

MC/22/1617

Date Received: 29 June 2022
Location: Halling Primary School, Howlsmere Close
Halling Rochester
Proposal: Construction of a detached single storey nursery building to the front/side
Applicant Agent: Mrs Julie Hobbs
Barron Edwards Ltd
Mrs Shannon Alexander Whitehall Place
47 The Terrace
Gravesend
DA12 2DL
Ward: Cuxton And Halling Ward
Case Officer: Amanda Barnes
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th April 2023.

Recommendation - Approval with 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received 29 June 2022
Application Form
002 Rev A - Proposed Plans
003 Rev A - Proposed Elevations

Received 20 July 2022
001 Rev A - Site Location Plan and Proposed Block Plan
001 Rev A - Location Plan, Existing Block Plan and Proposed Block Plan

Received 08 November 2022
tr-1660-22 Rev A - Tree Protection Plan
004 Rev A Proposed Cross Section

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

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the

Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Arboricultural Survey received 4 July 2022 and drawing tr-1660-22 Rev A Received 08 November 2022 paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No more than 36 children shall be in attendance at the day nursery at any one time.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The use hereby permitted shall only operate between the hours of 07:00 to 18:30 Mondays to Fridays inclusive and at no time on Saturday, Sundays or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: In the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: In the interests of amenity in accordance with Policies BNE2 and BNE23 of the Medway Local Plan 2003.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 4 July 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 11 Within six months of the first occupation of the Nursery hereby approved an updated School Travel Plan, to include surveys of existing travel behaviour and measures to promote sustainable travel, shall be submitted to the Local

Planning Authority for approval. The approved measures shall be implemented at all times, thereafter, as updated by any subsequent reviews of the Plan.

Reason: To ensure that sustainable means of transport are promoted at a time when the school is expanding in accordance with Policy T14 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval, please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application is for a detached single storey nursery building. The building would be approx. 24.5m in length, 6.4m in width and 3.4m to the ridge. The building would contain children's toilets, staff room and toilets, children's area, kitchen and reception.

The building is sited on an area of green space to the northwest of the school site.

The agents have advised that the nursery will have a maximum capacity of 36 pupils and a maximum of 10 members of staff.

The opening times are proposed to be 7.30am – 6 pm.

Relevant Planning History

MC/17/3863 Provisions of 4no new classrooms and administrative support areas within 2no new modular buildings; extension to main hall area together with associated internal alterations and adaptation of existing car parking provisions and revisions to pedestrian and service access to playground area.

Decision Approval with Conditions
Decided 15 March 2018

MC/10/4283 Variation of condition 1 of non-material application MC/10/3595 to allow for minor material amendments to MC/09/1665 (Alterations to existing store and construction of conservatory extension) to allow for the elevations to be in traditional brickwork and roof tiling in lieu of originally proposed conservatory.

Decision Approval with Conditions
Decided 21 January 2011

MC/10/3595 Application for a non-material amendment following the grant of planning permission MC/09/1665 to incorporate plan numbers within original planning consent to allow for a minor material amendment application to be submitted.

Decision Approval with Conditions
Decided 8 November 2010

MC/09/1665 Alterations to existing store and construction of conservatory extension

Decision Approval with Conditions
Decided 26 March 2010

MC/04/2684 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for construction of enclosure over existing swimming pool.

Decision Regulation 3 Approval
Decided 10 January 2005

MC/03/2320 Application under Regulation 3 of The Town and Country General Planning Regulations 1992 for a covered play area.

Decision Regulation 3 Approval
Decided 22 December 2003

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Halling Parish Council have also been consulted.

1 Letter of support

11 letters received objecting to the application and making the following comments:

- Over the past few years there have been several extensions and alterations to this school and the number of students has increased dramatically. Now no facilities for parents etc when the children are taken to and collected from school and consequently the area is totally gridlocked. People, park dangerously on junctions, double yellow lines and grassed verges near the school. This will only get worse if the numbers in the school increase further and sooner or later there will be a serious accident.
- It is proposed that the new building is sited on the grass area to the northwest corner of the school. This is the only remaining green area within the school and surely as much of this as possible should be retained.
- If granted urge the use of a condition restricting working hours and delivery times to normal working hours (8am to 6pm Monday to Friday, excluding Bank holidays).
- If this application is to proceed, facilities for parking need to be made available within the school grounds with an additional exit out to Peters Bridge.
- It appears only a handful of residents have received notification regarding this application, surely every resident affected by this needs to be consulted. or is this a carefully constructed limitation of notice to limit the objections received.
- High levels of pollution due to road traffic.
- This area has been dedicated as a 'Field of Hope', with lots of planting of bulbs by Staff and pupils, past and present, which sadly now will be destroyed.
- In this same area there are a great number of trees, of medium and mature age, which will also, sadly, once again have to make way for commercial building.

- A village of this size cannot cope unless you change the parking and making a one-way system.
- The Parking Survey is no different to the previous transport statement carried out in October, which indicated an allocation of 6 parking spaces.
- Using the guidance provided there should be minimum of 14 parking spaces.
- Referring to the main school, based on the council guidance, there is not sufficient parking for the existing school staff and parents, let alone further expansion, there is no allocation for drop off, which is why there is such a problem with parking in Howlsmere Close, as all the spaces were used in the past expansion to allocate for staff.
- The school has currently insufficient parking, no drop off etc. and in breach of the council guidance.
- With regard to the school's policy on traffic, this is non-existent, various residents have physically complained to the school, and are advised its "not their problem", its Medway Council's.
- Next time someone comes down to survey, they need to look at the grassed areas within Howlsmere car park and the green area towards the river, which are now being parked on and churned up.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Principle

The application site is currently the site of Halling Primary School which is used for educational purpose. The addition of a Nursey on the site is therefore wholly in keeping with the use of the existing site.

