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| Reference: | 18/01291/AMDT | |
| Ward: | Shoeburyness | |
| Proposal: | Application to vary condition 02 (Approved Plans) to replace plan number P_702 with plan number 17-084/700 A, Condition 9 (Nursery Parking) and Condition 10 (New Mews Shared Surface) (Minor Material Amendment to Planning Permission 16/02207/BC4M dated 08.02.2017) (Retrospective) | |
| Address: | Car Park, Centurion Close, Shoeburyness, Southend-on-Sea, Essex | |
| Applicant: | Public Sector Partnership (Southend) LLP | |
| Agent: | ISL | |
| Consultation Expiry: | 01.08.2018 | |
| Expiry Date: | 03.10.2018 | |
| Case Officer: | Charlotte White | |
| Plan Nos: | 729 P_702 stage 3, 17-084/700 Rev. A | |
| Recommendation: | GRANT PLANNING PERMISSION, subject to conditions | |



1 The Proposal

1.1 Planning permission has been granted under application 16/02207/BC4M to demolish the existing buildings and to erect a nursery and playground with ancillary community hall use (Class D1), erect 9 dwellinghouses, layout parking, install vehicular access on to Centurion Close and associated landscaping. That consent was subsequently subject to a non-material minor amendment application under reference 18/00370/NON. The current application seeks to vary conditions 02, 09 and 10 of the original consent by replacing plan number P_702 with plan number 17-084/700-A.

1.2 The relevant conditions are as follows:

1.3 Condition 2

The development shall be carried out in accordance with the approved plans:

729_P_700; 729_P_702; 729_P_703; 729_P_704; 729_P_705; 734_P_706; 734_P_707; 729_P_708; 729_P_710; 729_P_712; 729_P_713; 729_P_714; 729_P_718; 729_P_720; 729_P_721; 729_P_722; 729_P_723; 729_P_724; 729_P_725; 734_P_730; 734_P_731 ; 734_P_732; 734_P_73 P2; 734_P_734; 734_P_735; 734_P_737; 734_P_740; 734_P_741; 734_P_742; 734_P_743

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

1.4 Condition 9

The nursery shall not be occupied until 8 car parking spaces have been laid out within the site in accordance with drawing P_702 and shown as Nursery Staff Parking and Parent Drop - off. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the nursery development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015

1.5 Condition 10

No dwelling shall be occupied until 2 parking spaces per dwelling and the "New Mews" shared surface has been laid out within the site in accordance with drawing P_702 to serve the dwellings and to allow vehicles to access the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces/shared space shall be permanently retained thereafter, the parking shall be retained for occupiers and visitors to the development.

Reason: To ensure that adequate car parking and access is provided and retained to serve the houses development in accordance with Policies CP3 of the Core Strategy DPD1 and Policy DM15 of the Development Management DPD 2015

1.6 The information included with the application indicates that an amendment to the road layout is required to avoid the relocation of gas and media services below the pavement.

- 1.7 The main amendments being sought include:
- Alter the road layout, including the retention of the existing pavement in front of the nursery which was previously omitted and provision of a dropped kerb to provide access to the 8 parking spaces to the south of the nursery.
 - The existing road in Centurion Close is to be retained at 6.8m wide and no on-street parking bays will be marked out to the east of the development.
- 1.8 The application is presented to Committee as this is defined as a major development and because the application relates to Council owned land.

2 Site and Surroundings

- 2.1 The site is to the north of an existing bus stop and bus turning lane in Constable Way. The site includes former car parks, a former pupil referral unit and Friars Library and Community Hall and part of Centurion Close. The approved development (16/02207/BC4M) is underway with the approved nursery currently under construction. To the immediate east and north of the site are residential dwellings. To the south of the site is Friars Primary School and Nursery and to the west of the site is the Renown Shopping Parade.
- 2.2 The site is allocated as part of the wider 'secondary shopping frontage' within the Development Management Proposals Map.

