

Development and Regulation Committee

10:30	Friday, 21 April 2017	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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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:

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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 The Committee Officer to report receipt (if any).	
2	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3	Minutes To approve the minutes of the meeting held on 24 March 2017.	7 - 30
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	Waste Transfer Station, Harlow To consider report DR/16/17, relating to the continuation of use as a Waste Transfer Station without compliance with Condition 2 (compliance with submitted details) attached to planning permission reference ESS/26/16/HLW, to allow an additional use of the site for overnight parking of associated Heavy Goods Vehicles and trailers. Location: Waste Transfer Station, West Road, Harlow, CM20 2AL. Reference: ESS/06/17/HLW	31 - 42
6	County Council Development	
6.1	Joyce Frankland Academy, Newport To consider Report DR/17/17, relating to the construction of a detached Two Storey School Building, Including 9 New Classrooms and Ancillary Facilities. Location: Joyce Frankland Academy, Essex, Newport, CB11 3TR Reference: CC/UTT/04/17.	43 - 62

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|-----------------------------|--|----------------|
| 6.2 | Beaulieu Park Schools Campus, Chelmsford
To consider report DR/18/17, relating to the proposed development of the Beaulieu Park Schools Campus, consisting of a 1200 place three storey Secondary School, 420 place two storey Primary School, 56 place single storey Nursery, Sports Hall with associated community facilities, hard and soft play areas, means of enclosure, landscaping, car parking, bicycle and scooter parking and associated infrastructure on a site of aprox. 11.8ha with vehicular access from Armistice Avenue and pedestrian access via Beaulieu Square, Chelmsford
Location: Land to the northeast of the junction of White Hart Lane (A130) and Essex Regiment Way, Chelmsford. | 63 - 88 |
| 7 Enforcement Update | | |
| 7.1 | Land at Dannatts Quarry, Hatfield Peverel
To consider Report DR/19/17, relating to the enforcement of planning control in respect of the restoration of mineral workings and non-compliance with planning conditions at Dannatts Quarry, Hatfield Peverel.
Reference: 70/421/33/114. | 89 - 94 |
| 8 Information Item | | |
| 8.1 | Applications, Enforcement and Appeals Statistics
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/20/17 | 95 - 96 |
| 9 | Date of Next Meeting
To note that the date of the next Committee meeting is scheduled for Friday 26 May 2017, which is after the County Council elections. | |
| 10 | 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.

11 Land at Dannatts Quarry, Hatfield Peverel - Appendix 2

- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

12 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, CM1 1QH on Friday, 24 March 2017**Present:**

Attendees

Cllr R Boyce (Chairman)	Cllr C Guglielmi
Cllr J Abbott	Cllr J Jowers
Cllr K Bobbin	Cllr J Lodge
Cllr M Ellis	Cllr M Mackrory
Cllr A Erskine	Cllr J Reeves
Cllr I Grundy	Cllr C Seagers

1 Apologies for Absence

Apologies were received from Cllr S Lissimore (substituted by Cllr I Grundy) and Cllr Lady Newton (substituted by Cllr C Seagers).

2 Declarations of Interest

Cllr Guglielmi declared that, as member for the division of Tendring East, he is local member in respect of Agenda Item 5.1, the application concerning Martells Quarry, Ardleigh.

3 Minutes

The minutes of the meeting held on 24 February 2017 were agreed and signed by the Chairman.

4 Identification of Items Involving Public Speaking

There were no public speakers identified.

Cllr Anne Brown had indicated that she wished to make a contribution in respect of Agenda Item 5.2, concerning Good Friday workings at Greenacres, Wormingford, as local member. However, she was unable to attend the meeting in person so had submitted a statement to be read out at the meeting.

Minerals and Waste**5 Land at Martells Quarry, Ardleigh**

The Committee considered report DR/11/17 by the Acting Head of County Planning.

The Members of the Committee noted the contents of the Addendum. They also noted an error on page 23 of the agenda, penultimate sentence of the third paragraph, which should read "Infilling had been previously proposed at some 120,000 tonnes ..."

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 Development
- Visual Impact
- Ecology
- Noise and Odour
- Traffic
- Landowner comments
- Proposed Material Recycling Facility and Tax Exempt Soil Blending Locations.

In response to points raised, it was noted:

- The maximum height would be 40 metres in the middle of the site - the previously approved post-settlement level
- The material used for infilling is restricted to commercial and industrial, non-hazardous, solid, dry waste, which has already been through a material recovery facility. This is controlled by the Environment Agency
- The older cells show greater compaction, both because of the wider range of materials used previously and the compaction created by the clay stockpile in the northern cells
- There are two site offices: one to the north, and a second more central, next to the gas flame. The latter serves as a regional office, so the extended opening hours. It is well screened and the likely impact would be de minimis.

There being no further issues raised by Members, the resolution was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

That for ESS/30/16/TEN planning permission be granted subject to the following conditions:

Duration

1. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the gas flare subject to the other condition requirements below, shall be removed and the site restored in accordance with the conditions of this permission not later than 31st December 2023.

Approved Details

2. Except as may be modified or required by the other conditions to this permission by the Waste Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as

set out in:

- a) Planning Application form from Icon Consulting dated 8th April 2016.
- b) Planning Supporting Statement dated 30th May 2016.
- c) Drwg Nos: SP000 entitled "Section Identification Plan" dated January 2016.
- d) Drwg Nos: SP001 entitled "Section A" dated January 2016.
- e) Drwg Nos: SP002 entitled "Section B" dated January 2016.
- f) Drwg Nos: SP003 entitled "Section C" dated January 2016.
- g) Drwg Nos: SP004 entitled "Section D" dated January 2016
- h) Drwg Nos: SP005 entitled "Section E" dated January 2016
- i) Drwg Nos: SP005 entitled "Section F" dated January 2016
- j) Drwg Nos: LF001 entitled "Proposed Pre-Settlement Levels" dated January 2016
- k) Drwg Nos: LF002 entitled "Proposed Post Settlement Levels" dated January 2016
- l) Drwg Nos: SWP001 entitled "Post Settlement Surface Water Management" dated May 2016
- m) Drwg Nos: CL001 entitled "Landfill Cell Identification" dated May 2016
- n) Drwg Nos: RS001 entitled "Restoration Phasing Plan" dated May 2016
- o) Drwg Nos: TOP01 entitled "Topographical Survey 2015" dated May 2016
- p) Drwg Nos: TOP02 entitled "Additional Topographical Information of Eastern Flank" dated May 2016

as amended by:

- q) The e-mail from Michael Graham dated 19th August 2016 (10:31) and accompanying:
 - 1. Soil Composition Addendum dated 19th August 2016.
- r) The e-mail from A Bingham to M Graham dated 8th December 2016 (17:27) and accompanying:
 - 1. Bingham : Hall Associates "Landfill Restoration Drainage Strategy"

Report Version 1 dated 9th December 2016.

s) The e-mail from Michael Graham dated 27th February 2017 (15:58) and accompanying:

i) Wild Frontier Ecology report for Martells Quarry Landfill Site, Ardleigh, Essex. Dated February 2017.

t) The e-mail from Michael Graham dated 28th February 2017 (14:41) and accompanying Supporting Statement and Environmental Statement clarification points dated 28th February 2017.

u) The e-mail from Michael Graham dated 12th March 2017 (23:13) and clarification points and accompanying:

1. Drwg No S003 entitled "Section C" dated Jan 2016 and
2. Drwg S004 entitled "Section D" dated Jan 2016.

v) The e-mail from Michael Graham dated 13th March 2017 (19:00) and accompanying:

1. Drwg No: S007 entitled "Sections 01-02" dated Jan 2017.
2. Drwg No: S008 entitled "Sections 03-04" dated Jan 2017.

Availability of Plans

3. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

Protection of Existing Trees and Perimeter Vegetation

4. Existing hedgerows and trees on the perimeter of, the site and identified for retention shall be retained shall not be felled, lopped, topped or removed without the prior written consent of the Waste Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Waste Planning Authority, in the planting season immediately following any such occurrences.

5. No raising of existing ground levels on the western site boundary, to the south of the gas flare location, where it forms the boundary between the landfill site and the adjacent mineral extraction void shall take place until a scheme, based on Drwg No: S009 entitled " SW Boundary Retained Swale" dated Feb 2017, for the placing of material, as part of the marrying in of ground levels along the site boundary and in the vicinity of the boundary hedgerow/trees, to ensure their

protection has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved in writing by the Waste Planning Authority. The scheme shall make provision for:

- a) Measures to demarcate any standoff from any affected hedgerow/trees.
- b) Method of working along the western site boundary.
- c) Appropriately scaled plans and cross sections of working area to show how final tipped site levels marry into the hedgerow/outside ground levels.
- d) Timetabling of works.
- e) Programme of works to achieve a) and b) above.

For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction – Recommendations

Land to North of Site office/weighbridge

6. No use of the land between the site office/weighbridge and Slough Lane shall take place and the land shall be restored in accordance with Condition 40 of this permission.

Boundaries and Site Security

7. The operator shall maintain and make stock proof where required the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing as required for the duration of the development and aftercare period.

Ecological Interest

8. Prior to entry into any cell area or area of previously as depicted on Drwg Nos: CL001 entitled "Landfill Cell Identification" dated May 2016, written confirmation shall be made to the Waste Planning Authority from a qualified ecologist that there are no protected species interests within that part of the site that is being disturbed. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations. In the event of habitats/species being identified within any area entered then no further works shall take place until a qualified ecologist has assessed the area and an appropriate scheme of mitigation has been submitted and received the written approval of the Waste Planning Authority.

Bird Nesting

9. No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

Topographical site survey

10. Within 3 months of the date of this permission updated topographical surveys based on Drwg Nos: Drwg Nos: TOP01 entitled "Topographical Survey 2015" dated May 2016 and Drwg Nos: TOP02 entitled "Additional Topographical Information of Eastern Flank" dated May 2016 shall be submitted to the Waste

Planning Authority. The surveys shall identify and quantify any onsite soil making material, sub soil and topsoil present and available for site restoration.

Topographical level surveys

11. A survey of site levels shall be carried out:
- i. Within 6 months of the date of this permission
 - ii. On completion of final infilling to pre settlement levels
 - iii. Within 4 years of the date of this permission to confirm post settlement levels.

A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

Vehicle Routeing

12. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Waste Planning Authority if requested and retained for the duration of the life of the development permitted.

13. All HGV traffic using the application land shall only access and exit the site from the A120 via the private access off the A120 over Bromley Road and along Slough Lane to the application site entrance. The route being set out in Section 12.3.1 of the Transport Statement of the Environmental Statement dated February 2017.

Highway Cleanliness

14. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Haul Road maintenance

15. Within one month of the date of this permission a scheme to address the site access road to remove the transport of mud/other detritus onto Slough Lane shall be submitted to the Waste Planning Authority. The scheme shall then be implemented within two months of the date of the approval in writing by the Waste Planning Authority. The scheme shall make provision for:

- i) Hard bound surfacing of the access road.
- ii) New/relocation of the wheelwash facilities.
- iii) Programme of maintenance during the life of the development approved by this permission.

HGV Movements

16. The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following daily overall limits:

Mondays to Fridays 100 movements (50 in/50 out)

Saturdays: 50 movements (25 in/25 out)
Sundays and Bank/Public Holidays: None

Sheeting Vehicles

17. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the site.

Vehicle Maintenance

18. No servicing, maintenance or testing of vehicles or plant shall take place other than within the landfill void area or plant area.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

Environmental Protection**Hours of Operation**

19.

a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-

0800 – 1800 hours Mondays to Fridays.

0800 – 1300 hours Saturdays.

The site office situated within the landfill site proper adjacent the temporary gas flare shall have operating hours of:

0800 – 2200 hours Mondays to Fridays.

0800 – 1700 hours Saturdays.

b) There shall be no working on Sundays or Bank/National Holidays.

c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Rubbish

20. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed waste disposal site.

21. No waste material/soil or soil forming material imported into the application area shall be handled other than within the existing void area or for the purposes of the handling of soils in the tax exempt areas identified on Drg nos: Drwg No: S007 entitled "Sections 01-02" dated Jan 2017 and Drwg No: S008 entitled "Sections 03-04" dated Jan 2017. Stockpiles shall not exceed 6 metres in height from their base.

Burning

22. No waste or other materials shall be burnt on the site.

Lighting

23. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.
- b) Lighting design details.
- c) Proposed Illuminance coverage.
- d) Assessment of sky glow.
- e) Lighting does not illuminate boundary trees and hedgerows.
- f) Potential effects on nature conservation interests.

Noise - Normal Levels

24. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/30/16/TEN/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion / dB LAeq, 1hr
White House	55dB
Carringtons	55dB

Measurements shall be made no closer than 3.5m to the façade of properties or other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. . In the case of complaint(s) noise may be required to be measured at façade(s) and in this event these measurements will take precedence. Noise limits are set at 1.2 to 1.5 metres above ground level at monitoring points and 1.2 metres above ground level at a point 1 metre from façades. The façade limits include a +3dB(A) correction.

In the case of complaint(s) noise may be required to be measured at façade(s) and in this event these measurements will take precedence. Noise limits are set at 1.2 to 1.5 metres above ground level at monitoring points and 1.2 metres above ground level at a point 1 metre from façades. The façade limits include a +3dB(A) correction.

Loudspeakers

25. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Waste Planning Authority.

Reversing alarms

26. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and under the control of the applicant.

Dust

27. Within 2 months of the date of this permission a scheme for the control of dust monitoring/mitigation at the site shall be submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:

g) A dust control plan.

h) A dust monitoring plan to include:

I. The location(s) of dust monitoring points.

II. The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.

III. A programme of monitoring to commence prior to soil stripping to provide a baseline against which to compare future monitoring.

IV. A programme of implementation to include frequency of monitoring and locations during the various phasing works

V. A log of complaints from the public and a record of the measures taken to be kept and submitted to the Waste Planning Authority on request.

VI. The results of dust monitoring over each three month period shall be submitted to the Waste Planning Authority within 21 days of the end of each three month monitoring period.

Surface Water Drainage and Pollution Protection

28. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

29. a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;

b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;

c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and

d) There shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

30. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).

31. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

32. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

Fixed Plant and Buildings

33. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of wastes or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

Handling and Storage of Soil and Soil Forming Material

34. Prior to the handling of any soils whether insitu or having been in storage then any excess vegetation shall be removed from the areas to be stripped. The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

35. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

36. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

37. All suitable soils and soil making material shall be recovered where practicable for use in restoration and separately stored in locations that have received the prior written approval of the Waste Planning Authority.

38. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

39. All soil and soil forming material storage mounds or have been restored, shall

be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

Restoration

40. Within 3 months of the date of this permission, a restoration scheme based on Drwg Nos: RS001 entitled "Restoration Phasing Plan" dated May 2016 shall be submitted to the Waste Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:-

- a) Reinstatement programme including soil profiles and depths across the restored landform.
- b) The handling, storage and management of any imported soil making material, sub soil and topsoil identified for site restoration.
- c) Arrangements for analysing the material in b) above to ensure the appropriate material is suitable for the agricultural afteruse of the land.
- d) Measures for how soil making and soils would be laid and to what depths.
- e) Measures for ripping and stone/other detritus removal that would hinder agricultural afteruse are to be removed and what sizes being removed from each of the reinstatement layers.
- f) Removal of all site structures, including and not limited to gas flare and concrete hardstandings.
- g) Site water drainage both surface and sub surface and erosion aspects are minimised.
- h) The land being free from ponding and capable of receiving an effective artificial under-drainage system and agricultural machinery is not unduly restricted.
- i) How the landfill gas and leachate infrastructure provision would influence final landform design and field delineation and implications for undertaking future agricultural activities.
- j) Gradients do not exceed the post settlement levels shown on Drwg No S003 entitled "Section C" dated Jan 2016 and Drwg S004 entitled "Section D" dated Jan 2016.
- k) Programme of implementation.

Landscaping

41. Within 3 months of the date of this permission a scheme of landscaping, based on Drg no: 1910/005/K entitled "Restoration Proposals" dated March 2012 has been submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:

- a) A landscape management plan to include the recommendations of the Bingham : Hall Associates "Landfill Restoration Drainage Strategy" Report Version 1 dated 9th December 2016 in respect of the reed planting of the drainage ditches and management.
- b) Provision of a wildlife habitat area – taking account of the recommendation in Section 9 page 20 of the Wild Frontier Ecology February 2017 report.
- c) Husbandry management of the existing hedgerows/mature trees.
- d) Layout of fields and fencing/hedgerow design, detail and management.
- e) Ground preparation works, including soil assessment, ripping, de-stoning and

fertilising etc.

f) Planting species including berry bearing shrubs, size, density, numbers and location.

g) Grass seed mixes and rates.

h) A programme of implementation to include the provision for planting during the first available season following restoration.

i) A programme of management, maintenance and implementation timetable for the above.

Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

Agricultural Aftercare

42. Within six months of the date of this permission an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as agriculture shall be submitted for the approval of the Waste Planning Authority. The agricultural aftercare scheme shall be implemented in accordance with the details as approved in writing, by the Waste Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

i. soil analysis;

ii. planting

iii. cultivating

iv. fertilising

v. watering

vi. drainage

vii. weed control measures

viii. grazing management

ix. agricultural management practices in vicinity of perimeter hedgerows and trees

x. keeping of records; and

xi. annual meetings with representatives of the Waste Planning Authority, Natural England, landowners and interested parties to review performance.

The period of agricultural aftercare for the site or any part of it shall commence on the date of written certification by the Waste Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

Amenity Aftercare

43. Within six months of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a wildlife habitat as provided for in the recommendation in Section 9 page 20 of the Wild Frontier Ecology February 2017 report shall be submitted for the approval of the Waste Planning Authority. The amenity

aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Waste Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

(i) a management plan and strategy;

(ii) a programme to allow for monitoring the establishment of the habitat which shall provide for:

(a) such work as is necessary to enable the establishment of (ii) above;
and

(b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;

(c) For any woodland provision the:

cultivation practices;
post-restoration secondary soil treatments;
soil analysis;
fertiliser applications, based on soil analysis;
drainage;
tree planting and maintenance;
weed control;

(d) annual meetings with representatives of the Waste Planning Authority and landowners to review performance.

All areas the subject of amenity aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of amenity aftercare for the site or any part of it shall commence on the date of written certification by the Waste Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

Cessation – Site General

44. In the event of site operations being discontinued for six months in the period specified in Condition 1 of this permission then the land, or that part of it still remaining to be returned to its approved afteruse condition, shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Waste Planning Authority. The scheme shall be submitted not later than one month from the Waste Planning Authority's issue of written notice that it is of the opinion that infilling has not taken place in the six month period and shall include the requirements of Conditions 40 - 43 inclusive of this permission. The scheme, as approved by the Waste Planning Authority, shall be commenced within three months of notification of determination of the scheme

and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Waste Planning Authority.

6 Good Friday Operations

The Committee considered report DR/12/17 by the Acting Head of County Planning.

The Members of the Committee noted the contents of the Addendum.

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:

- Appropriateness of the location for accommodating activities on Good Friday
- Environmental aspects - noise and dust.

A statement from Cllr Anne Brown, as local member, was read out to the meeting. Cllr Brown made several points:

- This site is near several homes in Packard's Lane. When the original planning application was agreed by the Inspectorate, on appeal, protection was given the residents by prohibiting the use of the site on Bank Holidays. The residents think this protection is extremely valuable for family life and are concerned that this current application will erode this condition. What will be requested next year?
- The current permission allows for a limited number of vehicles to leave the site at 6 am and residents are certain that these numbers are less than the twelve asked for in this new Bank Holiday application
- I understand that the vehicle engines have to be started for safety checks before they can leave the site. 6am is an extremely early start time for these movements and safety checks, especially on a bank holiday. If the committee gives approval should the time be 7am to give the residents some public holiday respect?
- The smell of refuse from these returned vehicles is of concern to residents. If permission is given what can be done to minimise this issue - bearing in mind that the vehicles will be one hundred metres from the nearest house. Are the refuse vehicles sealed or open to the atmosphere?
- CSH is a very successful and progressive business and we can expect further requests in the future I am concerned that this application is only a start and will be the cause of much anguish in the future unless strict and fair controls are maintained and enforced.

Officers responded to these:

- The applicant had made a similar application in 2016, but too late to be

dealt with by the Committee, so they had to make other arrangements. This application will be taken on its own merits, as will any possible future application

- Under the present conditions, 12 vehicle movements are permitted between 6.00 and 7.30 am
- There are no particular safety checks for the engines before departure; they can be started and driven off immediately. These vehicles are equipped with modern, relatively quiet engines. They will be parked ready to drive out of the site and will turn away from residential properties. The applicant would be content with a 7.00 starting time
- The vehicles will be sealed. The Environment Agency has expressed its support for this approach, preferring it to having the refuse remaining uncollected for a longer period (given the extended Bank Holiday weekend).

In response to further points raised, it was noted:

- There should be minimal impact on residential amenity, with the vehicles being parked more than 200 metres from the nearest residences, and varying the condition on this occasion may provide Colchester Skip Hire with the opportunity to demonstrate that they are good neighbours
- An informative could be added, to make it clear that granting this permission sets no precedent

Members made observations:

- When the Inspector granted initial permission, working hours were restricted on this site and the situation has not changed
- An argument can always be made for some sort of commercial benefit; but the principle of the bank holiday, to provide respite from industrial activities, should be upheld - the local people deserve a quiet day.

Members proposed changing the start time from 6.00 am to 7.00 am.

There being no further matters raised by Members, the resolution, with the amended starting time, was proposed and seconded. Following a vote of ten in favour and two against, it was

Resolved

1. Approved Details

(A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4th July 2012 comprising:

(a) Drawing Numbers:

- (i) No 220 entitled "Site Layout Plan" dated January 2011
- (ii) No. 221 entitled "Floor Plan" dated December 2010

- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
- (ii) AAD "Acoustic Report" dated 21/12/12.

(e) For Sound Insulation those details set out in:

- (i) Letters of 23rd January 2013
- (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled Sound Insulation (Condition 10) dated January 2013 and revision dated February 2014
- (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 2013; 9th December 2013 and
- (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.

(f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:

- (i) Letter of the 14th January 2013
- (ii) Application form dated 14th January 2013
- (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.

(g) For foul and surface drainage those details as set out in:

- (i) Letters of the 7th November 2012
- (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 4218 dated November 2012;
- (iii) Letter of 21st November 2012.

(h) For Habitat protection scheme those details as set out:

- (i) Letters of the 22nd February 2013
- (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.
- (iii) Letter of 12th April 2013
- (iv) Email of the 3rd May 2013 and 19th March 2013.

(i) For Habitat Management Scheme those details as set out in:

- (i) Letter of the 22nd February 2013
- (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012
- (iii) Letter of and 12th April 2013
- (iv) Emails of the 15th March 2013 and 19th March 2013.

(j) For Tree and hedgerow Protection Scheme those details as set out in:

- (i) Letter of the 28th January 2013
- (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

(k) For Landscaping Timetable and Management Plan those details as set out in:

- (i) Letter of the 13th September 2012

- (ii) Application form dated 13th September 2012
- (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

(l) For Archaeology those details set out in:

- (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

(m) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:

- (i) Letters of the 14th January 2013
- (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
- (iii) Letter of 22nd April 2013
- (iv) Emails of the 4th February 2013, 20th May 2013.

(n) For Materials to be used for all hard surfaces those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012.

(o) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(p) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(B) As amended by the Non Material Amendment for the Welfare Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non Material Amendment Staff Welfare Facilities" dated May 2016.

(C) As amended by the planning application ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iv) Drwg No: 165 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016.
- (v) Drwg No: 166 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3 page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled "Variation of Condition 06 (Waste Handling) "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 155 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" dated Feb 2016
- (iii) Drwg No: 156 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled "Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound" dated May 2016.
- (iv) Letter from AAD Applied Acoustic Design dated 3rd October 2016 entitled "Acoustic Survey Note".
- (v) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18th October 2016.

(E) As amended by the planning application ESS/18/17/COL comprising:

- (i) Planning application form from Peter Johnson dated 24/02/17 and

accompanying:

(ii) letter from The Johnson Dennehy Planning Partnership dated 24th February 2017 and

(iii) Drwg No: 123 entitled " Recycling and Recovery Facility Variation of Conditions 03 and 04 Bank Holiday Working" dated Feb 2017.

Availability of Plans

2. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available upon request.

Environmental Protection Operating Hours

3. The development hereby permitted shall only be carried out during the following times:

07:30 – 18:30 Monday to Friday,
07:30 – 13:30 Saturdays

And, at no other times or on Sundays, Bank or Public Holidays (except for Condition 4 (vi) below).