Paragraphs 92 and 93 of the NPPF sets out that decisions should aim to achieve healthy, inclusive and safe places and to provide the social, recreational and cultural facilities and services the community. Paragraph 8 supports strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Policy CF2 of the Local Plan supports new community facilities subject to size, amenity and accessibility considerations.

Based on these policies, the proposal for a new Nursey is generally acceptable in principle, subject to matters of design, amenity and transport, which will be examined in more detail below.

Design

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places.

The NPPF attaches great importance to the design of the built environment. Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The nursery building is a single storey building with a very long thin appearance. The building has been designed with four feature windows which help to give it some visual interest. The building is viewed against the backdrop of Halling Primary School and on this basis, the proposal is considered to be acceptable and would not detract from the appearance of the site, and more generally within the street scene. The proposals are therefore considered acceptable with regards to the above requirements of the NPPF and Policies BNE1 of the Local Plan.

Amenity

Paragraph 130(f) of the NPPF asserts that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Local Plan Policy BNE2, sets out that all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The building is detached and separated from nearby residential properties by the road. In assessing the criteria relating to amenities set out in Local Plan Policies BNE2 and CF2, it is considered that the proposal would not adversely affect nearby residential amenity in terms of loss of outlook, daylight, sunlight, privacy or noise and disturbance.

Due to the proximity of residential properties and the potential for impacts on existing residents in the area, a Construction Environmental Management Plan condition is recommended on any forthcoming planning permission, in line with paragraph 130(f) of the NPPF and Local Plan Policy BNE2.

On the basis of the above, the impact on the residential amenity of neighbouring properties and future occupiers is considered to be acceptable and complies with the requirements of Policies BNE2 and CF2 and paragraph 130(f) of the NPPF.

Contamination

Historical maps show that the site is adjacent to what was a lime works up until the 1930's. Therefore, due to the sensitivity of the site a watching brief condition is recommended on any approval. Subject to this condition the application is considered to be in accordance with Policy BNE23 of the Local Plan 2003.

Highways

The proposed nursery development will provide 6 parking spaces for their use. The development attracts a demand for 13 to 14 spaces; therefore, this will result in a shortfall of 7 to 8 spaces. The applicants have undertaken a parking stress survey which has revealed that during the peak periods, car parking stresses within the school car park peaked at 87%: 32 of the 39 parking spaces are occupied, with 7 available spaces.

Furthermore, on the highway network the survey showed there were between 16 to 62 available parking spaces within the unrestricted off-street parking areas during the nursery's operating times.

The school currently has 39 spaces and this will be increased to 45 as part of the development. 3 of those spaces will be allocated for drop off/pick up for parents. The nursery will open before the primary school and close after it which will reduce pressure on car parking. Also some of the children to the nursery will have siblings in the Primary school and therefore there will be joint drop off and pick up.

The school has an existing sustainable travel plan which encourages staff and parents to cycle, walk, car share or use public transport. The Travel Plan is monitored and reviewed and the nursery will be incorporated into the review.

Accordingly, there is no objection in transport terms with regard to paragraph 111 of the NPPF, and Policies T1 and T13 of the Local Plan, as the proposal is unlikely to have a significant impact on parking or highway safety in the immediate area.

Trees

Policy BNE43 of the Local Plan states that development should seek to retain trees and woodlands that provide a valuable contribution to local character. Policy BNE1 requires schemes to have regard to the character of the natural environment, and to protect the visual amenity of their surroundings.

The proposal will require the removal of 4 trees (T3, T12, T13 and T14) to facilitate the installation of the nursery, while this is regrettable subject to the submission of a robust landscaping scheme their loss is considered acceptable. The applicants have advised that the building construction will not require any land level alterations, and to ensure that there is no detrimental impact with regard to the retained trees the materials are proposed to be craned onto the site.

Subject to conditions to retain the remaining trees and a landscaping scheme no objection is raised, and it is considered that the proposal is comply with Policies BNE1, BNE14 and BNE43 of the Local Plan and paragraph 131 of the NPPF.

Climate Change and Sustainability

The applicants have advised that the design focuses greatly on ensuring that the buildings will be as environmentally friendly as possible. The site is in a sustainable location within easy reach to local amenities and transport links. The new proposal

would be within the existing school grounds, this will minimise expansion into the town and surrounding countryside.

To promote the use of sustainable modes of transport the new nursery unit will have access to existing cycle storage located on the school grounds.

The proposals would be constructed to very high standards of energy efficiency with high levels of insulation and air tightness. The fabric-first approach which would be proposed significantly reduces energy demands and carbon emissions. The building will be compliant with the building regulations, but the applicant has advised that in this instance it is impracticable to achieve improved efficiencies beyond those.

The applicant has advised that where appropriate measures such as bird boxes, wild gardens and insect housing will be incorporated to enhance the potential for wildlife within the site.

Waste is a key concern during both construction and subsequently once in use. Once the nursery is built the nursery will have designated waste and recycling which will be used in accordance with the existing school.

Subject to a condition being applied to any approval to ensure that the above are incorporated into the scheme, the development is considered to be in accordance with paragraph 154 of the NPPF.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

It is considered that the proposed development is acceptable on the basis that the design will be appropriate for its setting, and that there are likely to be no unacceptable effects on amenities, parking, highway safety, or trees. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 8, 92, 93, 111, 126, 130 and, 131 of the National Planning Policy Framework 2021, and the Medway Local Plan 2003, including Policies BNE1, BNE2, BNE43, T1, T13, and CF2. The application is accordingly recommended for approval.

The proposal would normally be determined under officers delegated powers, however due to the number of representations received the case is being referred to the Planning Committee for determination.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>