3 Planning Considerations

- 3.1 The main considerations in relation to this application include the principle of the development, the design and impact on the character of the area, residential and other amenity, parking and highway considerations and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of Development

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP3, CP4, CP7 and CP8; Development Management Document (2015) Policies DM1, DM2, DM3, DM8, DM10, DM11, DM13 and DM15 and the advice contained within the Design and Townscape Guide (2009)

- 4.1 Policy KP1 of the Core Strategy requires that appropriate regeneration and growth will be focussed in particular locations including in Shoeburyness. In this respect the Policy States *'to promote the role of Shoeburyness as a place to live and work, led by the successful redevelopment of Shoebury Garrison, regeneration of local shopping centres and existing industrial estates to secure an additional 1,500 jobs and provide for 1,400 additional dwellings...'*
- 4.2 Policy KP2 of the Core Strategy requires all new development to *contribute to economic, social, physical and environmental regeneration in a sustainable way'* and requires proposals to *'make the best use of previously developed land, ensuring that site and buildings are put to best use.'*

- 4.3 The NPPF states *'Planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding the environment and ensuring safe and healthy living conditions.'* (Paragraph 117).
- 4.4 The principle of the redevelopment of the site to provide a nursery and 9 dwelling-houses has already been agreed under reference 16/02207/BC4M where it was noted that the Friars Library was closed and its services transferred to the Shoeburyness 'Hub' Library in 2015 and the Renown Pupil Referral Unit was re-provided at Seabrook College North Road and Prittlewell Centres in central Southend.
- 4.5 Policy DM13 of the Development Management Document states that *"All development in the secondary shopping frontage, as defined by the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide direct service to visiting members of the general public.'*
- 4.6 The site previously provided no active frontage, with the Renown shopping parade to the west serving this function. As such there is no objection to the principle of the development in terms of Policy DM13.
- 4.7 Given the nature of the changes hereby proposed, the fact that the principle was previously considered acceptable and that the development is considered to present an opportunity to bring forward a modern, purpose-built nursery facility and new family housing on an underutilised brownfield site in a central and sustainable location, no objection is raised to the principle of the development. Whilst the revised 2018 NPPF has been published since the original consent under reference 16/02207/BC4M, nothing in this amended policy document materially alters the above conclusion that the principle of the development is acceptable.
- 4.8 No objection is therefore raised to the principle of the development and the development is considered policy compliant in this respect, subject to other detailed considerations which are set out below. The proposed changes are found to fall within the remit of a minor material change to the consented scheme.

Design and impact on the character of the area

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009)

- 4.9 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*

- 4.10 Policy KP2 of the Core Strategy states that new development should “*respect the character and scale of the existing neighbourhood where appropriate*”. Policy CP4 of the Core Strategy requires that development proposals should “*maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development*”.
- 4.11 Policy DM1 of the Development Management Document states that all development should “*add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features*”.
- 4.12 Paragraph 124 of the NPPF states ‘*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*’
- 4.13 This material amendment application does not seek to alter the appearance of either the approved nursery building or the dwellinghouses which were considered to constitute good design which would not harm the character or appearance of the area.
- 4.14 The alteration hereby proposed to no longer mark out the parallel parking bays on Centurion Close is an acceptable design alteration that would have a neutral impact on the character and appearance of the site and the wider surrounding area.
- 4.15 It is also proposed to retain the existing pavement to the front of the nursery and to provide a dropped kerb to the front of the parking bays to the south of the nursery. These changes would result in no material harm to the character or appearance of the area.
- 4.16 As such the amendments hereby sought are considered to be of an acceptable overall design that would not result in any harm to the character and appearance of the application site or the wider surrounding area. The proposal is therefore acceptable and policy compliant in this respect.

Traffic and Transportation

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2, CP3, CP4; Development Management Document (2015) Policy DM15 and the Design and Townscape Guide (2009)

- 4.17 Policy DM15 of the Development Management Document requires the provision of a minimum of 2 parking spaces per 2+ bedroom dwellinghouse (this proposal includes 1x 2-bed unit, 7x 3-bedroom units and 1x 4-bedroom unit). Each dwelling will be provided with 2 parking spaces and the proposal is therefore policy compliant in this respect.