HGV Movement times

4. (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays: 150 movements

Saturdays: 74 movements

Sundays and Bank/Public Holidays: none (except for (vi) below)

(ii) Outside the hours specified In Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays: 06.00- 07.00: 6 movements

07.00- 07.30: 6 movements

Sundays and Bank/Public Holidays: none (except (vi) below)

For the avoidance of doubt, all movements permitted under Condition 4 (ii) shall count towards the daily limit for that day as set out under Condition 4 (i).

(iii) All movements before 07.30 on any day, permitted under Condition 4 (ii)

above shall be limited to out-bound movements only.

(iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.

(v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.

(vi) For the purposes of this condition, and for the Good Friday April 14th 2017 only, 12 refuse vehicles shall be allowed to leave the site between the hours of 07:00 – 07:30 hours and return no later than 16:30 hours making a total of 24 movements. Upon return the 12 refuse vehicles shall park up on the access road in the area coloured red on Drwg No: 123 entitled "Recycling and Recovery Facility."

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Noise

5. Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (A) (i) the pre-existing background level (LA90) plus 5dB; and
(ii) the average residual level (LAeq 5 min) plus 1dB.

(B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).

(C) The frequency of monitoring shall not be less than once every three months.

(D) The monitoring scheme shall be implemented as approved.

(E) All noise measurements carried out in connection with this condition shall be undertaken In accordance with the guidance contained in BS4142:2014.

Waste Handling

6. All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and

Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

Waste Types

7. All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the waste planning authority on request.

Waste Throughput

8. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

Boundary Maintenance

9. The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

Dust Suppression

10. Within one month of the date of this permission, a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used in dry weather periods to suppress dust when the wood shredder is operational. Without prejudice to the foregoing, the water bowser and connected oscillating blower shall be used continually when the wood shredder is operational when, without water suppression, the prevailing wind speed and direction would cause dust to escape the site.

Information Items

- 7 Programme of Periodic Reviews of Mineral Planning Permissions**
The Committee considered report DR/13/17, by the Acting Head of County Planning, on the Programme of Periodic Reviews of Old Mineral Planning Permissions.

The Committee **NOTED** the report.

- 8 Land at Gean Trees, Great Horkesley**

The Committee considered report DR/14/157, by the Acting Head of County Planning, on the enforcement of planning control in respect of an unauthorised development on land at Gean Trees, Great Horkesley, Colchester.

The Committee **NOTED** the report and commended the waste planning authority and the Environment Agency for the manner in which they had collaborated to achieve this successful prosecution.

9 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/15/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

The Committee NOTED the report.

10 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 21 April 2017 at 10:30am in Committee Room 1.

There being no further business the meeting closed at 11.20am.

Chairman

DR/16/17

committee DEVELOPMENT & REGULATION

date 21 April 2017

MINERALS AND WASTE DEVELOPMENT

Proposal: **Continuation of use as a Waste Transfer Station without compliance with Condition 2 (compliance with submitted details) attached to planning permission reference ESS/26/16/HLW, to allow an additional use of the site for overnight parking of associated Heavy Goods Vehicles and trailers**

Location: **Waste Transfer Station, West Road, Harlow, CM20 2AL**

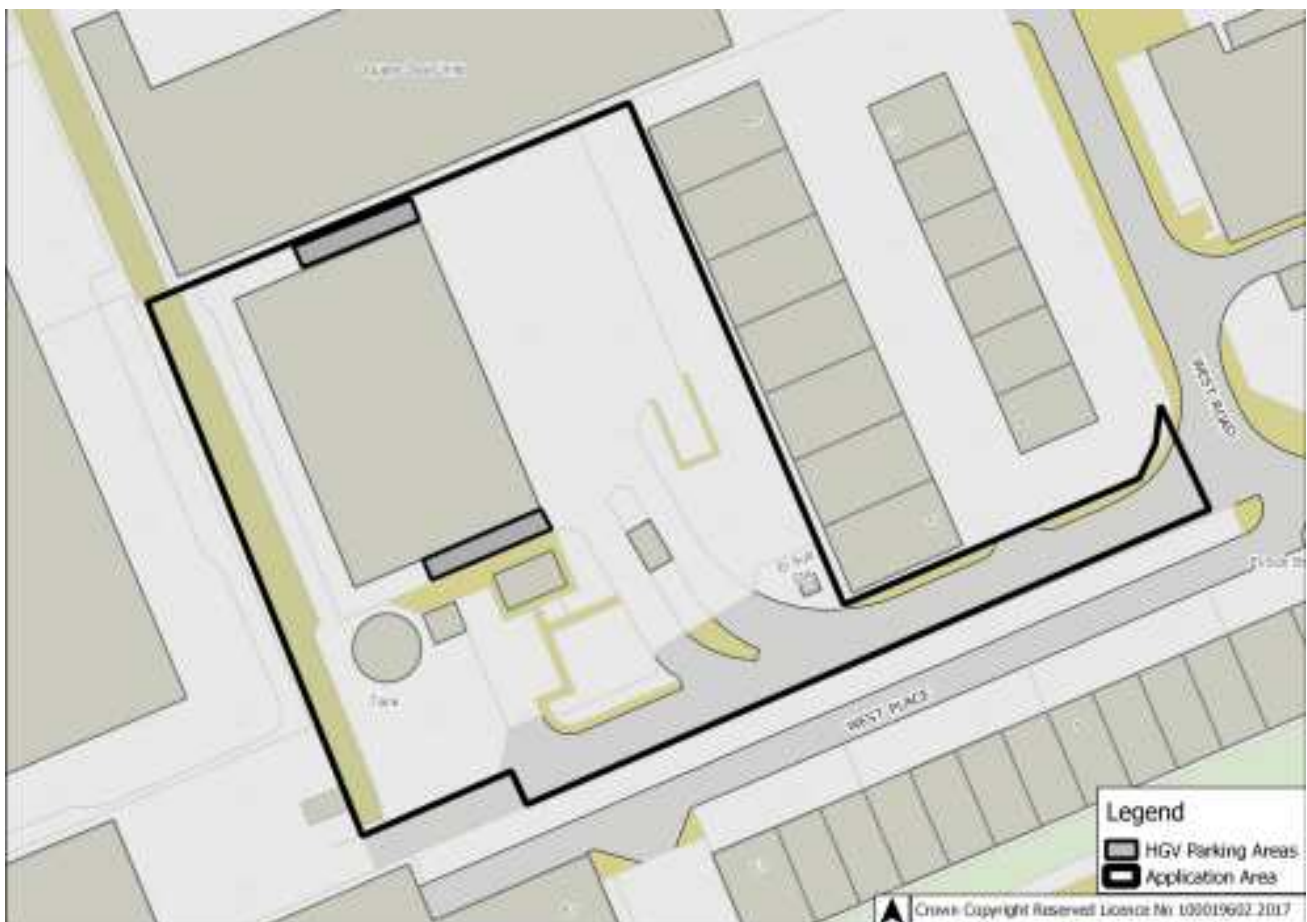
Ref: **ESS/06/17/HLW**

Applicant: **Veolia ES (UK) Ltd.**

Report by Acting Head of County Planning

Enquiries to: Shelley Bailey Tel: 03330136824

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



1. BACKGROUND

Planning permission ref ESS/38/11/HLW was originally granted for the construction of a waste transfer station at the application site in October 2011.

The planning permission was varied by permission ref ESS/26/16/HLW in September 2016 to amend the noise monitoring requirements of Condition 14.

The site has been operational since September 2014 and accepts a combination of residual black bag waste, food waste and co-mingled garden and food waste.

2. SITE

The application site is located on West Road at the junction with West Place, off the A414 Edinburgh Way in the Templefields Employment Area.

The site occupies the western 0.9 hectares of the former Kores Nordic site. The access road is included within the application area and extends to West Road.

To the north is a storage and office building, with industrial style buildings to the east on the other side of West Road.

To the south is a row of business/light industrial units and further south there is the Mark Hall North Conservation Area, which is predominantly residential and separated from the site by a tree belt approximately 50m wide at its narrowest point.

The nearest residential properties are located on Tany's Court and Tany's Dell, within the Mark Hall North Conservation Area, approximately 150m to the south of the application site. The boundary of Tany's Dell Community Primary School is located approximately 100m to the south west.

Further to the north is the remainder of the Templefields Employment Area, with the A414 running east-west through it. The site is surrounded by a variety of manufacturing, warehousing, storage, distribution, general and light industrial units and offices varying between 1 and 3 storeys high.

