

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 28 February 2020

Present:

Cllr C Guglielmi (Chairman)

Cllr J Aldridge

Cllr D Harris

Cllr J Henry

Cllr M Mackrory

Cllr J Moran

Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr M Durham, Cllr M Garnett (substituted by Cllr Henry), Cllr Hardware, Cllr S Hillier and Cllr A Wood.

2 Declarations of Interest

There were none

3 Minutes

The minutes of the meeting held on 24 January 2020 were agreed and signed.

4 Identification of Items Involving Public Speaking

There were none.

4 County Council Development

4.1 Lakelands Primary School, Stanway

The Committee considered report DR/06/20 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle of and need for development
- Highway impact
- Amenity impact

It was noted that cars parked along both sides of Nuthatch Chase and on the pavement, would make access difficult for construction vehicles associated with the school. Since the road was currently unadopted, it would not be possible for parking restrictions to be imposed by Essex County Council without the landowner's consent.

Members agreed that a sensible solution would be for the applicant and contractor for the school development to liaise with residents of Nuthatch Chase. It was requested that residents are informed of the dates and times when lorries would be accessing the development, and that dialogue is entered into to find a solution to parking which allowed access for those vehicles.

It has been suggested that there may be a Head Teacher in place and that it would be beneficial for contact to be made with him/her, together with any parents or residents association which may exist, to ensure good community relationships are fostered.

There being no further points raised, the resolution, including the amendments in the Addendum, was proposed and seconded. Following a unanimous vote of seven in favour, it was

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/COL/35/19 dated 11/06/19,
 - Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;
 - Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
 - Planning Statement by Strutt & Parker dated May 2019;
 - **Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019;**
 - Climate Based Daylight Modelling by The Energy Practice dated 05/04/19;
 - Health Impact Assessment by Strutt & Parker dated August 2019;
 - Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
 - Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
 - Transport Assessment ref JTP18_090 by Journey Transport Planning dated May 2019;

- Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
- Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
- Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

- Proposed External Lighting ref 318083-TEP-DR-ZZ-00-E-3205 Rev P2 dated 21/03/19;
- Fence and Gate Layout ref 118216-CDP-DR-ZZ-XX-L-2001 Rev P5 dated 06/08/19;
- Relationship to Western Boundary Properties ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19;
- Location Plan ref 118216-CDP-DR-ZZ-XX-A-2001 Rev P5 dated Feb 2019;
- Proposed Sections ref 118216-CDP-DR-ZZ-XX-A-2005 Rev P2 dated 20/05/19;
- Proposed First Floor Plan ref 118216-CDP-DR-ZZ-01-A-2003 Rev P3 dated 23/05/19;
- Proposed Ground Floor Plan ref 118216-CDP-DR-ZZ-00-A-2003 Rev P3 dated 23/05/19;
- Proposed Materials ref 118216-CDP-DR-ZZ-XX-A-2007 Rev P1 dated 24/05/19;
- Drainage Plan ref 118216-CDP-DR-ZZ-B1-C-4001 Rev P3 dated 28/05/19;
- Drainage Details ref 118216-CDP-DR-ZZ-XX-C-6001 Rev P2 dated 28/05/19;
- Proposed Roof Plan ref 118216-CDP-DR-ZZ-R1-A-2003 Rev P6 dated 05/08/19;
- Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19;
- Elevational Material Details ref 118216-CDP-DR-ZZ-XX-A-2014 Rev P3 dated 06/08/19;
- Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2006 Rev P4 dated 06/08/19;
- Cropped Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2016 Rev P2 dated 06/08/19;
- Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19;
- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016

Rev P2 dated 06/08/19;

- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

and the contents of the Design and Access Statement by Concertus dated 07/05/19

AS AMENDED BY

The details submitted by way of application reference CC/COL/10/20 dated 17th January 2020 and cover letter by Strutt and Parker dated 17th January 2020

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: To ensure development is carried out in accordance with the approved plans and to comply with Colchester Site Allocations Policy SA STA1; Colchester Development Policies DPD Policies DP1, DP2, DP4, DP17, DP19, DP20, DP21 and DP25; and Colchester Core Strategy Policies SD1, SD2, SD3, UR2 and TA1.

2. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142. Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

3. No beneficial occupation of the development hereby permitted shall take place unless a noise assessment to predict the noise impact of the proposed Hard Outdoor PE Court and Artificial Turf Pitch on nearby noise sensitive properties (to be agreed in advance in writing with the County Planning Authority), as well as mitigation measures if adverse impacts are found to occur, has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall include details of the noise predictions and baseline noise conditions. The development shall thereafter take place in accordance with the approved details.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

4. The construction of the development hereby permitted shall not be carried out unless during the following times:

08:00 hours to 18:00 hours Monday to Friday
08:00 hours to 13:00 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Colchester Development Plan Policy DP1.

5. The development hereby permitted shall be implemented in accordance with the lighting details approved on 11th February 2020 under condition 6 of planning permission CC/COL/35/19. The approved lighting details are set out in the application for approval of details reserved by condition dated 21st November 2019, drawing ref 318090-TEP-DR-ZZ-00-E-4207 Rev C3 dated 10/01/20 and email from Strutt and Parker dated 14th January 2020.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Colchester Development Plan Policy DP1.

6. The development hereby permitted shall be implemented in accordance with the dust minimisation scheme details approved on 7th November 2019 under condition 7 of planning permission CC/COL/35/19. The approved dust minimisation details are set out in the application for approval of details reserved by condition dated 08 October 2019, cover letter from Strutt&Parker dated 08 October 2019 and Construction Management Plan BC1851 Revision 3 dated October 2019.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Colchester Development Plan Policy DP1.

7. The development hereby permitted shall take place in accordance with the mitigation and enhancement measures contained in the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

8. Prior to the installation of a damp proof membrane, a Biodiversity Enhancement Strategy for Protected and Priority species, based on the measures outlined in Table 3 of the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19, shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy 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 plans;

- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved strategy 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) and for compliance with Colchester Development Plan Policy DP21.

9. The development hereby permitted shall be implemented in accordance with the materials details approved on 27th November 2019 under condition 10 of planning permission CC/COL/35/19. The approved materials details are set out in the application for approval of details reserved by condition dated 14th October 2019, Cover letter from Barnes Construction headed 'BC 1851 Lakelands Primary School, Stanway, Colchester External materials for Planning Application ref CC/COL/35/19', AS AMENDED BY Cover letter from Barnes Construction 'Replacement Mortar Sample' dated 22nd October 2019.

For clarity, the approved materials are as follows:

- External Brickwork – Cinder Grey supplied by The Bespoke Brick Company
- External Render – Permarock 1.5mm K-Finish finished colour Off White 50.
- External Render – Permarock 1.5mm K-Finish finished colour Bright Maroon.
- External Timber Cladding – European Larch Tongue and Groove STD-4.
- External Mortar – Cemex Black Light

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

10. The development hereby permitted shall be implemented in accordance with the window details approved on 17th December 2019 under condition 11 of planning permission CC/COL/35/19. The approved window details are set out in the application for approval of details reserved by condition dated 13th November 2019;

- Cover letter from Strutt&Parker dated 13th November 2019;
- Cover letter ref BC 1851 from Barnes Construction;
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9002-P4 dated 12/11/19 (Proposed elevation key plan);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9005-P2 dated 11/11/19 (W3/W4 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9003-P2 dated 11/11/19 (W1 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9004 P2 dated 11/11/19 (W2 – Proposed window details).

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

11. The development hereby permitted shall be implemented in accordance with the surface water drainage scheme details approved on 7th November 2019 under condition 12 of planning permission CC/COL/35/19. The approved surface water drainage scheme details are set out in the application for approval of details reserved by condition dated 18th October 2019 in respect of condition 12 of the above planning permission,
- Cover letter by Strutt&Parker dated 08/10/19;
 - Surface Water Strategy V1.0 dated 07/10/19 (including Appendices A-E) by Concertus
 - Drawing ref 118216-CDP-DR-ZZ-00-C-2001 Rev P1 dated 08/10/19: Flood Exceedance Plan;
 - Drawing ref 118216-CDP-DR-ZZ-B1-C-4001 Rev C1 dated 30/09/19: Drainage Plan 1/2;
 - Drawing ref 118216-CDP- DR-ZZ-B1-C-4002 Rev C1 dated 30/09/19: Drainage Plan 2/2;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6001 Rev C1 dated 08/10/19: Drainage Details;
 - Drawing ref 118216-CDP-DR-ZZ-XX-C-6002 Rev C2 dated 04/10/19: Paving Details;
- As updated by:
- Email from Strutt&Parker dated 30/10/19;
 - 118216 Critical Event Drainage Calculations.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

12. **The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019.**

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP1, DP17 and DP20.