- 4.18 Policy DM15 of the Development Management Document requires crèches and day nurseries (Class D1) uses to provide a maximum of 1 parking space per full time staff plus waiting facilities where appropriate. In this respect the information submitted with the original application under reference 16/02207/BC4M anticipated that the nursery would provide 5 full time and 3 part time jobs. This amendment application seeks to retain the previously consented 8 parking spaces to the south of the nursery for staff parking and parent drop off. As such the amendment application remains acceptable and policy compliant in this respect.
- 4.19 The proposal to remove the marked parallel on-street bays on Centurion Close is acceptable as the development still provides policy compliant parking provision. The Highway Team has raised no objection to the development and has confirmed that vehicles will still be able to park on-street on Centurion Close in a more informal manner than previously proposed. This proposal will result in a change from 9 marked bays in Centurion Close to an unmarked space that 9 vehicles could park in albeit in a more ad hoc way to that previous proposed and in a similar manner to the existing situation. As such it is considered that the proposed amendment would maintain adequate parking and would not result in any harm to highway safety in this respect. The design and layout of the footway arrangements and perpendicular parking is such that it is considered acceptable on highway safety grounds.
- 4.20 The proposal is therefore acceptable and policy compliant in these regards.

Impact on amenity

National Planning Policy Framework (2018); Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.21 Given the nature of the proposed alterations to the parking and road layout arrangements it is considered that the proposed amendments would not result in any material harm to the residential amenity of nearby residents in terms of dominance, an overbearing impact, overlooking, loss of privacy, loss of light and outlook, noise and disturbance or a material sense of enclosure.
- 4.22 The proposal is therefore acceptable and policy compliant in this respect.

Community Infrastructure Levy (CIL)

Charging Schedule (2015)

- 4.23 This application is CIL liable. However, the application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. As the amount of CIL payable would not change from the previous permission ref. 16/02207/BC4M, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced.

Conclusion

- 4.24 Having taken all material planning considerations into account, it is found that the material amendments proposed are of an acceptable design and the proposal accords with the development plan in all relevant regards. The development maintains adequate on-site parking for the nursery and the dwellinghouses and would not result in any material harm to highway safety. The application is therefore recommended for approval subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2018)
- 5.2 Core Strategy (2007): Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP7 (Sport, Recreation and Green Space) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Infill development), DM8 (Residential Standards), DM10 (Employment Sectors), DM11 (Employment Areas), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)

6 Representation Summary

Highways Team

- 6.1 Having reviewed the amended application consideration has been given to not marking out the unrestricted parking bays as per the previous application. There are no highway objections to this proposal however, to ensure the free flow of traffic a traffic regulation will be required as part of the Section 278 works to enable a formal restriction should traffic flow become an issue. Therefore a sum of £3000 is required which can be paid as part of the Section 278 works.

Education Team

- 6.2 The education response is unchanged due to this requested amendment

Lead Local Flood Authority

- 6.3 Having reviewed the information submitted in relation to this application it is noted that the proposals do not request any alterations to the SuDS condition (30) and therefore a technical review has not been undertaken.

Environmental Health

- 6.4 In respect of the current application to vary conditions 2, 9 & 10, as these conditions have no bearing on previous comments and conditions provided by Environmental Health we have no comments to make.

Public Consultation

- 6.5 61 neighbour letters were sent out, a site notice was displayed and the application was advertised in the press. 2 letters of representation have been received which make the following summarised comments:
- Inadequate parking provided.
 - Parking concerns – car park is used on regular basis by school traffic, customers visiting the Renown, parking for staff, local residents and shoppers. Will cause congestion in Centurion Close and block emergency vehicles.
 - The car park will be used for 9 dwellings. This will cause extra risk to parking on Lowry Close and Centurion Close. Where will visitors of the tenants that occupy these properties park?
 - Parking down Lowry Close is limited and will be impacted by a lack of parking for parents, staff and shoppers.
 - Increase traffic to the area.
 - Cannot see an existing nursery site.
 - Do not approve any changes if it changes the site or the Renown's parking area.

