drawing Name</u>	<u>Date received</u>
Lawpre-iwd-xx-00-dr-a-2000 p08	Amended proposed block plan	09 Nov 2020
Lawpre-iwd-xx-00-dr-a-2100 p08	Amended proposed floor plan	09 Nov 2020
Lawpre-iwd-xx-00-dr-a-2101 p03	Proposed floor plan	09 Nov 2020
Lawpre-iwd-xx-00-dr-a-2300 p05	Amended proposed elevations	06 Nov 2020
1697 a2 17	Landscape specification and details	09 Oct 2020
1697 a2 16	Detailed planting proposals	09 Oct 2020
Lawpre-iwd-xx-00-dr-a-2310 p02	Bin cycle store proposed floor plan and elevations	10 Sep 2020

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Except for the 1.2 metre high perimeter fence and access gate. The materials to be used on the external surfaces of the development hereby permitted shall be constructed in accordance with the details within:

<u>Drawing Number</u>	<u>Drawing Name</u>	<u>Date received</u>
Lawpre-iwd-xx-00-dr-a-2000 p08	Amended proposed block plan	09 Nov 2020
Lawpre-iwd-xx-00-dr-a-2300 p05	Amended proposed elevations	06 Nov 2020
Lawpre-iwd-xx-00-dr-a-2310 p02	Bin cycle store proposed floor plan and elevations	10 Sep 2020

Reason - To ensure the satisfactory appearance of the development

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the appropriate implementation of the approved landscaping scheme in the interests of visual amenity and the character of the area.

- 5 Prior to occupation the following highway measure shall be implemented on the road to highlight the entrance to the Nursery School:

- The provision of 'school keep clear' road markings to Diagram. no. 1027.1 outside the main vehicle/ pedestrian entrance (min. length: 25.56 metres).

Reason - To ensure that on-street parking does not occur outside the main entrance obscuring pedestrians potentially crossing the road and highlights to passing traffic that pedestrians will be crossing within the highway in the interests of highway safety and Policy DM1.

Note: The diagram number referred to above is taken from 'The Traffic Signs Regulations and General Directions 2016'.

- 6 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

- 7 No unbound material shall be used in the surface treatment of the vehicular access / driveway throughout.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

- 8 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 low kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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 DM1.

- 9 Any gates provided at the pedestrian access shall be inward opening only.

Reason - In the interest of highway safety in accordance with policy DM1.

- 10 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

- 11 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

- 12 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

- 13 Prior to occupation, the applicant shall provide/update their School Travel Plan to the specifications and requirements of the Local Planning Authority.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

- 14 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- General

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development

- iv. wheel and underbody washing facilities

- Noise Control

- i. The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- ii. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- iii. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- iv. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- v. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- vi. If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

- i. All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- ii. No materials produced as a result of the site development or clearance shall be burned on site.
- iii. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- iv. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Reason - To ensure that 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 Policy DM 1. Also, adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

- 15 The 1.2 metre high estate railing used as the perimeter fencing and the 5 metre wide sliding gate to match the rail shall be a dark green or black colour and also be a 'Flat Top Fencing Rail', ie no spikes on the fencing.

Reason - In the interests of public safety and visual amenity.

## 8. Informatives

### Positive and Proactive Statement

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

Essex County Council's Travel Plan team is willing to help with the preparation and the details of the Travel Plan.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO