

Development and Regulation Committee

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| 10:30 | Friday, 16 December 2016 | Committee Room 1, County Hall, Chelmsford, Essex |
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Quorum: 3

Membership:

Councillor R Boyce
Councillor J Abbott
Councillor K Bobbin
Councillor M Ellis
Councillor A Erskine
Councillor C Guglielmi
Councillor J Jowers
Councillor S Lissimore
Councillor J Lodge
Councillor M Mackrory
Councillor Lady P Newton
Councillor J Reeves

Chairman

For information about the meeting please ask for:

Matthew Waldie, Committee Officer

Telephone: 033301 34583

Email: matthew.waldie@essex.gov.uk



Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

| | Pages |
|--|----------------|
| 1 Apologies for Absence | |
| 2 Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct | |
| Minutes To approve the minutes of the meeting held on 25 November 2016. | 7 - 10 |
| 4 Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. | |
| 5 Minerals and Waste | |
| 5.1 Hastingwood, North Weald To consider report DR/43/16, relating to an application for a Lawful Development Certificate (CLUED) for the use of the site for the storage, distribution and recycling (Screening and crushing) of aggregates. At Hastingwood, Highways Depot, London Road, North Weald, Harlow. Reference: ESS/39/16/EPF. | 11 - 18 |
| 6 County Council Development | |
| 6.1 Hogarth Primary School, Brentwood To consider report DR/44/16, relating to the erection of a single storey building together with the extension of existing hard surface play area and car park, additional bicycle and scooter parking and additional landscaping/tree planting. At Hogarth County Junior School, Riseway, Brentwood, Essex, CM15 8BG. Reference: CC/ BRW/44/16. | 19 - 30 |

- 6.2 Roding Valley High School, Loughton** **31 - 48**
 To consider report DR/45/16, relating to the proposed construction of a new two storey detached educational block to accommodate six classrooms, a library and ancillary facilities on the site of the existing school. At Roding Valley High School, Alderton Hill, Loughton, IG10 3JA.
 Reference: CC/EPF/51/16.
- 7 Information Item**
- 7.1 Applications, Enforcement and Appeals Statistics** **49 - 50**
 To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.
 Report DR/46/16.
- 8 Date of Next Meeting**
 To note that the next committee meeting is scheduled for Friday 27 January 2017 at 10.30am.
- 9 Urgent Business**
 To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

- 10 Urgent Exempt Business**
 To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, Essex on Friday, 25 November 2016

Present:

| | |
|-------------------------|-----------------|
| Cllr R Boyce (Chairman) | Cllr K Bobbin |
| Cllr A Erskine | Cllr J Lodge |
| Cllr S Lissimore | Cllr M Mackrory |
| Cllr J Reeves | C Seagers |

1 Apologies for Absence

Apologies were received from Cllr M Ellis, Cllr C Guglielmi, Cllr J Jowers and Cllr Lady Newton (substituted by Cllr C Seagers).

2 Declarations of Interest

No declarations of interest were made.

3 Minutes

The minutes of the meeting held on 28 October 2016 were agreed and signed by the Chairman.

4 Identification of Items Involving Public Speaking

There were no public speakers.

Minerals and Waste

5 Blackwater abstraction main, Kelvedon

The Committee considered report DR/39/16 by the Director of Operations, Environment and Economy. Members noted the Addendum to the agenda. Members were also presented with a letter from Rt Hon. Priti Patel MP, which had just been received by the Authority and expressed a number of concerns on behalf of her constituents.

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:

- Need & principle of development
- Water environment
- Ecology
- Landscape, visual impact
- Historic environment
- Noise
- Traffic and public rights of way
- Cumulative impact

Certain points were noted by Members:

- This application was for the infrastructure to enable water abstraction only; should the applicant wish to discharge water into the river at any time in the future, a new permit would be required from the Environment Agency and a further planning application might be required.
- Concern was expressed that there is no environmental permit for the Rivenhall IWMF and yet we were dealing with this application. It was explained that the developer could progress construction of the IWMF without an environmental permit, but it was very unlikely as this would be a substantial commercial risk. It was not possible to make granting the approval for this application dependent on whether the permit was given
- The reference made by the Environment Agency (on page 38 of the agenda pack) to potential impacts on the river bank specifically refer to the installation of the plant; and there would need to be a suitable survey to assess potential impact on wildlife/local environment.

There being no further matters raised by Members, the motion was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved

That planning permission be granted subject to conditions covering, in summary, the following matters:

1. Commencement of development.
2. Application Details.
3. Hours of installation Monday to Sunday 7am to 7pm.
4. Submission of details of abstraction point.
5. PROW to remain open unobstructed and restored to original condition.
6. Site of abstraction and pipework route within CWS prior to installation to be surveyed for protected species.
7. Sensitive times of year for breeding birds and other protected species to be avoided.
8. Submission of management plan to minimise release of silt into the river during installation of the abstraction point.
9. Installation of abstraction not within fish and eel spawning period March-July inclusive.
10. Archaeological and palaeoenvironmental investigation and recording where necessary in areas not previously investigated.
11. Prior to commencement of development submission of traffic management plan.

12. Species rich hedgerows should be protected as set out in the application.

Enforcement Updates

6 Michelins Farm, Rayleigh

The Committee considered report DR/40/16 by the Director for Operations, Environment and Economy.

It was noted at the meeting dated 27 November 2015, it had been agreed that this case would be reviewed no later than December 2016.

The Committee noted the current position, and, there being no further matters raised by Members, the motion was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved

1. That, at this current time, no further action is taken by the County Council as Waste Planning Authority in respect of the breach of the Enforcement Notice issued in June 2011, subject to the land being sold for development and permission for a new use/development being granted; and

2. This position is again reviewed by the committee no later than August 2017.

7 Intersection of A120/B1265, Braintree

The Committee considered report DR/41/16 by the Director for Operations, Environment and Economy.

The Committee NOTED the report.

Information Item

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/42/16, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee NOTED the report.

9 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 16 December 2016 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.12am.

Chairman

DR/43/16

committee DEVELOPMENT & REGULATION

date 16 December 2016

MINERALS AND WASTE DEVELOPMENT

Proposal: **Application for a Lawful Development Certificate (CLUED) for the use of the site for the storage, distribution and recycling (Screening and crushing) of aggregates.**

Location: **Hastingwood, Highways Depot, London Road, North Weald, Harlow.**

Ref: **ESS/39/16/EPF.**

Applicant: **Elmside Transport Ltd.**

Report by Acting Head of County Planning

Enquiries to: G Shaw Tel: 03330136873

The full application can be viewed at www.essex.gov.uk/viewplanning



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1. SITE, BACKGROUND AND PROPOSAL

The 0.96ha. site of is located to the west of the M11 between the northbound slip road at Junction 7 interchange for Harlow and Epping and London Road.

Access to the site is of London Road via shared access with a fast food restaurant and the County's Hastingwood Highways Depot and via hardcore access road of approximately 300m in length which goes behind the County's Hastingwood Highways Depot. The Depot is adjacent to the northern boundary of the application site.

Adjacent to the NW corner of the site is the fast food restaurant (McDonalds) and car park.

There are residential properties approximately 60m to the west of the site located on London Road.

There is a residential property/farm approximately 80m to the south located on London Road.

Harlow Garden Centre is located approximately 200m to the east and on the east side of the M11 beyond the M11 roundabout.

There is established vegetation on the eastern boundary adjacent to the M11 slip road.

There are agricultural fields between the properties located on the southern and western boundaries.

The site has a 1.5m high bund located on the western, southern and eastern boundaries.

A 2m high palisade fence separates the site from the Highways Depot and bounds the access road to the shared access.

Located on site are a screener, loading shovel, excavator, fuel bowser and 2 storage containers and stockpiles of hard core aggregate up to a height of 11 metres.

Harlow Town Centre is approximately 2 miles to the north.

In terms of background the applicant has stated that the site is owned by Hayley Estates and the applicant (transport contractor) entered into a tenancy agreement with Hayley Estates on 1st May 2004, which was renewed in 1st March 2005.

The applicant is seeking a Certificate of Lawful Use (CLUED) on the basis that the use of the site the storage, recycling and onward distribution of aggregate has been continuing at the site for a period in excess of 10 years.