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

7 Relevant Planning History

- 7.1 16/02207/BC4M - Demolish existing buildings and erect nursery and playground with ancillary community hall use (Class D1), erect nine dwellinghouses, layout parking, install vehicular access on to Centurion Close and associated landscaping – planning permission granted 8th February 2017 subject to 36 conditions.
- 7.2 18/00370/NON - Replace plan no 734_P_707, 730, 731, 732, 733, 734, 735 and 737 with 17-084/201 Rev B, 17-084/301 Rev A, 302 Rev B, 17-084/401 Rev B and 402 Rev A to alter elevations and windows (Non-material Amendment to Planning Permission 16/02207/BC4M dated 08.02.2017) – Non material amendment granted 14th March 2018.
- 7.3 18/00158/AD - application for approval of details pursuant to condition 3 (details of materials), condition 7 (details of hard and soft landscaping), condition 13 (details of refuse), condition 16 (details of construction method), condition 20 (details of SUDs), Condition 22 (details of energy and sustainability) and condition 25 (details of Highways) of planning permission 16/02207/BC4M dated 08.02.2017 – application permitted.
- 7.4 18/01244/AD - Application for approval of details pursuant to condition 3 (details of materials) of planning permission 16/02207/BC4M dated 08.02.2017 – application permitted.
- 7.5 18/01087/AD - Application for approval of details pursuant to condition 17 (Ventilation details) of planning permission 16/02207/BC4M dated 19.3.18 – application pending.

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of the original permission (8th February 2017).**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development shall be carried out in accordance with the approved plans: 729_P_700; 17-084/700-A; 729_P_703; 729_P_704; 729_P_705; 734_P_706; 734_P_707; 729_P_708; 729_P_710; 729_P_712; 729_P_713; 729_P_714; 729_P_718; 729_P_720; 729_P_721; 729_P_722; 729_P_723; 729_P_724; 729_P_725; 734_P_730; 734_P_731 ; 734_P_732; 734_P_73 P2; 734_P_734; 734_P_735; 734_P_737; 734_P_740; 734_P_741; 734_P_742; 734_P_743**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 03 The nursery building shall be constructed in accordance with the material details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/01244/AD or 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 04 No construction works for the dwellings above the ground floor slab level shall take place until samples and product details of the materials to be used in the construction of the external elevations of the buildings hereby permitted, including cladding, screening, balustrades, glazed brickwork and fenestration have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 05 No construction works for the housing above the ground floor slab level shall take place until details of fenestration including reveals, brick patterning panels, and glazed brickwork within window frames, at a scale of at least 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details before it is occupied.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 06 Prior to the display of any signage relating to the Nursery details shall first be submitted to and approved in writing by the Local Planning Authority and the signage shall be displayed only in accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 07 The nursery development shall be completed in strict accordance with the hard and soft landscaping details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved hard landscaping shall be completed, prior to first use of the nursery development and the approved soft landscaping works shall be completed prior to the end of the first planting season following first use of the nursery development. Management of the landscaping shall be implemented in accordance with the agreed management plan.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 08 No construction works for the dwellings above the ground floor slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure, boundary treatment, forecourt, shared space and pedestrian access and circulation areas; details of the method of preventing vehicular access between the site and The Renown; hard surfacing materials; minor artefacts and structures (eg. planters, furniture, benches, bollards, refuse or other storage units, lighting etc.)**

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, and landscape management plan, site preparation and planting details, long term design objectives, management responsibilities and maintenance schedules for all landscape areas

The hard landscaping shall be completed, as approved prior to first occupation of the dwellings and the soft landscaping works shall be completed, as approved, prior to the end of the first planting season following first occupation of the dwellings and planting to all public areas retained thereafter. Management of the landscaping shall be implemented in accordance with the agreed management plan.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to the National Planning Policy Framework (2018), Policy CP4 of the Core Strategy (2007), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 09 The nursery shall not be occupied until 8 car parking spaces have been laid out within the site in accordance with drawing 17-084/700-A. The parking spaces shall be permanently retained thereafter for the parking of staff and visitors to the nursery development only.