13. The development hereby permitted shall be implemented in accordance with the Maintenance Plan for Surface Water Drainage details approved on 17th December 2019 under condition 14 of planning permission CC/COL/35/19.

The approved Maintenance Plan for Surface Water Drainage details are set out in the application for approval of details reserved by condition dated 10th December 2019;

- Lakelands Primary School Drainage Maintenance Plan 1/2;
- Lakelands Primary School Drainage Maintenance Plan 2/2 (ref 118216-CDP-DR-ZZ-B1-C-4002 C1);
- SuDS Maintenance Manual;
- Cover letter ref BC1851 from Barnes Construction Ltd.; and
- Letter from Strutt&Parker dated 10th December 2019.

Reason: To minimise the risk of flooding and for compliance with Colchester

Development Plan Policy CDP Policy DP20.

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

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

15. No development shall take place beyond the installation of a damp proof membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority.

The scheme shall include:

- details of areas to be planted with species, sizes, spacing, method of planting, protection, programme of implementation and maintenance schedule;
- provision for the relocation of the 'Quercus Robur' in the north west of the site as shown on drawing ref Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19 to a position further south along the western boundary;
- Inclusion of larger trees on the southern boundary to match those used in the parkland to the south;
- provision for planting for screening purposes along the western boundary, as set out in condition 24.

The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 16 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Colchester Development Plan Policies DP21 and DP1.

16. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 15 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Colchester Development Plan Policies DP21 and DP1.

17. The development hereby permitted shall be implemented in accordance with

the design and layout of the all weather pitch details approved on 18th December 2019 under condition 18 of planning permission CC/COL/35/19. The approved all weather pitch *details* are set out in the application for approval of details reserved by condition dated 2nd December 2019;

- Drainage calculations;
- Artificial Grass Pitch Design by Smith Construction dated 20/11/19;
- Cover letter by Strutt&Parker dated 2nd December 2019;
- Drawing ref 9687/GA/01 Rev A dated 19/11/19.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Colchester Development Plan Policy DP2.

18. The development hereby permitted shall be implemented in accordance with the playing field ground conditions details approved on 15th January 2020 under condition 19 of planning permission CC/COL/35/19. The approved playing field ground conditions details are set out in the application for approval of details reserved by condition dated 18th November 2019;

- Covering letter from Barnes Construction Ltd.;
- Report to Smith Construction Ltd – Feasibility Study - Ref O/001/SCLPS/1589/R/190919 Rev B dated 27/09/19 by PSD Agronomy;
- Smith Construction Natural Turf Pitch Specification dated 13/12/19;
- Program prepared by Inscapes.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Colchester Development Plan Policy DP2.

19. No beneficial occupation of the development hereby permitted shall take place unless the vehicle and pedestrian access arrangements as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been fully completed.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian accesses on Wagtail Mews, as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 unless they open inwards from the public highway towards the site and those serving a vehicular access shall be set back a minimum distance of 6 metres from the nearside edge of the Wagtail Mews carriageway.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

21. The western façade of the main school building hereby permitted shall be positioned at least 12.9m from the façade of the residential properties on Rook End, as shown on drawing ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated

04/09/19.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

22. No beneficial occupation of the development hereby permitted shall take place unless full details of the school signage have been submitted to and approved in writing by the County Planning Authority. The details shall include the size, design, colour, materials and positioning of the signage to create a clear focal point for the main school entrance.

Reason: *To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.*

23. No development shall take place beyond the installation of a damp proof membrane unless a scheme for obscuring visibility of properties in Rook End has been submitted to and approved in writing by the County Planning Authority. The scheme shall include treatment of the most southerly first-floor window on the western elevation, as shown on drawing Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19, and inclusion of planting for screening along the western boundary. The development shall take place thereafter in accordance with the approved details.

Reason: *In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.*

24. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted and details of additional cycle spaces including the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: *In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.*

25. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on plan Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.

26. The bin store compound, as indicated on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19, shall not be erected until details of the design, height and location have been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

5 Information Items

5.1 Report on the programme of Periodic Reviews Of Mineral Planning Permissions

The Committee considered report DR/07/20, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

5.2 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/08/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

6 Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 27 March 2020, in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 10:45 am.