2. POLICY CONSIDERATIONS

CLUEDs seek to establish the lawful planning status of the land concerned and therefore no planning policies are applicable.

3. CONSULTATIONS

EPPING FOREST DISTRICT COUNCIL – No comments received.

HARLOW DISTRICT COUNCIL – No objection. The application should be considered on the balance of evidence provided by the applicant.

ENVIRONMENT AGENCY – No objection.

NORTH WEALD PARISH COUNCIL Objects on the following grounds:

- There has never been any screening and crushing activities carried out on the site what evidence is there to support this activity
- The storage on the site has only been road planings – there has not been concrete and you can easily see this via the photographs they would have been a different colour
- No lorry hire has ever been undertaken from the site – what evidence is there to support this activity
- The photographs are not truly representative i.e. dates etc.
- The details that have been given regarding the sizes and heights of the planning stacks are incorrect the local residents who live nearby advise they have never been that high.
- Has an Environmental Impact Assessment Disclosure ever been carried out?
Comment: EIA screening is not required for a lawful use application.
- Has an assessment been carried out regarding the open air Restaurant at McDonalds and Harlow Garden Centre, both of which are within 100 metres of the proposal?

LOCAL MEMBER- EPPING FOREST- North Weald and Nazeing – has concerns regarding the start date of the development.

4. REPRESENTATIONS

Site, Press notices and Neighbour notification letters were undertaken.

15 properties were directly notified of the application. One letter of representation has been received. This relates to planning issues covering the following matters:

Observation

Comment

That operations have only been carried out for eight years.

No evidence supporting the claim has been provided.

Shale creeping along the boundary

This not a material planning

| | |
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| towards the edge of local boundaries. | consideration as this application is seeking a CLUED. |
| No mains drainage to the cottages or to the works site. The effluent seeps into the ditch and kills several of the trees along a ditch on land. | This not a material planning consideration as this application is seeking a CLUED. |
| Loss of green area in the Green Belt. | This not a material planning consideration as this application is seeking a CLUED. |
| Becoming an Industrial Area. | This not a material planning consideration as this application is seeking a CLUED. |
| Generation of Heavy Lorries. | This not a material planning consideration as this application is seeking a CLUED. |

5. APPRAISAL

A CLUED is a legal document stating the lawfulness of past or present development. If granted by the local planning authority, the certificate means that enforcement action cannot be carried out against the development referred to in the certificate.

A grant of a certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority.

It is for the applicant to provide collaborative evidence to show that the use has been in operation for in excess of 10 years at the site without intervening uses for this period.

The applicant has provided the Council with the following evidence to support the above claim.

- Application form dated 24 March 2016.
- Statement dated May 2016.
- Statutory Declarations from Mr I Padfield (Land Owner) and Mr K Bowen Director of Elmside Transport (Tenant) and Mr S Gould (Site Supervisor).
- Tenancy Agreement between the Landlord Mr Padfield (Hayleys) Ltd and the applicant Mr K Bowen of Elmside Transport dated 1st May 2004.
- Newspaper article from Farmers Guide dated 2005.
- Google Earth imaged dated 2005, 2006 and 2009.
- Hire Purchase Agreements for Plant and Machinery.
- Motor and General Insurance Services Ltd Certificate issued 00:0123 January 2006 to 24:00 22 January 2007 and again for the period of 00:01 23 January 2007 to 24:00 22 January 2008 and for the period 00:01 1 April

2015 to 24:00 31 March 2015.

- Environment Agency Waste Exemption Documents registration reference number TE1/001965 dated 26 September 2005 and Exemption document dated 27 December 2007 and Exemption document dated 2009, 2011 and 20 October 2014.
- Test certificate samples from Murray Rix dated 13 September 2006 and letter from Murray Rix dated 3 December 2015 stating UKAS accredited Construction Material Testing Services to Elmside Service have been taken from the Harlow Yard at rear of May Gurney (Now County's Highway Depot), London road.
- Letters of declaration from Customers, Insurance Broker, Directors of the Company, Current Employee and Health and Safety Consultant.
- Waste Transfer Notes and invoices. These go back to 2009 as there is no legal requirement to retain invoices beyond 5 years.

The key issue for consideration is:

Whether the use of land for importing, screening, recycling and storing of road planings and the crushing and screening of concrete and the parking of plant and machinery has taken place continuously on the application site for the 10 year period.

The applicant has submitted Google Earth Photographs from 2005 to 2009 which shows that the application site was undertaking screening operations as plant, equipment and stockpiles are visible at the site during these periods.

It has been submitted, within Statutory Declarations, that the applicant is a haulage company which has been using the site to store aggregates, which includes concrete, but more specifically road planings, which are classified as a 6F3 and 6F2 recycled aggregate. Their classification as a 6F3 and 6F2 recycled aggregate refers to size. The aggregate is screened and then either collected by or delivered to the customer to be used for the construction and maintenance of roads and carparks. Aggregates are defined as stones and rocks used for construction and different types are described by their size, angularity and type of rock. Road planings are one form of aggregate and usually come from road resurfacing work.

The applicant has further submitted that new equipment has been purchased since 2006. This equipment is a Chieftain Power Screen 600. Further purchases of machinery were completed in 2008 (Chieftain Power Screen 1400), 2012 (CAT wheeled Loader and CAT 320 CL Excavator) and 2015 (Volvo wheeled Loader).

The Environment Agency has granted an Environmental Permit Exemptions. These Exemptions started in 2006 and go through to 2014 and refer to the application site - to the rear of the County's Hastingwood Highway Depot.

Tenancy agreements between Elmside Transport and the Landlord have also been submitted as evidence of a continuous use since 2004.

Sales invoices for materials have been submitted from 2009. These invoices provide evidence that there has been a continuous use of the site for the screening,

storage and distribution of recycled road planings. The applicant has submitted that there is no legal requirement to keep invoices beyond 5 years. The applicant has further submitted that the average 'mean' amount of material sold for the last six years is over 102,000 tonnes.

The applicant has further submitted that the site has been occasionally used for the screening and crushing of concrete. North Weald Parish Council has stated in its response that concrete crushing has not taken place on site.

In order for the applicant to benefit from a lawful use, the evidence submitted has to show that, on the balance of probability, there has been a continuous use for the claimed use a period of 10 years. The evidence submitted by the applicant (Aerial Photographs, Machinery Test Certificates and Machinery Purchases) refer to the site being used for the recycling of road planings, with a statement that occasional crushing of concrete is carried out when necessary.

In this respect it is considered that whilst, on the balance of probability, the recycling of road planings has been carried out, the site has not been used continually for a period of more than 10 years for crushing concrete. Whilst it could be argued that both activities concern the recycling of aggregate, it is clear that the primary use is concerned with the importation screening, storage distribution of recycled road planings and not concrete crushing.

North Weald Parish Council has also objected in general to this application for the CLUED, but has not submitted any counter evidence to refute the evidence submitted by the applicant.

One letter of representation has received stating that operations have been carried out only for eight years. However the representee has not submitted any evidence to support this claim.

Adverse claims have been received as part of the consultation undertaken. Nonetheless, the Waste Planning Authority has no reason to doubt or consider the validity of the evidence submitted. It is considered the applicant has submitted evidence to support its claim of use for 10 years.

The evidence submitted demonstrates that the use, to which this application relates, has taken place at the site. In relation to this the applicant has not suggested any significant periods of abandonment of the site and/or use since 2005 and Essex County Council has no records or information of a different nature.

6. CONCLUSION

On the balance of probability, it is concluded on the evidence which has been submitted in support of this application that the use of this site has been for the storage, screening and distribution of recycled road planings which began more than 10 years before the date of this application. Accordingly, it is considered that the aforementioned use, on the balance of probability, is lawful and a certificate can be issued to this effect.

7. RECOMMENDED

That a Certificate of Lawful Use is issued for:

The storage, screening and distribution of recycled of road planings (and use of associated plant and equipment) at land at Hastingwood, London Road, North Weald, Harlow as shown on plan titled Site Plan, drawing nos 216020DWG001 dated 15/03/16.