Reason: To ensure that adequate car parking is provided and retained to serve the nursery development in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 10 No dwelling hereby approved shall be occupied until 2 parking spaces per dwelling and the "New Mews" shared surface has been laid out within the site in accordance with drawing 17-084/700-A to serve the dwellings and to allow vehicles to access the site and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces/shared space shall be permanently retained thereafter and the parking shall be retained for occupiers and visitors to the housing development only.

Reason: To ensure that adequate car parking and access is provided and retained to serve the houses development in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 11 Access to The Renown from the development shall be restricted to pedestrian and cycle access only.

Reason: In the interest of highway safety in accordance with the National Planning Policy Framework (2018), Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 12 The nursery development shall not be first used until a parking management plan for the nursery development has been submitted to and agreed in writing by the Local Planning Authority. On first occupation of the Nursery development the agreed management plan shall be implemented as approved.

Reason: To ensure that the car parking is satisfactorily managed in the interests of traffic management and highway safety in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 13 The nursery development shall be completed in strict accordance with the refuse arrangements and details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing. The approved refuse store shall be installed and made available prior to the first occupation of the nursery development and shall be permanently retained as such thereafter. Waste storage and collection from the development shall be carried out in accordance with details set out in the submitted Design and Access Statement dated December 2016 or other details that have previously been approved in writing by the local planning authority.**

Reason: In the interest of visual amenity and to ensure that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 14 No construction works for the housing development above the ground floor slab level shall take place until details of the refuse stores have been submitted to and approved by the Local Planning Authority. The refuse stores shall be installed in accordance with the approved details prior to first occupation of the housing development and permanently retained as such thereafter.**

Reason: In the interest of visual amenity and to protect the character of the surrounding area, in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP3 of the Core Strategy Document (2007) and Policy DM15 of the Development Management Document (2015).

- 15 The Nursery development shall not be first used until details of secure, covered cycle parking spaces to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available on first occupation and shall be permanently retained thereafter.**

Reason: To ensure that adequate cycle parking is provided and retained to serve the development in accordance with the National Planning Policy Framework 2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 16 The development hereby approved shall be completed in strict accordance with the construction method statement previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

- 17 No mechanical plant or extraction/ventilation equipment to serve the Nursery shall be installed unless details of the proposed plant or extraction/ventilation equipment have previously been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and retained thereafter in accordance with the approved plans and details. With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character. Appropriate mitigation should then be recommended as necessary.**

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

- 18 No meter boxes shall be installed on the front of the dwellings or side elevations of the dwellings that face a highway. No meter boxes shall be installed on the eastern or northern elevation of the nursery building unless their design and location has previously been submitted to and approved in writing by the Local Planning Authority prior to their installation and the meter boxes installed thereafter in accordance with the approved details.**

Reason: In the interests of visual amenity and the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018) and Policies Policy DM1 and DM3 of the Development Management Document (2015).

- 19 Prior to installation of any external lighting to the development, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority and the lighting shall only be installed and retained in accordance with the approved details.**

Reason: In the interest of the visual amenities and character of the area, and to protect the amenities of surrounding occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 20 The development shall be completed in strict accordance with the surface water drainage works previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details which have previously been submitted to the local planning authority and approved in writing.**

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 21 Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 22 The nursery development shall be completed in strict accordance with the photovoltaic cell details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been agreed in writing by the local planning authority. The approved scheme shall be implemented and brought into use on first occupation of the Nursery development.**

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 23 No construction works above the level of the floor slab of the dwellings shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Norman Bromley Partnership have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the dwellings.**

Reason: To ensure the development maximises the use of renewable and recycled energy, water and other resources, in accordance with the National Planning Policy Framework (2018), Policy KP2 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 24 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D or F and Schedule 2 part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development extensions or alterations to the dwellings or walls or fences or other means of enclosure shall be erected at the dwellinghouses hereby approved without the receipt of express planning permission.**

Reason: In order to protect the character and visual amenities of the development and the surrounding area and the amenities of occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 25 The development shall be completed in strict accordance with the highways work details previously submitted to and approved in writing by the local planning authority under the approval of details application reference 18/00158/AD or other details that have previously been submitted to the local planning authority and approved in writing before it is brought into first use.**

Reason: In the interests of sustainability, accessibility, highways management, efficiency and safety in accordance with the National Planning Policy Framework (2018), Core Strategy (2007) policies KP2, KP3 and CP3 and Policies DM1 and DM15 of the Development Management Document (2015).

- 26 The Nursery building shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers to protect the character the area in accordance and to ensure that parking provision to serve the development is sufficient, in accordance with the National Planning Policy Framework (2018), Policies KP2, CP3 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

- 27 The rating level of noise for all activities associated with the Nursery/Community Hall (including amplified and unamplified music) should be at least 10dB(A) below the background noise (with no tonal elements) to ensure inaudibility in noise sensitive premises. If noise modelling software is used to calculate the likely levels or impact of the noise then any actual measurement taken such as LA90 must be taken in accordance with BS7445. The assessment should be carried out by a suitably qualified and experienced acoustic consultant who would normally be a member of the Institute of Acoustics.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 28** The Nursery/Community Hall building shall not be open for use outside the hours of 07:00 - 23:00 hours Monday to Friday, 09.00 to 23:00 Saturdays and 09.00 to 17:00 Sundays and Bank Holidays.

Reason: In order to protect the surrounding occupiers and to protect the character the area in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 29** Prior to first occupation of the Nursery a Travel Plan must be submitted to and approved in writing by the local planning authority. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the nursery school;
 - (b) Targets set in the Plan to reduce car journeys to the nursery school;
 - (c) A timetable from implementation
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new Nursery school building is occupied.

At the end of the first and third years of the life of the Travel Plan, reports monitoring the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified problems must be submitted to and approved in writing by the local planning authority. The Travel Plan must be implemented in accordance with the approved details.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2018), Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 30** The external intrusive noise mitigation measures for the residences set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 (including double glazing, external fabric specification and boundary treatment) shall be implemented to ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014.

Reason: In order to protect the amenities of future occupiers of the dwellings in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

- 31** The external intrusive noise mitigation measures for the Nursery set out in the acoustic report submitted by Hepworth Acoustics dated December 2016 shall be implanted to ensure that indoor noise levels meet the recommended acoustic criteria based on the guidelines set out in BB93.

Reason: In order to protect the amenities of future occupiers of the Nursery in accordance with the National Planning Policy Framework (2018) and Policies DM1 and DM3 of the Development Management Document (2015).

- 32** During any Construction and Demolition there shall be no burning of waste material on the site.

Reason: In order to protect the amenities of surrounding residents in accordance with the National Planning Policy Framework (2018) and policies KP2 and CP4 of the Core Strategy (2007).

33 Contaminated Land

1. Site Characterisation

No further development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

With the exception of demolition, grubbing up of foundations and site clearance no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the

site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 34** Prior to installation final specifications and acoustic properties of any landscaping/ fencing to be provided to the playground area shall be submitted to and approved by, the Local Planning Authority, the landscaping/fencing shall be installed in accordance with the approved details and subsequently retained thereafter.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 35** Deliveries and collections to the Nursery/Community Hall shall take place between: 08:00-19:00hrs Monday to Friday; and 08:00-13:00hrs Saturday only with no deliveries on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding and future occupiers in accordance with the National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

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. The detailed analysis is set out in a report on the application prepared by officers.

Informative

- 01 Community Infrastructure Levy (CIL): This application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 and as such CIL Regulation 9(6) applies. You are advised that as the amount of CIL payable would not change from the previous permission ref. *16/02207/BC4M*, the chargeable development is the development for which permission was granted by the previous permission as if that development was commenced.**

- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.**