3. PROPOSAL

The application is for the overnight parking of 2 Heavy Goods Vehicles (HGVs) and 1 trailer associated with the Waste Transfer Station (WTS).

The vehicles would be parked adjacent to the transfer building itself and would be empty of waste.

All other aspects of the permitted development, such as working hours, would remain unchanged.

4. POLICIES

The following policies of the Essex County Council and Southend-on-Sea Borough

Council Waste Local Plan, (WLP), Adopted 2001, the emerging Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan, (RWLP), March 2016, and Schedule of Modifications, (SM), November 2016, the Adopted Replacement Harlow Local Plan, (RHLP), Adopted July 2006, (saved policies only) and the emerging Harlow Local Development Plan, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>RWLP & SM</u>	<u>RHLP</u>
Development Management Criteria	W10E	Policy 10	
Noise Pollution			BE17

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

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.

The level of consistency of the policies contained within the Replacement Harlow Local Plan and the Essex and Southend Waste Local Plan is considered further in the report.

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.

The Essex and Southend-on-Sea Replacement Waste Local Plan is currently subject to Examination, with final public consultation on a number of modifications having ended in February 2017. The submitted policies reflect the intention of the Waste Planning Authority towards waste-related development and it is considered that significant weight should now be given to the new Plan in respect of applications of the nature being contemplated in this report.

The emerging strategy for Harlow Council is yet to reach Pre-Submission consultation stage and the timetable is currently under review.

5. CONSULTATIONS

HARLOW DISTRICT COUNCIL – No objection. Recommends that Condition 3 attached to permission ref ESS/26/16/HLW is retained in order to control the permitted hours of working.

ENVIRONMENT AGENCY – No comments received.

HIGHWAYS ENGLAND – No objection.

ESSEX FIRE AND RESCUE – Comments that access for fire service purposes appears satisfactory. The applicant is reminded that it is the responsibility of anyone carrying out building work to comply with Building Regulations and that additional water supplies for firefighting may be required.

HIGHWAY AUTHORITY – No objection.

COUNTY COUNCIL'S NOISE CONSULTANT – Does not anticipate that the proposal would result in elevated noise levels. Notes that the site is currently controlled by noise limits and compliance noise monitoring.

ECC WASTE MANAGEMENT – No comments received.

LOCAL MEMBER – HARLOW – Harlow North – Any comments received will be reported.

6. REPRESENTATIONS

347 properties were directly notified of the application. 7 letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Overnight parking would generate significantly more traffic, safety and security problems in the neighbourhood.

Comment

See appraisal.

The WTS would create additional traffic in West Road and odour in the area.

The WTS itself has been operational since September 2014. See appraisal.

Existing odour/flies, especially in summer.	The Waste Planning Authority has not received complaints relating to odour/flies at the application site. However, this would be a matter for the Environment Agency.
Existing odour problems would be exacerbated by lorries parked overnight.	The Waste Planning Authority has not received complaints relating to odour at the application site. However, this would be a matter for the Environment Agency. See appraisal.
Attraction of vermin.	Vermin control would be a matter for Environmental Health. However, the vehicles would be parked empty so vermin is not considered to be a potential issue.
HGVs currently obstruct the highway.	See appraisal
HGVs currently are poorly loaded and rubbish escapes.	See appraisal.
Current disregard for speed limit on South Road.	See appraisal.
A letter dated 15/08/11, addressed to Hertford Planning Service, objecting to a WTS at the application site on grounds of odour, traffic congestion, vermin and noise, devaluing the area, proximity to schools and housing.	This letter does not relate to the proposal currently before Members.
The WTS was originally granted subject to no waste outside of the building.	This requirement is proposed to remain in the event that planning permission is granted.
Increased diesel emissions from vehicles manoeuvring to park.	The vehicles currently attend site already. Additional manoeuvring is not considered to be significant. See appraisal.
Containers would be loaded prior to parking to save time in the morning.	The vehicles would be parked empty. See appraisal.
The loaded vehicles won't be sealed, thereby attracting birds overnight.	The vehicles would be parked empty. See appraisal.

Photos attached with the description of loading bulkers with the building doors open; vehicles using Central Road instead of West Road; and sorting waste in the road.

The representation is not directly related to the proposal currently before Members.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Amenity Impact
- C. Traffic & Highways

A NEED

The applicant has applied for planning permission to enable the parking of 2 HGVs and 1 trailer overnight at the application site.

The vehicles would be solely those used in connection with the contract that the applicant has with Essex County Council for the operation of waste transfer stations and Household Waste Recycling Centres (HWRCs) across Essex.

The vehicles currently collect bins from the HWRCs and deliver them to the WTSs. The vehicles and trailers are currently parked at a depot in Basildon. In order to reduce the number and length of journeys at the beginning and end of the day, it is proposed that the parking of the HGVs is relocated from the depot to the Harlow WTS.

The vehicles would service the Harlow, Chigwell and Waltham Abbey HWRCs. All of these HWRCs are closer to the Harlow WTS than the Basildon depot. The following table summarises the difference in the distances travelled in miles:

	<u>Harlow HWRC</u>	<u>Chigwell HWRC</u>	<u>Waltham Abbey HWRC</u>
Harlow WTS	1.82	20.9	15.8
Basildon Depot	30.2	24.6	27.5
Difference	-28.4	-3.7	-11.7

The difference indicated relates to the first collection and final return journey to park overnight. All other journeys would remain as existing. The total mileage saving as a result of this planning application would therefore be:

Vehicles parked x days worked x mileage x 2 journeys.

Max saving = 2 x 265 x 28.4 x 2 = 30,104 miles.

Min saving = 2 x 265 x 3.7 x 2 = 3,922 miles.

This saving would result in a corresponding reduction in fuel consumption, emissions and costs, which complies with the aim of the NPPF to achieve sustainable development.

B AMENITY IMPACT

WLP Policy W10E (Development Management Criteria) requires, in summary and among other requirements, that satisfactory provision is made in respect of the effect of waste development on the amenity of neighbours.

RWLP Policy 10 (Development Management Criteria), in summary and among other requirements, permits waste management development providing that it does not have unacceptable impact on local amenity.

RHLP Policy BE17 (Noise Pollution) requires, in summary, that potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others.

Hours of operation

For the protection amenity, hours of operation of the WTS are not proposed to change.

Condition 3 attached to the extant permission ref ESS/26/16/HLW states:

'Operations authorised by this permission, including waste vehicles entering or leaving the site, shall be restricted to the following times:

*0700 – 1830 hours Monday to Friday; and
0700 – 1830 hours on the first Saturday following a Bank Holiday*

And shall not take place on any other Saturdays, Sundays or Bank/Public Holidays unless otherwise authorised in writing by the Waste Planning Authority.'

Noise

Vehicles are currently fitted with white noise reversing alarms. In order to reduce any potential noise impact during early morning hours (from 7am), HGVs would be reverse parked in the evening to allow manoeuvre from site in forward gear in the morning.

Noise monitoring has been taking place in accordance with the extant planning permission ref ESS/26/16/HLW. There have been no concerns raised as a result of this monitoring.

It is noted that the County Council's Noise Consultant has raised no objection to the proposals and it is considered that the proposals would not generate noise additional to that already at the site.

Odour

The HGVs and trailer would be emptied of waste prior to overnight parking. In order to ensure the vehicles are parked empty, it is proposed that a new condition

is imposed relating to this point, in the event that that permission is granted. With the addition of this condition it is not considered that there would be any additional significant odour impact associated with the proposal.

Whilst some representations have been received relating to existing odour, this is not for consideration through the current planning application. It is noted, however, that the Waste Planning Authority has not received complaints relating to odour to odour at this site previously, and it has not been noted to be odorous during routine monitoring. The Environment Agency would be the appropriate body to investigate odour.

Visual

The HGVs and trailer would be parked to the adjacent north and south of the transfer building itself. The vehicles would therefore not be easily visible from outside of the site due to the location of the site offices and the surrounding buildings on adjacent sites.

It is suggested that a condition is imposed to ensure the HGVs and trailer are parked within the areas shown on the submitted drawings for the avoidance of doubt and protection of amenity. With the addition of this condition it is considered that there would be no significant visual impact as a result of the proposals.

It is therefore considered that the proposal to park 2 HGVs and 1 trailer overnight at the site would have no significant impact on amenity, in compliance with WLP Policy W10E, RWLP Policy 10 and RHLP Policy BE17..