BACKGROUND PAPERS

Planning Applications. ESS/39/16/EPF
Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

LOCAL MEMBER NOTIFICATION

EPHING FOREST- North Weald and Nazeing

DR/44/16

committee DEVELOPMENT & REGULATION

date 16 December 2016

COUNTY COUNCIL DEVELOPMENT

Proposal: **Erection of a single storey building comprising six classrooms, a multi-activity hall, teaching rooms and staff room together with the extension of existing hard surface play area and car park, additional bicycle and scooter parking and additional landscaping/tree planting.**

Location: **Hogarth County Junior School, Riseway, Brentwood, Essex, CM15 8BG**

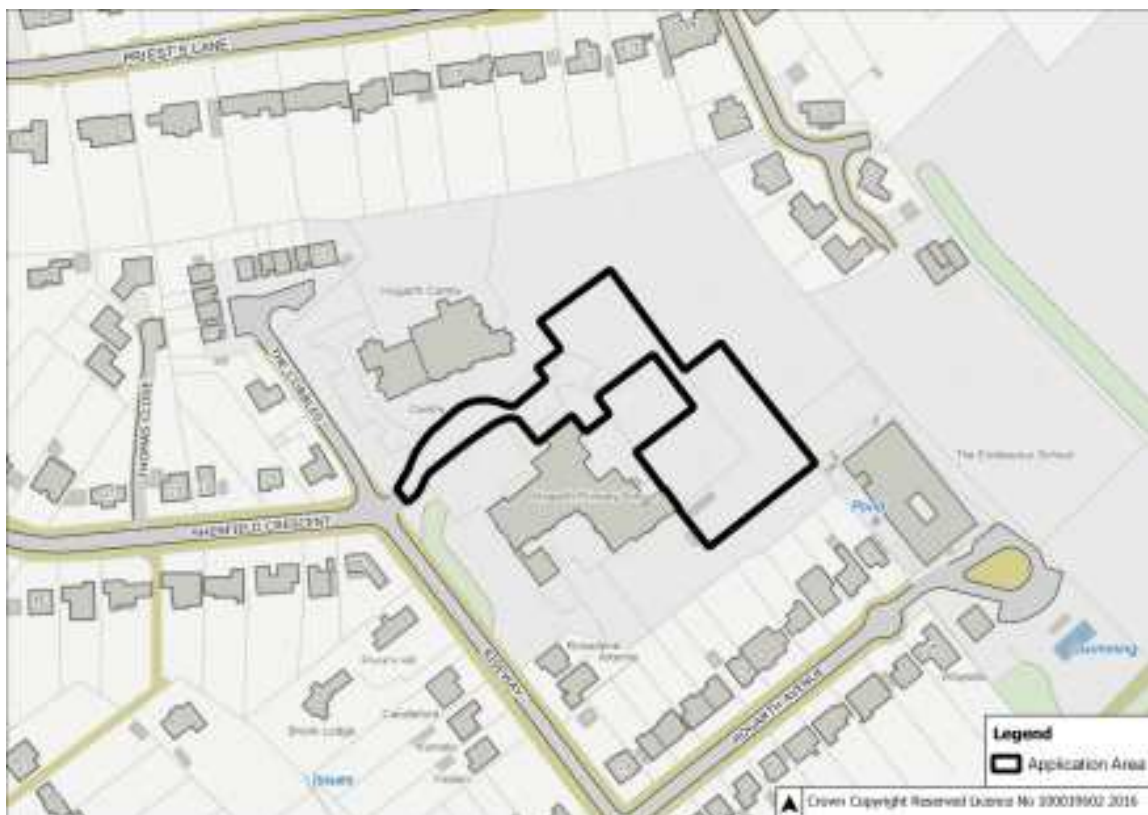
Ref: **CC/ BRW/44/16**

Applicant: **Essex County Council**

Report by Director of Operations, Environment and Economy

Enquiries to: Gráinne O’Keeffe Tel: 03330 133055

The full application can be viewed at www.essex.gov.uk/viewplanning





Proposed Site Layout Plan

1. BACKGROUND

CC/BRW/58/02 - Single storey extension expanding offices & admin facilities – Granted

CC/BRW/4/93 - Conversion of caretakers house to Special Needs Unit - Granted

2. SITE

Hogarth Primary School is located within the defined settlement boundary of Brentwood town.

The existing site is allocated as 'Education Institution' (Policy LT8) and the Playing Field is allocated as 'Protected Urban Open Space' (Policy LT2) in the Brentwood Proposals Map.

The site is located in Flood Zone 1, with low probability of flood risk.

The development site boundary is stated as 0.412ha and is bounded to the south-east by residential properties and Endeavour School on Hogarth Avenue, to the north-east by residential properties on Bishops Walk and adjoining playing fields, to the north by residential properties on Priests Lane. The site is bounded to the south-west by a public road 'Riseway' and is accessed from it. The existing access is shared with the Hogarth Day Care Centre to the north of the existing school building.

3. PROPOSAL

The proposal is for the construction of a single storey detached building (608m² floor area) comprising six classrooms, a multi-activity hall, teaching rooms and staff rooms, to be located to the south east of the existing school.

An extension to existing hard surface play area to the north to facilitate reconfiguration of court marking is also proposed.

It is also proposed to construct an extension to the car parking area to accommodate an additional 15 car parking spaces on site.

The proposed development would facilitate an increase in pupil numbers from 210 to 420 and an increase of 43 to 55 full time staff.

4. POLICIES

The following policies of the 'Replacement Brentwood Local Area Plan 2005 and saved policies 2008' and Proposals Map, provide the development plan framework for this application. The following policies are of relevance to this application:

| | |
|------------|--|
| Policy LT2 | Development of Existing Urban Open Spaces |
| Policy T1 | Travel Plans |
| Policy T2 | New Development & Highway Considerations |
| Policy T5 | Parking - General |
| Policy C5 | Retention and Provision of Landscaping and Natural Features in Development |

The Draft Brentwood Local Plan 2013 – 2033, is also a material planning consideration but the emerging plan is still at an early stage (Regulation 18) and therefore only has a little weight.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

National Planning Policy Framework (NPPF), DCLG March 2012

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| Section 1: | Building a strong, competitive economy. |
| Section 4: | Promoting sustainable transport |
| Section 7: | Requiring good design |
| Section 8: | Promoting healthy communities |
| Section 10: | Meeting the challenge of climate change, flooding and coastal change |
| Section 11: | Conserving and enhancing the natural environment |

The following are also material planning considerations:-

Essex County Council Parking Standards, Good Design and Practice (2009) and was adopted as a Supplementary Planning Document (SPD) by Brentwood Borough

Council as of 10 March 2011.

5. CONSULTATIONS

BRENTWOOD BOROUGH COUNCIL:

The following is noted:

- the development encroaches into land designated as Urban Open Space in the adopted Brentwood Replacement Local Plan (Policy LT2)
- a number of mature trees and landscaping are to be removed as part of the proposal
- there would be loss of part of the existing playing field
- the proposal would enable the pupil numbers at the site to more than double but the school is located in a residential area which already suffers from access and parking issues
- The extension proposed is of a design which differs to that of the existing buildings. The extension would also be greater in height and closer to the boundaries of the site with neighbouring residential properties than the existing school buildings.

However, this Authority is satisfied that the application be determined by Essex County Council in accordance with Local and National planning policy and guidance, taking into account the responses of all Statutory Consultees and other representations made.

SPORT ENGLAND – No objection subject to condition, as outlined in more detail in planning assessment below.

HIGHWAY AUTHORITY- No objection subject to conditions relating to School Travel Plan and Informative on Highway works.

PLACE SERVICES (Ecology) – No objection, All recommendations in section 5.2 of the Phase 1 Habitat Survey Report (t4 Ecology Ltd July 2016) should be adhered to.

PLACE SERVICES (Trees) - No objection with regard to trees.

PLACE SERVICES (Urban Design) - Supports

LOCAL MEMBER – BRENTWOOD - BRENTWOOD SOUTH — Has raised concerns with the Highway Authority regarding the additional traffic impact.

6. REPRESENTATIONS

27 properties were directly notified of the application. 3 letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Traffic concerns – illegal parking on narrow residential street, pavement,

Comment

See appraisal

yellow zig zag, garages and drives.

Environmental Impact – change in street scene, loss of mature trees and green space to provide additional parking for staff. See appraisal

Litter unacceptable and refuse vehicles unable to access. See appraisal

Concerns regarding impact on light to properties backing onto school at Hogarth Avenue. See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Loss of Playing Field
- C. Sustainable Transport and Highways Impact
- D. Site Layout and Design
- E. Loss of Trees/Ecology
- F. Residential Amenity

A PRINCIPLE OF DEVELOPMENT

The site is located within the defined settlement boundary of Brentwood town, partly allocated as Education Institution (west side) and partly as Protected Urban Open Space (east side).

As per Policy LT2 of the Local Plan “Within The built-up areas of the Brentwood Borough, permission will not be granted for development of land allocated on the proposal maps as protected urban open space”.

The construction of the part of the proposed school extension, additional car parking and part of the hard play area would encroach upon the existing playing field and the area allocated as ‘Protected Urban Open Space’.

Having regard to the established educational use on site, an extension is considered acceptable in principal within the existing school site, however, the proposed encroachment upon the land allocated as ‘Protected Urban Open Space’ would materially contravene policy LT2 of the Local Plan.

This is discussed further below.

B LOSS OF PLAYING FIELD

The proposed school building and proposed car park extension would encroach upon the existing school playing field to the north west and south east of the site.

Having regard to paragraph 74 of the NPPF “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on....” subject to a number of listed exceptions

Sport England is a statutory consultee regarding loss of playing field, they comment as follows:-

The proposed development results in a minor encroachment onto the playing field. However, accounting for the above considerations, it is not considered that the development would reduce the sporting capability of the site. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

Therefore Sport England does not wish to raise an objection to this application subject to the following condition being attached requiring removal of Construction Compound and Playing Field Reinstatement.

In conclusion, it is considered that the encroachment into the playing field is minor in nature and would not reduce the sporting capacity of the site and is therefore in accordance with paragraph 74 of the NPPF.

C SUSTAINABLE TRANSPORT AND HIGHWAYS IMPACT

A Transport Statement and Travel Plan have been submitted in support of the planning application.

The NPPF promotes sustainable transport. The school site is considered to be sustainably located, within cycling distance (1-1.5miles) of both Brentwood and Shenfield Mainline and TFL/Crossrail stations and the town centre.

The proposed development has been considered against the Essex Parking Standards.

Cycle Parking Minimum Requirements:

- Minimum 1 space per 3 pupils plus 1 space per 5 staff.
- An additional 70 cycle spaces would be required for the additional 210 pupils.
- An additional 2 cycle spaces would be required for the additional 12 staff.

The applicant proposed to install 3 cycle parking spaces for staff and an additional 60 scooter parking spaces for pupils.

Although no cycling parking spaces are proposed for pupils, as this is a primary school the proposal to install an additional 60 scooter parking stands is considered to be substantially in compliance the minimum standards set out in Policy T5 of the Local Plan and would be sufficient to help promote sustainable transportation in

accordance with the NPPF.

Car Parking Maximum Standards:

The maximum standard for schools is 1 space per 15 pupils. The proposed development is to increase the school to 420 pupils, therefore the total maximum number of car parking spaces on the site should be 28.

The proposal includes an extension and re-configuration of the car park and a total of 30 spaces (including 2 disabled access) is indicated on the proposed site layout plan.

This exceeds the maximum standards by 2 spaces, however, the proposed car park is considered to be substantially in accordance with the maximum standards set out in Policy T5 of the Brentwood Local Plan.

Impact on public Highway

The Highway Authority has commented as follows:

“The Highway Authority would acknowledge that there are local issues regarding the short term parking by parents around the adjacent roads. However, this is for a limited period at the beginning and end of the school day during term time; these issues are not dissimilar to problems experienced near to schools across the county. Intake to the school is proposed to increase from 240 pupils to a capacity of 420 pupils. It will take place gradually over an approximate 6 year period. A proportion of this intake will be siblings of children already at the school and a degree of car sharing will be undertaken. Consequently any impact from the development upon the highway network will be spread out over a long period and should not cause severe issues. The school travel plan has been updated as part of the application and it is clear that a variety of measures are being undertaken to promote sustainable modes of travel to and from school including encouraging staff, parents and pupils to walk / cycle to school where possible and discourage inappropriate parking. The provision of additional parking restrictions in the vicinity of the school has not been considered as part of this application as it is considered this would do little to prevent short term school parking in the area. Consequently the Highway Authority is satisfied that the proposal will not be detrimental to highway safety, efficiency and capacity in the vicinity of the site or on the wider highway network.”

The traffic concerns raised by neighbours relate to illegal parking habits at school drop off and pick up times. The application is supported by a School Travel Plan which aims to promote sustainable transport options over the use of private car. The various new measures include promoting walking (walking bus, pedestrian network maps etc.), cycling (bike to work scheme for staff, cycle proficiency training for staff and pupils, secure, covered and illuminated parking facilities, ‘Dr Bike’ maintenance sessions), public transport (up-to-date public transport timetables posted on notice boards) and car-sharing (letters to parents and staff to gauge support). Staggered start / finish times, which can be achieved through morning breakfast clubs and afternoon interest clubs, are also part of the considerations moving forward.

In conclusion, it is considered the proposal would be in accordance with policies T1,

T2, T5 of the Local Plan and the principle of promoting sustainable transport in the NPPF.

D SITE LAYOUT AND DESIGN

It is one of the 12 core planning principles of the NPPF to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*

The proposed single storey extension (aprox. 4.75m height), is a detached block, proposed at the south-eastern end of the existing school building. The building would be aprox. 13 metres from the southern site boundary.

A Design and Access Statement has been submitted in support of the application.

The north-west (ball wall) and south-west (Habitat wall) are solid elevations of fairfaced concrete blockwork, the other elevations have full height windows and full height metal façade.

The Councils Urban Design Consultant considers the design is *“bold and contemporary vision”* and is supportive of the proposal.

It is considered that the proposed school building represents good quality design and is appropriately located within the school site to maximise connections and circulation between the proposed and existing school building, access point and playing fields. The proposed development is therefore considered to be in accordance with the principle of requiring good design in the NPPF.

E LOSS OF TREES/ECOLOGY

An Arboricultural Impact Assessment has been submitted in support of the planning application.

It is proposed to remove the following trees at the south-eastern end of the site to facilitate construction of the proposed school building:-

T30 – Oak – Category C1

T31 – Silver Birch – Category C1

G29 – Group of trees, ash, blackthorn, field, goat willow, hawthorn, - Cat. C1

In addition, T21(Norway Maple) – Cat. B1, has been identified at the north end of the site for special Root Protection during construction of the proposed car park.

The Councils Arboricultural Consultant has no objection to the removal of the trees listed.

A Preliminary Ecological Assessment has been submitted in support of the application.

The site is not within the bounds of any statutory or non-statutory designated location. The report concludes no building or trees with roosting potential would be lost and it is unlikely any foraging or commuting behaviours would be affected.

The report concludes, given the limited quality of habitats provided, it is considered that proposals can proceed without detriment to any legally protected species provided guidance at section 5.2 (nesting birds and enhancements) are fully adhered to.

The Councils Ecological consultant has no objection to the proposed development and considers all recommendations in section 5.2 of the Phase 1 Habitat Survey Report (t4 Ecology Ltd July 2016) should be adhered to.

Therefore the proposed development is considered to be in accordance with the Policy C5 of the Local Plan and the NPPF objective of conserving and enhancing the natural environment.

F RESIDENTIAL AMENITY

The nearest residential properties are two storey dwelling houses, located on Hogarth Avenue, with gardens backing onto the south-eastern school site boundary.

Having regard to the single storey nature of the building proposed with a separation distance of 13 metres to the boundary and a separation distance between buildings in excess of 26 metres, and notwithstanding the proposed removal of trees, the proposed building would not result in loss of daylight/sunlight or overshadowing or overbearing impact on any residential properties.

8. CONCLUSION

Having regard to the established use on site and the part allocation as 'Educational Institution' in the Brentwood Local Plan Proposals Map, the proposed expansion of the school is considered acceptable in principle on the western part of the site, however the encroachment of the proposed development on the land allocated as 'protected urban open space' to the east, would be contrary to Policy LT2 of the Replacement Brentwood Local Area Plan 2005 and saved policies 2008.