C TRAFFIC & HIGHWAYS

WLP Policy W10E (Development Management Criteria) requires, in summary and among other requirements, that satisfactory provision is made in respect of the impact of road traffic generated by the development on the highway network.

RWLP Policy 10 (Development Management Criteria), in summary and among other requirements, permits waste management development providing that it does not have unacceptable impact on the safety and capacity of the road network.

Representations have been received relating to the way that HGVs are currently driven and operated off site. These are operational matters. As such, the concerns have been forwarded to the Waste Disposal Authority for their consideration.

The application under consideration is for the parking of 2 HGVs and 1 trailer only. The number of HGV movements at the site would remain the same, since the HGVs currently visit the site already. There would be up to 2 additional staff vehicles visiting the site resulting from the drivers of the HGVs. There are currently 3 members of staff based at the site and 7 car parking spaces, so there would be enough parking within the site to accommodate the drivers.

It is considered that the potential 4 movements per day resulting from staff

vehicles would not have any significant highway impact.

The Highway Authority and Highways England have raised no objection.

It is therefore considered that the proposed development would comply with WLP Policy W10E and RWLP Policy 10.

8. CONCLUSION

In conclusion, it is considered that the proposal would be a sensible and cost-saving solution which would reduce fuel consumption and associated impact on the environment. The development is considered to constitute 'sustainable development' for the purposes of the NPPF. As such, there is a presumption in favour of approval.

The proposal is solely for the parking of 2 HGVs and 1 trailer empty overnight at the application site. Conditions are proposed to ensure that the vehicles are emptied prior to overnight parking within the specific area proposed. It is considered that the development would have no significant impact on amenity, including noise, odour and visual impact, in compliance with WLP Policy W10E, RWLP Policy 10 and RHLP Policy BE17.

There would be no additional impact from HGV movements and a very small increase in staff vehicles (potential 2 vehicles per day). Therefore it is considered that there would be no detrimental impact on the highway, in compliance with WLP Policy W10E and RWLP Policy 10.

Overall, the proposals are considered to be small-scale and there are no Planning reasons to refuse the development.

9. RECOMMENDED

That planning permission be **granted**, subject to conditions updating those attached to planning permission ref ESS/26/16/HLW, covering the following matters:

- 1) An amended Condition 2 as follows:

The development hereby permitted shall be carried out in accordance with the details of the application dated 27/07/2011, together with:

- Drawing number 26310/HA/A/CVD/004/D dated 05/07/11;
- Drawing number 26310/HA/A/CVD/006/C dated 19/07/11;
- Drawing number 26310/HA/A/CVD/008/A dated 12/10/10;
- Drawing number 26310/HA/A/CVD/009/C dated 14/07/11;
- Drawing number 26310/HA/A/CVD/010/B dated 20/07/11;
- Drawing number 26310/HA/A/CVD/012/A dated 16/06/11;
- Drawing number 26310/HA/A/CVD/013/B dated 19/07/11;
- Drawing number 26310/HA/A/CVD/014/A dated 17/06/11;
- Drawing number 26310/HA/A/CVD/015/A dated 05/09/11;
- Drawing number 26310/HA/A/CVD/016/A dated 05/09/11;

- Drawing number 26310/HA/A/CVD/017/A dated 05/09/11;
- Drawing number 26310/HA/A/CVD/021/A dated 20/07/11;
- Drawing number 26310/HA/A/CVD/022/A dated 20/07/11;
- Drawing number 26310/HA/A/CVD/031/A dated 06/06/11;
- Drawing number 26310/HA/A/CVD/040/B dated July 2011;
- Drawing number 26310/HA/A/CVD/100/B dated 19/07/2011;
- Drawing number 26310-06/A/CVD/002/A dated 01/10/2010;
- Supporting Planning Statement dated July 2011;
- Arboricultural Impact Appraisal and Method Statement dated 4/2/2011;
- BREEAM Assessment dated July 2011;
- Consultation Statement dated July 2011;
- Daylight and Sunlight Assessment dated July 2011;
- Draft Site Waste Management Plan dated July 2011;
- Drainage Assessment dated July 2011;
- Ecology Survey (Extended Phase 1 Habitat Survey) dated July 2011;
- Land Quality Report dated July 2011;
- Noise Assessment dated July 2011;
- Odour Assessment dated July 2011;
- Transport Assessment dated July 2011;
- Utilities Statement dated July 2011;
- Letter dated 21 September 2011 from Chris Hooper (Amec)
- Emails from Brian Hamilton (Amec) dated 6 September 2011 and 23 September 2011;
- Email from Gavin Cunningham (Amec) dated 7 September 2011;
- Email from Clare Heeley (Amec) dated 21 September 2011;
- Emails from Tim Perkins (Amec) dated 8 September 2011, 9 September 2011 and 22 September 2011; and,
- The contents of the Design and Access Statement dated July 2011

AS AMENDED BY those details reserved by condition of Planning Permission ref No.ESS/38/11/HLW and as amended by Non Material Amendments ref No's. ESS/38/11/HLW/NMA1, ESS/38/11/HLW/NMA2 and ESS/31/11/HLW/NMA3

AND AS AMENDED BY For ESS/26/16/HLW those details as set out in:

- Application Form from Veolia Environmental Services dated 16.06.2016;
- Veolia Environmental Services Planning Statement entitled S73 Planning Application to vary the wording of condition 14 relating to noise monitoring of planning permission No. ESS/38/11/HLW dated June 2016;
- Drawing VES_P_HLWWTS_001 dated June 2016

AND AS AMENDED BY For ESS/06/17/HLW those details as set out in:

- Application Form dated 02/11/16;
- Cover letter from Veolia dated 02/11/16 (and amended 06/04/17);
- Supporting Statement for Harlow Waste Transfer Station: Planning application for overnight parking of HGVs by Veolia dated 11/01/17 (and amended 06/04/17); and,
- Drawing number VES_P_HLWWTS_001 Rev A dated 08/10/16 'Planning Application Site Boundary'

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

- 2) That an additional Condition 30 be imposed to ensure the HGVs and trailer are emptied of waste prior to overnight parking.
- 3) That an additional Condition 31 be imposed to ensure the HGVs and trailer are parked only in the areas shown on drawing ref VES_P_HLWWTS_001 Rev A dated 08/10/16.
- 4) That all other conditions attached to permission ref ESS/26/16/HLW be updated and re-imposed 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' 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 concerns only 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

HARLOW – Harlow North.

DR/17/17

committee DEVELOPMENT & REGULATION

date 21 April 2017

COUNTY COUNCIL DEVELOPMENT

Proposal: **Detached Two Storey School Building, Including 9 New Classrooms and Ancillary Facilities**

Location: **Joyce Frankland Academy, Essex, Newport, CB11 3TR**

Ref: **CC/UTT/04/17**

Applicant: **Essex County Council**

Report by Acting Head of County Planning

Enquiries to: Gráinne O’Keeffe Tel: 033301 33055

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



1. BACKGROUND

The school campus is split into two parcels of land, located north and south of Bury Water Lane, at the northern end of the village of Newport.

The original grammar school building, located on the southern landholding, is a listed building and dates from 1588. More modern school buildings and playing pitches are located on the northern landholding.

2. SITE

Joyce Frankland Academy is a 6 FE secondary school, located at the northern end of the village of Newport in the District of Uttlesford. It is approximately 0.7 miles north of Newport mainline rail station and located to the east of the M11 motorway.

The site of the existing school is located across two parcels of land. The main part of the site is located north of Bury Water Lane, consisting of a number of school buildings, a pavilion and playing fields. The school buildings are located within the defined settlement boundary but the playing pitches and pavilion are located further north and outside the settlement boundary.

The part of the school site located south of Bury Water Lane is located entirely within the defined settlement boundary of Newport and within the Newport Conservation Area. The site consists of existing school building, including 'The Main Block to Grammar School and Headmasters House' which are Grade II listed buildings.

The site is located within the outer airport safeguarding zone for Stansted Airport.

The site is within Flood Zone 1, at low risk of flooding.

A SSSI is located to the east of the site, a Country Wildlife Site is also located to the south east and south west of the site, the railway line separate the proposed development site from these sites.

3. PROPOSAL

The proposal is for a detached two-storey school building, including 9 new classrooms and ancillary facilities.

The proposed development would facilitate an increase from 6FE to 7 FE secondary school, with a total of 1050 pupils at full capacity. In addition, there are 113 existing pupils in Sixth Form.