Having regard to paragraph 72 of the NPPF the government advises that Local Authorities should "give great weight to the need to create, expand or alter schools".

Having regard to the limited extent of the encroachment into the "protected open space", the retention of existing playing pitches and that other alternative options have been explored and dismissed, on balance, it is considered that the need to expand the school to meet the need for additional pupils places in the Brentwood area outweighs the protection of the open space (contrary to Policy LT2).

Furthermore, the siting and design of the proposed development is considered acceptable and would not result in overlooking or loss of daylight or sunlight to adjoining properties.

Accordingly, it is considered that the proposed development is in accordance with Policies T1, T2, T5 and C5 of the Replacement Brentwood Local Area Plan 2005 and the National Planning Policy Framework (2012)

9. RECOMMENDED

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

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BRW/44-16 validated on 01 November 2016

Drawings:

| | |
|----------|---------------------------------|
| L-00-01 | Site Location Plan |
| L-01-02A | Proposed Site Plan Designations |
| L-01-00 | Existing Site Plan |
| L-01-01A | Proposed Site Plan |
| A-01-00 | Ground Floor Plan |
| A-01-01 | Roof Plan |
| A-02-01A | Elevations |
| A-02-02A | Elevations |
| A-03-01 | Sections |
| A-03-02 | Sections |
| A-07-01 | Material Samples |
| A-07-02A | Scooter Storage |
| L-01-10 | Existing Pitch Capacity |
| L-01-11A | Proposed Pitch Capacity |
| L-01-20A | Construction Management Plan |

Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) Prepared by t4 ecology Ltd, dated July 2016.

Transport Statement, prepared by Waterman, dated 21 September 2016.

School Travel Plan, prepared by Waterman, dated 22 September 2016

Planning Statement, prepared by The JTS Partnership LLP, dated November 2016

Design and Access Statement Rev. A, prepared by sixfoot studio, dated 21 September 2016

Arboricultural Impact Assessment, prepared by SES, dated 25th July 2016.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

- 3 Prior to first occupation of the new building, a minimum of 3 covered bicycle stands and 60 scooter stands shall be erected at the locations indicated on drawing L-01-01A
- 4 Within one month of completion of the construction or within one month of first occupation of the proposed development, the temporary construction compound area shall be removed and the land reinstated to its previous condition as a playing field.
- 5 Details and samples of the materials to be used for the external appearance of the building shall be submitted to and approved in writing by the Planning Authority prior to installation of the materials on site. The details shall include the materials, colours and finishes to be used on all buildings. The development shall be implemented in accordance with the approved details.
- 6 The development shall be carried out in accordance with the tree root protection and mitigation measures in the Arboricultural Impact Assessment, prepared by SES, dated 25th July 2016.

INFORMATIVES

School Travel Plan

The school, in association with Essex County Council's School Travel Planning Advisor, shall agree the frequency of reviewing and, where necessary, updating the School Travel Plan. To this end, the School Travel Planning Advisor will provide assistance in identifying measures that should help to mitigate the overall impact of the proposal.

Highway Works

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood.
CM13 3HD.

Nesting Birds

It should be noted that the main bird breeding season is between the months of March to September inclusive. If works affecting vegetation are carried out during the nesting season, a search should be undertaken to confirm presence/absence of nesting prior to works being undertaken.

Ecological Enhancements

As part of the proposals, there may be opportunities to enhance the proposals through provision of habitat boxes (bird/bat) on the buildings, in addition to new planting/hedgerow enhancement as part of the landscaping scheme. Suggested habitat boxes/plant species are provided within Annex 4 of the "Extended Phase 1 Habitat Survey Report (t4 Ecology Ltd, dated 27 July 2016) " and should be provided as appropriate.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

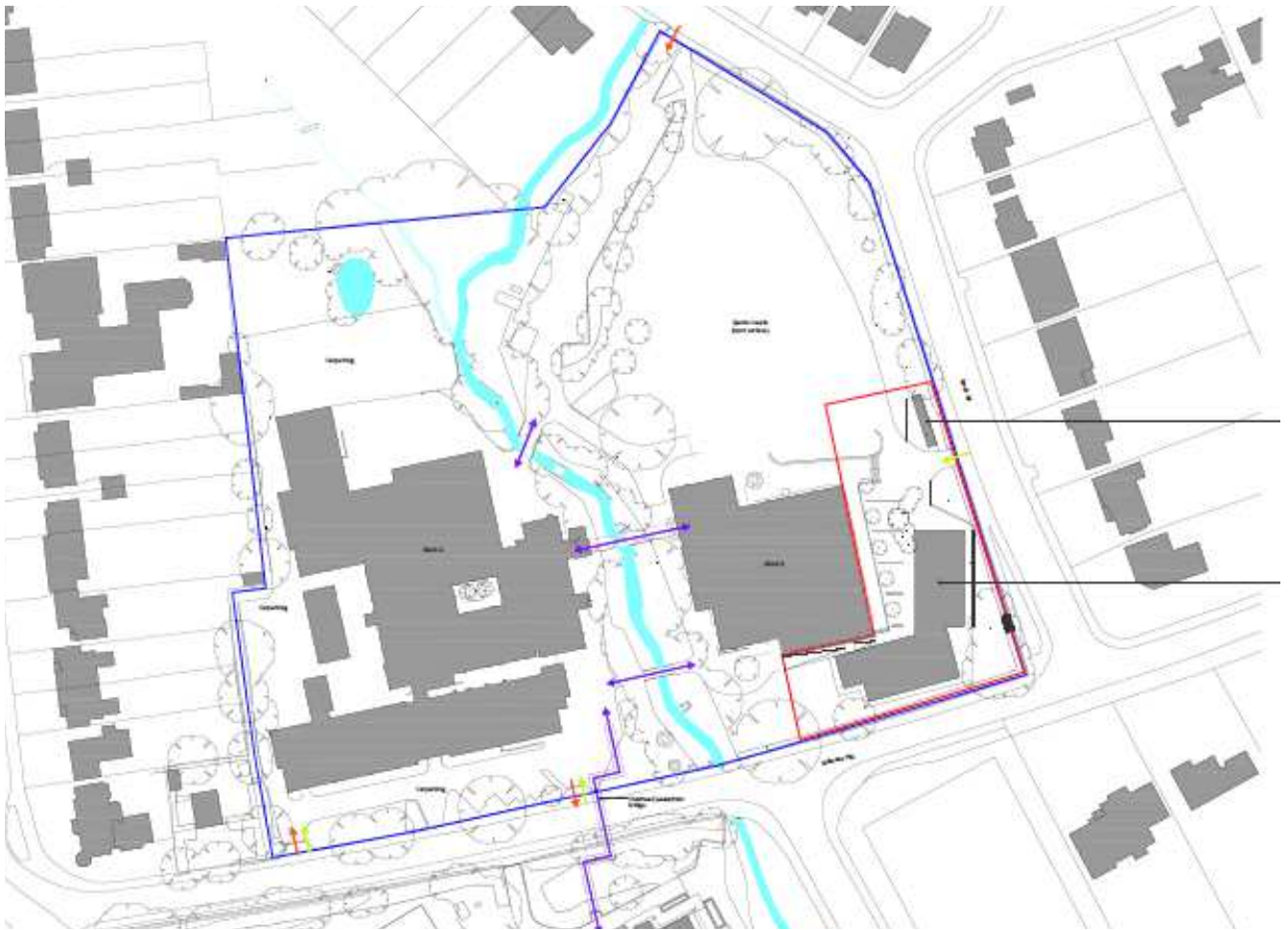
LOCAL MEMBER – BRENTWOOD SOUTH

date 16 December 2016

Applicant: **Essex County Council**

The full application can be viewed at www.essex.gov.uk/viewplanning





Site Plan

1. BACKGROUND

The site has benefited from a number of previous planning permissions:-

EPF/2318/11 - Erection of new 1.7m high student entrance gates on to Alderton Hill (in connection with erection of security fences and gates within the school grounds around the rear car park, and to the sides of the main building fronting Alderton Hill). (Revised application which omits new boundary fencing along Brook Road and Alderton Hill.) – 22/11/11 approved by Epping DC

EPF/1301/96 - Artificial outdoor sports pitch, with floodlighting and fencing for school and club use. – 11/10/96 Approved by Epping DC

CC/EPF/0004/88 - Extension to school – Approved 3/3/88

CC/EPF/0021/79 - New School Building, Remodel existing building, construct bridge, vehicular access, see EPF/1764/79/ File B– Approved 31/03/80

EPF/1764/79 - EPF/21/79 Erection of new school building, remodelling existing building and construct bridge and vehicular access. – Approved 16/11/79

EPF/0995/76 - CC/EPF/11/76 Outline application for the erection of school

buildings for Loughton County High School for Girls and The Brook Secondary School for Boys. –Unknown

CHI/0042A/53 – Extensions to School File A – Approved 12/03/62

CC/CHI/0004/61- Extensions to School File B – Approved 12/03/62

2. SITE

The site is located in the district of Epping Forest, approximately 4km inside the M25 motorway and approximately 2.5km from the outer edge of the London Borough of Redbridge.