Access is proposed via an existing entrance north of Bury Water Lane.

4. POLICIES

The following policies of the, Uttlesford District Local Plan, (LP), provide the development plan framework for this application (inc. Uttlesford District Local Plan (2005) and saved policies 2007 and compatibility statement with NPPF 2012). The

following policies are of relevance to this application

	<u>LP</u>
Other Settlement Boundaries	S3
The Countryside	S7
Design	GEN2
Good neighbourliness	GEN4
Nature Conservation	GEN7
Vehicle Parking Standards	GEN8
Design of development within Conservation Areas	ENV1
Development affecting Listed Buildings	ENV2
Open spaces and trees	ENV3
Loss of sports fields and recreational facilities	LC1

Supplementary Planning Documents/Other Guidance

Essex County Council – Development Management Policies – February 2011
Essex Parking Standards – Design and Good Practice (2009)
Newport Conservation Area Appraisal – December 2007

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 11: Conserving and enhancing the natural environment

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

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. Uttlesford District Council published a NPPF compatibility statement for their Local Plan, specific policies will be discussed where relevant below.

5. CONSULTATIONS

UTTLESFORD DISTRICT COUNCIL – Any comments received will be reported.

Comment: Uttlesford DC were consulted at the pre-application stage. 2 options were considered (option A – the subject of this application) and option B. The District Council had no objection to option A in principle but were concerned about option B and commented as follows:

“I can confirm that whilst the Local Planning Authority has no objection in principle, there would be concerns regarding option B. As stated, the site is located within the Conservation Area of Newport and it is considered that a building of this size, scale and design would be harmful to the character and appearance of the Conservation Area. It is also considered that either option would need to consider parking arrangements and any adverse impact on neighbouring residential amenity as a result of the proposals.”

SPORT ENGLAND – No objection, meets policy exception E3;

HIGHWAY AUTHORITY – No objection, subject to condition relating to cycle parking, travel plan and construction method statement;

STANSTED AIRPORT - Any comments received will be reported;

PLACE SERVICES (Ecology) – No objection, subject to a condition requiring a Method Statement;

PLACE SERVICES (Trees) – Support subject to condition regarding specification of replacement trees;

PLACE SERVICES (Urban Design) – No objection;

PLACE SERVICES (Landscape) – Support subject to condition requiring detailed landscape plan;

PLACE SERVICES (Historic Environment) – Support subject to conditions, relating to archaeological trial trenching;

PLACE SERVICES (Historic Buildings) – No objection

NEWPORT PARISH COUNCIL – In principle support expansion of school but request that prior to works commencing a safe "in and out" access onto the existing school land for school buses is implemented together with extra parking and a footpath onto the site from Gaces Acre and Bury Water Lane.

LOCAL MEMBER – UTTLESFORD-STANSTED - Any comments received will be reported

6. REPRESENTATIONS

24 properties were directly notified of the application. Two letters of representation

have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
A better design should remove bus parking outside neighbouring properties and relocated within school property	See appraisal
Objects to removal of hedge in front of school.	The planning application does not include removal of hedgerow in front of the school. 2 trees are indicated for removal but this is not required to facilitate the development and does not form part of the planning application.
Object on safety grounds from traffic and parking, on basis proposal does not include off road provision for bus and cars.	See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Site Layout and Design
- C. Sustainable Transport and Highways Impact
- D. Impact on Playing Field
- E. Impact on Natural Environment
- F. Impact on Historic Environment

A PRINCIPLE OF DEVELOPMENT

Newport is identified as a Key Rural Settlement in the Uttlesford Local Plan. As per Policy S3, *“development compatible with the settlement’s character and countryside setting will be permitted within these boundaries.”*

The development site is located partially outside of the defined settlement boundary and in the ‘countryside’. As per Policy S7 *“In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area..... There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”*

As the eastern end of the proposed school block would be located on lands outside the defined settlement boundary of Newport, Policy S7 needs to be considered further.

While the eastern end of the proposed school building would be located on lands located outside the defined settlement boundary, it would still be located on lands that currently form part of the school campus, a grassed area, defined as 'playing field'.

The proposed school building would be surrounded on three sides by existing school buildings which would minimise its' visibility from outside the site and it would not prejudice the use of the playing pitches.

In considering options for the school expansion the applicant first considered locations on school land within the defined settlement boundary (through the pre-application process), as this would be supported in principal by Policy S3. However, most of the school's landholding within the settlement boundary is located south of Bury Water Lane and development at this location would also be within the Conservation Area, with potential for impacts upon it and the setting of the listed building.

In conclusion, having considered alternative options for locating the proposed school building on lands within the defined settlement boundary, and the potential for impacts on Conservation Area and Listed Building, it is considered that the proposed location, albeit partially outside the defined settlement boundary, but within school grounds, is the preferred option and therefore meets the requirements of Policy S7 and S3 of the Local Plan.

B SITE LAYOUT AND DESIGN

It is a core planning principal 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."*

Paragraph 60 of the NPPF states *"decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*

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

The proposal is for a two storey detached buildings that would accommodate 9 classrooms (including a graphics room).

The proposed school building would be elevated above Bury Water Lane and the proposed roof ridge level would be higher than the existing Sixth Form building adjoining Bury Water Lane. Notwithstanding the elevated location, the proposed school building would be enclosed on three sides by existing school buildings and screened from wider view by existing trees along Bury Water Lane.

The proposed material finishes include red brick and white render external walls to match existing school buildings. Aluminium windows and roof tiles to match existing are also proposed.

The Council's Urban Design Consultant comments as follows: *"The proposals for the new 1FE school expansion at Joyce Frankland Academy have been led by a number of site constraints, which has influenced many of the design decisions made.*

Working alongside the consultant's team, we have been involved in the key decision making process regarding the site location, elevation design and detail specification at a series of pre application design meetings. Many alternative elevation options were explored and presented.

The new building has been located to relate to the rest of the school, extending the existing campus layout to provide direct and clear access for staff and pupils. The site is in concealed location, surrounded on three sides by the existing school buildings. The proposed new building is heavily screened by existing trees and landscape along Bury Water Lane and Belmont Hill.

The site constraints and the preferred design solution include a number of compromises to meet the requirements of a new school building within this location. Balancing the need to meet the required school growth against the difficulties faced with this site, the proposals, as submitted, are adequate enough to be granted approval.

Materials have been discussed and agreed at pre application stage and will not require conditions."

In conclusion, it is considered the proposed development would achieve good design in accordance with the NPPF and policies GEN 2 of the Local Plan.

C SUSTAINABLE TRANSPORT AND HIGHWAYS IMPACT

There are three existing vehicular access points to the school campus, all via Bury Water Lane. Two access points serve land to the north, the western entrance serving the school and hockey club. The eastern end serves a large school car park. The third vehicular access serves land to the south and access to the original school (listed building) and main school reception.

A School Transport Statement and Travel Plan were submitted in support of the planning application.

Cycle Parking Requirements:

Minimum 1 space per 3 pupils plus 1 space per 5 staff.

Therefore an additional 150 school places and estimated 21 additional staff would require 50 pupil cycle spaces plus 7 staff cycle spaces. There is no existing cycle parking provision for pupils. There are 6 existing cycle stands for staff. Due to the rural nature of the site and catchments of pupils from a 10 mile radius, the school travel plan states the school actively discourages cycling due to concerns for pupil safety on the rural road network.

Results of a recent travel mode survey are included in the School Travel Plan.

The majority (76%) of pupils in Year 7-11 travel to school by sustainable modes (54% by bus, 13% by train, 9% walk) the other 24% travel by car. At sixth form the use of sustainable modes decreases to 45% (10% walk, 20% by bus, 15% by train) with 55% travelling by car, including driving themselves. Only 14% of staff travel by sustainable modes, with 86 % travelling by car.

The school is not proposing to increase the number of cycle parking spaces. This would not be in accordance with Policy GEN8 of the Local Plan. However, having regard to the rural nature of the site, the current high level of sustainable travel by pupils at Year 7-11 (mostly by school bus), the fact that no increase in sixth form is proposed and having regard to the school's policy to actively discourage cycling on safety grounds, it is considered that no provision of cycle parking stands for pupils would be acceptable in this case.