The site is approximately. 70 metres east of the edge of the defined town centre boundary of Loughton and approximately 200 metres north of Loughton Tube station on the Central Line of the London Underground network.

The site is bounded by Alderton Hill to the south and Brook Road to the east. The existing school buildings lie to the west and playing courts to the north with residential properties beyond.

Loughton brook passes to the west of the development site boundary, running from north to south, bisecting land in school ownership land and there is an existing bridge linking both sides.

The development site for the proposed building is located in Flood Zone 1. Other land in school ownership, further north and south are located within Flood Zone 2.

3. PROPOSAL

The proposed development is for the construction of a new two storey detached educational block (c.918sq.m) to accommodate six classrooms, a library and ancillary facilities on the site of the existing school at Roding Valley High School.

The proposed development would facilitate an expansion from eight form of entry to nine, along with commensurate expansion of sixth form facilities.

4. POLICIES

The following policies of the Epping Forest District Local Plan Saved Policies 2006 provide the development plan framework for this application. The following policies of relevance to this application:

Epping Forest District Local Plan Saved Policies 2006

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the Quality of the Rural and Built Environment

CP3 New Development

CP6 Achieving Sustainable Urban Development Patterns

CP7 Urban Form and Quality
 CP9 Sustainable Transport
 CF5 Educational buildings outside the green belt.
 DBE1 Design of new buildings
 DBE2 Effect on neighbouring properties
 DBE3 Design in Urban areas
 DBE9 Loss of amenity
 LL7 Planting protection and care of trees
 LL10 Adequacy of provision for landscape retention
 LL11 Landscaping schemes
 ST1 Location of Development
 ST2 Accessibility of Development
 ST3 Transport Assessments
 ST4 Road Safety
 ST5 Travel Plans

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Epping Forest District Draft Local Plan (on consultation 31/10/2016 – 12/12/16)

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

National Planning Policy Framework (NPPF), DCLG March 2012

Section 1: Building a strong, competitive economy.
 Section 4: Promoting sustainable transport
 Section 7: Requiring good design
 Section 8: Promoting healthy communities
 Section 10: Meeting the challenge of climate change, flooding and coastal change
 Section 11: Conserving and enhancing the natural environment

Supplementary Planning Documents
 Essex County Council – Development Management Policies – February 2011

5. CONSULTATIONS

EPPING FOREST DISTRICT COUNCIL – Objects on the following grounds

“By reason of its bulk, design and siting the proposed development would not respect its setting and as a consequence would cause significant harm to the character and appearance of the locality. The District Council recognises the need for expansion at the school, however, the need for expansion is not demonstrably outweighed by the degree of harm likely to be caused by the proposal. Accordingly, the proposal is contrary to Local Plan and Alterations policies CP2(iv), CP7 and DBE1 which are consistent with the National Planning Policy

Framework.” A detailed assessment accompanies the above conclusion.

HIGHWAY AUTHORITY – No response received.

PLACE SERVICES (Ecology) - No objection - The proposal involves the extension of a building onto an area of amenity grassland with individual trees and a boundary hedgerow. The grassland is likely to have negligible ecological value being managed as a short sward. Further, the trees and hedgerow are on the edges of the site footprint and are shown as retained on the proposed site plan (P15-058-220). No ecological impacts are predicted as a result of the work.

PLACE SERVICES (Trees) – Support subject to condition relating to tree protection

PLACE SERVICES (Urban Design) – Supports subject to conditions

The location of the proposals

The planning application includes a range of supporting information which explores the positive and negatives of a range of alternative locations for the proposed school building. These options consider the impact the proposed building will have on both the school site and grounds as well as the surrounding residential areas. At pre application review it was considered that the various alternative options explored had been appropriately assessed; the eventual proposed school site location creates the least impact on the existing school, school site and the surrounding residential streets.

Building Design

During pre-application discussions it was considered that the proposed form, scale and massing of the proposed building design is suitable for the site. The proposed materials make subtle reference to the design cues of the existing school building, while creating a positive, fit for purpose school extension. The proposed materials palette includes brick, zinc and trespas cladding which seek to create a modern interpretation of the existing school. In terms of design, this approach is supported. Taking into account the sensitivities of the site in regards to the location of the proposals I would recommend that a planning condition for the materials to be approved prior to construction be applied to this application.

Landscape and boundary treatment

The proposed landscape design is an integrated part of the proposals; the location of the proposed building creates opportunities for both a hard landscaped courtyard and a green soft landscaped area to the corner of the site.

It was suggested at pre application that the existing trees should remain, rather than planting smaller new trees in their place. The proposed site plan (dwg. P15-058-220) includes revisions to the eastern boundary edge which are supported. The existing tree planting and (to a lesser extent the hedgerow) now remain which will help to reduce the visual links between the school and the neighbouring residential dwellings along Brook Road.

There is still opportunity to re-establish and improve the boundary edge along Brook Road; it is noted that the proposed planting plan seeks to fill any existing gaps in the existing boundary hedge.

Again, taking into account the sensitivities of the eastern boundary between the

school site and Brook Road, I would recommend that a planning condition for the landscape planting to be approved prior to construction be applied to this application.

PLACE SERVICES (Historic Environment) – No objection

“The current school is of architectural interest, having its origins in the early 20th century. However the proposed development is outside the original school boundary and is unlikely to impact on significant archaeological remains.”

PLACE SERVICES (Historic Buildings) – No objection

“The principle elements of Roding Valley High School are handsome examples of early C20th architecture and can be considered a Non-Designated Heritage Asset. The proposed new addition would not impact upon the special interest of these buildings.

The character of the local street scene is defined as much by the open spaces and vegetation as it is by the built environment. The proposed building is closer to the plot than the majority of buildings in the locality and given the proposed is two-storey this would be uncharacteristically evident from Alderton Hill and Brook Road.”

LOUGHTON TOWN COUNCIL – The Committee considered the proposals and made the following comments:

- i. Additional full height green screening was required along the full length of the new development adjacent to Brook Road to minimise the impact of the buildings on the streetscene and avoid any potential overlooking of properties.
- ii. Members expressed concern about the adverse impact of additional traffic in the vicinity given the existing congestion in the area.
- iii. The physical model of the building in context (File no BA P15 058 911) appeared misleading with regard to the distance of the development from Brook Road as to that shown on the plans.

LOCAL MEMBER – EPPING FOREST – Loughton Central – Any comments received will be reported at Committee.

6. REPRESENTATIONS

36 properties were directly notified of the application. 16 letters of representation have been received, including one from a residents association. These relate to planning issues covering the following matters:

| <u>Observation</u> | <u>Comment</u> |
|---|---|
| Concern regarding proximity to boundary and properties in Brook Road | See appraisal |
| Discrepancies between model presented by school consultation and the drawings submitted with planning | The planning application will be assessed using the drawings submitted under planning reference |

| | |
|--|---|
| application. | CC/EPF/51/16 and that supersedes anything presented by the school at their consultation event. |
| Boundary hedge should be retained and gaps filled. | See appraisal |
| Overlooking and privacy concerns-mitigation in form of tree planting/obscure glass suggested. | See appraisal |
| Volume of construction traffic in conjunction with nearby construction sites and normal school traffic. | See appraisal |
| Objecting to design not objecting to increase in school size. | Noted |
| Impact on visual character of locality. | See appraisal |
| Difference between setback of houses on Brook Road at 13m in relation to proposed setback of 3m for school building. | See appraisal |
| Consider alternative options. | See appraisal |
| School consultation event was not adequate – limited time slot | Consultation was carried out by the County Planning Authority for a 21 day period ending on 29/11/2016. Any other consultation carried out by the school prior to making a planning application is optional but encouraged. |
| Traffic and Parking issues. | See appraisal. Also note, enforcement of traffic regulation orders is not a planning matter. |

7. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Site layout and urban design
- C. Sustainable Transport and Highways Impact
- D. Residential Amenity
- E. Trees and Landscaping

A **PRINCIPLE OF DEVELOPMENT**

Having regard to the established educational use on site, the sustainable location

in terms of proximity to Loughton town centre and accessibility to public transport, the proposed construction of a new school building on the site is considered acceptable in principle, subject to meeting all other site specific planning criteria as discussed below.

Furthermore, the proposed development would be in accordance with Policy CF5 of the Local plan that states *“The Council will grant planning permission for replacement or additional educational buildings on existing school or college sites outside the Green Beltif it is satisfied that the loss of any associated open space would not have an excessively adverse effect on the townscape in the vicinityand it does not involve the loss of any playing fields.”*

The proposed development’s location will be considered further.

B SITE LAYOUT & DESIGN

It is a core planning principle of the NPPF to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

A Design and Access Statement is submitted in support of the planning application.

Location of proposed development

The Design and Access Statement outlines the feasibility study undertaken by the applicant in selecting the proposed location for the construction of the school building.

The approach chosen by the applicant was to locate the additional capacity on the northern part of the school landholding, where all the teaching and accommodation currently exists. Three location options were considered in the feasibility report; two were discounted due to difficulty of fitting in with the floorplate of the existing school and difficulty interfacing with existing buildings. The preferred option selected by the school was the south eastern corner of the northern landholding and this is proposed in the current planning application.

It is also noted that while options further north have not been presented by the applicant, most of this area lies within Flood Zone 2, therefore taking a sequential approach, the site selected , which is on Flood Zone 1 (low flood risk) is the preferred approach.

In conclusion, it is considered that the location of the proposed development is considered to be the best available on the site, taking account of flood risk, retention of playing pitches, impact on adjoining residents and the streetscape and connectivity with the existing school.

Design & Massing

The design takes the form of two wings. One wing runs parallel to Alderton Hill, the other splays towards Brook road and creates a splayed courtyard in conjunction with the existing 'Block B' building.

The adoption of a flat roof structure minimises the overall bulk of the building which sits much lower than the pitched roof adjacent Block B whilst also being significantly less prominent when viewed from Brook Road and Alderton Hill.

The building datum has been lowered to approximately 1.5m below Brook Road which, together with retention and reinforcement of existing trees and landscaping would minimise visual impact of the new building especially when viewed against the back drop of the existing Block B building that sits considerably higher immediately to the rear.

The Councils Urban Design Consultant comments *“the proposed form, scale and massing of the proposed building design is suitable for the site. The proposed materials make subtle reference to the design cues of the existing school building, while creating a positive, fit for purpose school extension.”*

It is noted that the Planning Officer takes a different view and objects *“By reason of its bulk, design and siting the proposed development would not respect its setting and as a consequence would cause significant harm to the character and appearance of the locality.”* (Citing Policies CP2(iv), CP7 and DBE1 – see full text at Appendix 1)

Policy C2 (iv) aims to protect the quality of the rural and built environment by safeguarding and enhancing the setting, character and townscape of the urban Environment.

As per policy CP7 *“one of the Council’s primary objectives is to make the fullest use of existing urban areas for new development before locations within the Green Belt. In view of this primary objective, the environmental quality of existing urban areas will be maintained and improved as attractive places in which to live, work and visit....”*

While it is acknowledged the setting of the streetscape would change with the building line closer to the junction of Brook Road and Alderton Hill, however it would not result in overdevelopment, unsympathetic change or loss of amenity and it is therefore considered the proposed building would be appropriate in this setting and would be in accordance with Policy CP7 and CP2 (iv)

It is considered that the proposed school building respects its setting in terms of scale, proportion, siting, massing, height, and orientation and is considered to be acceptable in accordance with policy DBE1, CP2 9iv) and CP7 of the Local Plan.

Daylight/Sunlight

A Daylight and Sunlight Assessment submitted in support of the application, which concludes that although there would be some loss of light to the existing Block B (to the west of proposed building), the resulting daylight factor would still be higher than the minimum and is therefore considered adequate.

The report also concludes that the proposed new school building would achieve

adequate daylight levels.

In conclusion, in the siting the proposed school building it is considered that alternatives have been properly considered, taking a sequential approach to locating the building outside areas at risk of flooding and avoiding loss of playing pitches. The eventual proposed school site location creates the least impact on the existing school, school site and the surrounding residential streets and would be in accordance with policies DBE1 of the Local Plan and the principles of requiring good design in the NPPF.

Furthermore, having regard to paragraph 72 of the NPPF

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools”. It is considered that the need for school places outweighs the minor impacts of changes in the street scene.

C SUSTAINABLE TRANSPORT & HIGHWAYS IMPACT

A Transport Statement and Travel Plan have been submitted in support of the planning application.

The NPPF promotes sustainable transport. The school site is considered to be sustainably located, approx. 100 metres north of Loughton Tube station on the London Underground Central Line (Zone 6) and 70m east of the defined town centre boundary of Loughton.

The proposed development would accommodate an additional 350 pupils and has been considered in relation to the Essex Parking Standards (2009).

Minimum Cycle Parking Requirements:

In accordance with standards, the minimum requirement is 1 space per 3 pupils plus 1 space per 5 staff.

An additional 350 pupils would require a minimum of 116 cycle spaces and an additional 11 staff would require 3 cycle spaces.

The applicant is proposing to install a bicycle shelter to accommodate 30 bicycles, adjacent the pedestrian entrance on Brook Road.

The School Travel Plan submitted includes a survey (2016) which concludes almost 90% of pupils travel to school by sustainable modes (Walk, Bus, Car share, Train, cycle), with walking to school the most popular choice at 44%. Almost 25% of staff travel by sustainable modes.

Having regard to the sustainable location of the school with a variety of public transport options, the result of the survey in the Travel Plan indicating that 90% of pupils and 25% of staff travel to school by sustainable modes (walk, bus, car

share, train, cycle) and also taking into consideration the absence of dedicated cycle lanes in the vicinity of the school and the busy nature of the surrounding road network, the proposal to provide 30 cycle places, while falling short of the Essex minimum standards is considered adequate in this instance to promote sustainable transport modes.

There is no proposal to alter the current car parking arrangements.

In conclusion, it is considered the proposal is in accordance with policies ST1, ST2, ST3, ST4, and ST5 of the Epping Forest Local Plan and the principle of promoting sustainable transport in the NPPF.

D RESIDENTIAL AMENITY

Overlooking

The nearest residential properties to the proposed development are existing two storey houses at No. 8 Alderton Road and No.'s 34 & 36 Brook Road, which are located directly opposite the proposed school building.

At the nearest point the upper floor windows of the proposed school building would be a distance of 32 metres from the upper floor windows of No. 34 & 36 Brook Road and a distance of 36 metres from the upper floor windows of No. 8 Alderton Hill.

A separation distance of 22m between facing buildings is considered to be the best practice minimum distance required to achieve adequate privacy levels.

The separation distances that would be achieved in this case would be greater than 32 metres.

Any potential for overlooking would also be minimised by the difference in level between the properties, with the existing dwelling houses elevated above the proposed school building, as the ground slopes upwards from west to east. In addition, the proposed school building would be orientated at an angle to the existing houses, thereby reducing the field of vision towards existing properties.

Therefore it is considered there would be adequate separation distance between the proposed school building and existing properties that would not result in overlooking of existing residential properties and would be in accordance with Policy DBE2 and DBE9.

Overshadowing

A Daylight and Sunlight Assessment, carried out in accordance with 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE2011) has been submitted in support of the application.

The report concludes that the adjacent residential properties would not be affected and would see no reduction in daylight or sunlight beyond the levels recommended in the guidance.

The distance between the proposed school and nearest residential properties (32m) is more than 3 times the height of the proposed building (7.6m), therefore having regard to the BRE guidance, there would be no significant loss of daylight.

The profile of the proposed school building also sits under the 25 degree angle line from existing properties, therefore having regard to BRE guidance, the proposed development is unlikely to have substantial effect on the sunlight enjoyed by existing properties.

In conclusion, having regard to the height of the proposed school building and separation distance from existing residential properties, the development would not result in overlooking or loss of daylight or sunlight to existing properties, and would not result in adverse impact on residential amenity of adjoining occupiers and would be in accordance with Policy DBE9 of the Local Plan.

E LANDSCAPING AND TREES

The proposal includes the removal of 7 no. small silver birch trees within the site boundary and replacement with 5 no. trees in the proposed courtyard.

The removal of one tree on the southern site boundary is also proposed. It is proposed to retain the existing tulip tree.

It is proposed to retain all other trees and hedgerow on the south and east site boundary.

The Councils Arboricultural consultant recommends that a tree survey and root protection plan be submitted prior to commencement of development.

The applicant has proposed to retain the existing landscaping on the boundary with Brook Road and Alderton Hill in addition to proposing supplementary planting along those boundaries. A condition has been recommended below to agree the detail.

In conclusion, the proposed development would be in accordance with policies LL7, LL10 and LL11 of the Local Plan.

8. CONCLUSION

The proposal to construct a new educational block on the site of the existing school is considered acceptable principal, having regard to the established educational use on site and the good accessibility to sustainable modes of transport.

Having regard to the height of the proposed building and separation distance from adjoining residential properties, the development as proposed would not result in overlooking or loss of daylight/sunlight and would adequately protect the residential amenity of adjoining occupiers.

While the proposed building would be visually prominent at the junction of Brook Road and Alderton Hill, and would represent a change in the streetscape, it is

considered this would not negatively impact on the amenity of adjoining residents or the visual amenity of the street scene. Having regard to paragraph 72 of the NPPF, it is further considered that any minor impacts would be outweighed by the need to create additional school places.

The proposed development would be in accordance with policies CP1, CP2, CP3, CP6, CP7, CP9, CF5, DBE1, DBE2, DBE3, DBE9, LL7, LL10, LL11, ST1, ST2, ST3, ST4, and ST5 of the Epping Forest District Local Plan 2006 and the National Planning Policy Framework (NPPF 2012)

9. RECOMMENDED

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

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/EPF/51/16 validated on 01 November 2016

Drawings

| | |
|----------------|---|
| 058-001 | Location Plan |
| 058-010 | Block Plan as Existing |
| 058-020 | Site Plan as Existing |
| 058-031 | Site Section AA & BB as Existing |
| 058-032 | Site Section CC&DD as Existing |
| 058-110/Rev. A | Proposed Block Plan |
| 058-220/Rev. A | Proposed Site Plan |
| 058-201 | Proposed Floor Plans |
| 058-210 | Proposed Roof Plan |
| 058-231 | Proposed Section FF&GG |
| 058-242 | Proposed East Elevation/Street Elevation |
| 058-243 | Proposed South Elevation |
| 058-244 | Proposed Courtyard North & West Elevation |
| 058-921 | Proposed Cycle Shelter |
| 058-931 | Boundary Distance Diagram |

Design and Access Statement prepared by Barker Associates, dated September 2016

Daylight and Sunlight Assessment prepared by MLM Consulting Engineers Ltd, dated 01 August 2016.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

- 3 Prior to first occupation of the proposed building, a minimum of 30 covered bicycle stands shall be erected on site in accordance with drawings 058-921 and 058-220/Rev. A.
- 4 Prior to commencement of development, a full Arboricultural survey and report in accordance with BS5837:2012 shall be submitted for the prior written approval of the County Planning Authority.

The report shall include the following:

- a) a plan that shows the position, crown spread and root protection area in accordance with section 5.5 of BS5837:2012 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
- b) details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012
- c) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.
- d) details and positions of the ground protection in accordance with section 2 of BS5837:2012.
- e) details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f) details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.
- g) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.
- h) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph 5.4.2 of BS5837:2012.
- i) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.
- j) details of the methodology to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
- k) details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- l) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.
- m) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phototoxicity
- n) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of

BS5837:2012.

o) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.

p) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall be implemented in accordance with the approved report.

- 5 No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection. 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 the approved scheme.
- 6 Samples of the proposed external material finishes shall be submitted for the written approval of the County Planning Authority prior to their installation on site. The development shall thereafter be implemented in accordance with the approved external material finishes.

INFORMATIVES

School Travel Plan

Prior to the beneficial occupation of the development it is advised that a Travel Plan including monitoring arrangements is prepared, in liaison with the Highway Authority, and subsequently implemented in full.

The school, in association with Essex County Council's School Travel Planning Advisor, is advised to agree the frequency of reviewing and, where necessary, updating the School Travel Plan. To this end, the School Travel Planning Advisor will provide assistance in identifying measures that should help to mitigate the overall impact of the proposal.

BACKGROUND PAPERS

Planning Application drawings and documents Reference CC/EPF/51/16
Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

EPHING FOREST – Loughton Central

Extracted from the Epping Forest District Council Combined Local Plan (1998) and Local Plan Alterations (2006)

POLICY CP2 – PROTECTING THE QUALITY OF THE RURAL AND BUILT ENVIRONMENT

The quality of the rural and built environment will be maintained, conserved and improved by:

(iv) safeguarding and enhancing the setting, character and townscape of the urban environment;

POLICY CP7 – URBAN FORM AND QUALITY

In line with policies CP6 and ST1, one of the Council's primary objectives is to make the fullest use of existing urban areas for new development before locations within the Green Belt. In view of this primary objective, the environmental quality of existing urban areas will be maintained and improved as attractive places in which to live, work and visit. Where the existing urban fabric provides for high quality in design and local environment by virtue of its existing character, open land uses and buildings and areas of architectural, historic and archaeological importance, this will be strongly protected and enhanced. New development in all urban areas which results in overdevelopment, unsympathetic change or loss of amenity will not be permitted. Subject to those considerations, existing built-up areas will be used in the most efficient way to accommodate new development by the:

(i) recycling of vacant, derelict, degraded and under-used land to accommodate new development;

(ii) re-use of existing buildings by refurbishment, conversions, changes of use and extensions;

(iii) re-use of urban sites, which are no longer appropriate to their existing or proposed use in the foreseeable future, for alternative land uses; and

(iv) use of higher densities where compatible with the character of the area concerned and urban design controls.

POLICY DBE1- DESIGN OF NEW BUILDINGS

The Council will require that new buildings:

(i) respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing;

(ii) are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and

(iii) only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

DR/46/16

Committee DEVELOPMENT & REGULATION

Date 16 December 2016

INFORMATION ITEM**Applications, Enforcement and Appeals Statistics**

Report by Director of Operations, Environment & Economy

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of October

22

Nº. Decisions issued in November

3

Nº. Decisions issued this financial year dec

28

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in November

1

Nº. Section 106 Agreements pending at the end of November

8

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

98%

Nº. Pending at the end of October

7

Nº. Decisions issued in November

4

Nº. Decisions issued this financial year

41

Nº. Delegated Decisions issued in November

4

All Applications

Nº. Delegated Decisions issued in November

5

Nº. Committee determined applications issued in November

2

Nº. of Submission of Details dealt with this financial year

104

Nº. of Submission of Details pending at the end of November

75

Nº. of referrals to Secretary of State under delegated powers in November

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of November

2

Nº. of appeals allowed in the financial year

0

Nº. of appeals dismissed in the financial year

0

Enforcement

Nº. of active cases at end of last quarter

22

Nº. of cases cleared last quarter

11

Nº. of enforcement notices issued in November

0

Nº. of breach of condition notices issued in November

0

Nº. of planning contravention notices issued in November

0

Nº. of Temporary Stop Notices issued in November

1

Nº. of Stop Notices issued in November

0