There would be an estimated increase of 21 staff for the proposed development. There are 6 existing uncovered staff cycle spaces on the school campus. It is noted from the staff survey that 8% of existing staff currently cycle and that cycling would be the preferred mode for 9% of staff. Based on this demand for staff cycling, the full provision of 4 additional staff cycle spaces to accommodate 21 additional staff should be provided to meet the requirements of policy GEN8. The Highway Authority has recommended that a covered cycle stand to accommodate a total of 10 staff cycle stands should be provided as minimum.

The school has a number of existing car parks spread across the campus, north and south of Bury Water Lane, totalling 130 car parking spaces. No additional car parking is proposed, which is acceptable in accordance with the maximum vehicle parking standards in policy GEN 8.

Newport Parish Council and 2 neighbouring residents raised concerns regarding the parking of buses and traffic safety on Bury Water Lane and they requested a drop off/ pick up area within the school grounds. The applicant investigated the feasibility of providing a drop-off /pick-up area on school grounds. The areas of the existing car park on Bury Water Lane was investigated and taking account of the sloping grounds levels, potential impact on mature trees and encroachment into playing field, loss of car parking spaces and potential impact on conservation area, it was concluded that the provision of an drop-off pick up point was not feasible.

The Highway Authority comments as follows *"The Joyce Franklin school is in situated on a very constrained highway network and in reviewing this the highway authority visited the site and reviewed the parking surveys provided to ensure that adequate onsite parking was available for the expanded school. The application included detailed information on how pupils and staff currently get to school and the areas from which they come and how future pupils are likely to be accommodated on public transport. The school currently manages the boarding and alighting of the buses that serve the school to ensure the safety of students and limit the impact on the highway as far as is possible. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*. They also recommend conditions for a travel plan, cycle stands and construction method statement.

In conclusion, subject to a condition requiring the provision of 10 covered cycle stands for staff, the proposed development would be in accordance with the principle of promoting sustainable transport in the NPPF and policy GEN8 of the Local Plan.

D. IMPACT ON PLAYING FIELD

The proposed school building would encroach upon the edge of the existing school playing field. This area is currently grassed with 4 existing mature trees and is used for informal recreation and is not capable for setting out as a playing pitch.

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 and comment as follows:- *“having considered the nature of the playing field and its ability to accommodate a range of pitches, 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. “*

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 and policy LC1 of the Local Plan.

E IMPACT ON NATURAL ENVIRONMENT

It is a core planning principle of the NPPF to “contribute to conserving and enhancing the natural environment”

Trees: A ‘Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protections Plan’ is submitted in support of the planning application.

To facilitate the construction of the proposed building, the removal of four existing trees would be necessary. They are identified as T001 (Hawthorn), T002 (Silver birch), T003 (Norway Maple) and T004 (Hazel) in the Tree Survey submitted. All are categorised as C2, defined as *“those of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm”*

The Tree Survey identifies other necessary tree works irrespective of development, including the removal of a further three trees. This does not form part of this planning application.

Policy ENV 3 *“The loss of traditional open spaces, other visually important spaces,*

groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value."

The Council's Arboriculture's states *"The scheme does not appear to be detrimental to the condition of the retained trees."* and *"The trees recommended for removal are all category C and therefore do not form a constraint on development. Due to the size and location of the trees, it is likely to cause a loss in amenity value from the public viewpoint, especially with T003 Norway Maple which can be seen from Bury Water Lane."* And further advises *"Replacement planting has not been sufficiently outlined within any reports/plans. To reduce the loss in amenity value which the removal of the trees will create, it is essential that further details of replacement planting are provided."*

The Council's Landscape Consultant also requests a detailed landscape condition.

In conclusion, subject to a planning condition for a detailed landscaping plan to be submitted, the removal of four (category 2) trees to facilitate the proposed development is considered to be in accordance with the NPPF and policy ENV 3 of the Local Plan.

Ecology: The proposed site does not have any statutory or non-statutory designations. Debden Water SSSI lies 440m south east of the development site.

A 'Preliminary Ecological Appraisal Report' is submitted in support of the planning application. The report identified a low potential for bat roosts (protected species) in two of the trees that require removal to facilitate the proposed school building. Details of a further aerial survey have also been submitted, that report concluded that the trees can be felled without any further recommendations with regards to roosting bats.

Enhancement measures have been recommended in section 5 of the report and include installation of bat boxes and bird boxes.

Therefore the proposed development is considered to be in accordance with the Policy GEN7 of the Local Plan and the NPPF objective of conserving and enhancing the natural environment.

F. IMPACT ON HISTORIC ENVIRONMENT

It is a core planning principle of the NPPF to *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations"*

The Council's Archaeological Consultant comments as follows *"The Historic Environment Record shows that the proposed development lies outside the suggested limits of the medieval town; however, there is documentary evidence of a castle being in the vicinity (EHER 234) of the school. The HER records the Castle as being located in the area of the school. Archaeological monitoring adjacent to the development area did not find any evidence of the castle; however, this work was only on one area within the grounds. There is a threat from the*

proposed construction of the building and potentially the location of the contractor's compound, depending on how this is constructed."

The Council's Historic Buildings Consultant comments as follows *"the building is located outside of the conservation area; it is well screened by landscape planting and existing school building both north and south of Bury Water Lane. The building is therefore unlikely to have a harmful impact upon the grade 2 Listed School Building located on the opposite side of the road."*

In conclusion, subject to a condition requiring archaeological trial trenching, the development proposed would conserve the historic environment in accordance with the NPPF and policies ENV1 and ENV2 of the Local Plan.

8. CONCLUSION

Having regard to the need for additional school places and the alternative options considered on the school landholding within the settlement boundary of Newport, the location of the proposed school building, on land partially outside the defined settlement boundary is considered acceptable in this case in accordance with Policy S7 of the Uttlesford Local Plan.

The proposed development represents good design and would not result in significant adverse impact on the natural or historic environment or on the capacity of existing playing pitches.

Subject to the conditions listed below, the development as proposed is considered to be acceptable in accordance with the National Planning Policy Framework and policies S3, S7, GEN2, GEN4, GEN7, GEN8, ENV1, ENV2, ENV3 and LC1 of the Uttlesford District Local Plan (2005) and saved policies 2007.

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.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended].

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/UTT/04/17 validated on 09/01/2017 including the following drawings and documents:

Drawings

DR-A-9000 Rev. P02	Location Plan
DR-A-0201 Rev. P03	Proposed Site Plan
DR-A-1200 Rev. P04	Ground Floor Plan Option A
DR-A-1201 Rev. P04	First Floor Plan Option A
DR-A-1202 Rev. P02	Roof Plan
DR-A-3100 Rev. P04	Proposed Elevations
DR-A-4101 Rev. P01	Proposed Elevations

Haydens Tree Survey Drawing No. 5569-D dated 25/08/16

Documents

- Planning Statement, prepared by Strutt & Parker in association with Pick Everard, dated December 2016.
- Design and Access Statement, prepared by Pick Everard, dated December 2016
- Preliminary Ecological Appraisal Report V2 , prepared by Practical Ecology Ltd, dated September 2016
- Aerial Tree Inspection report by Practical Ecology Ltd, by letter dated 15th November 2016
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan, prepared by Haydens Arboricultural Consultants, dated 26/08/2016.
- Transport Statement, Issue 07, prepared by Pick Everard, dated 15 March 2017
- School Travel Plan, prepared by Joyce Frankland Academy, dated March 2017

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

Reason: Reason: To ensure development is carried out in accordance with the approved plans.

3. **Landscape Plan**

Within one month of commencement of development on site, a landscape scheme shall be submitted for the prior written approval of the County Planning Authority.

The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation.

Replacement trees should be of suitable species and suitable maturity to mitigate the loss of amenity value.

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.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development 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 interests of visual amenity and to enhance the natural environment in accordance with the NPPF and policy GEN 7 and ENV 3 of the Uttlesford Local Plan.*

4. **Advance Archaeological Investigation**

No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation (trial trenching and excavation) and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

***Reason:** To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place to conserve the historic environment in accordance with the NPPF.*

5. **Bicycle Parking**

Prior to first occupation of the proposed building, a minimum of 10 covered bicycle stands for staff use shall be erected on the school landholding outlined in blue on the site location plan (DR-A-9000 Rev. P02)

Within one month of commencement of development on site, details of proposed location and detailed design drawings for the covered bicycle stand shall be submitted for the prior written approval of the County Planning Authority and the development carried by implemented in accordance with the approved details.

***Reason:** In the interests of promoting sustainable transport in accordance with the National Planning Policy Framework (NPPF)(2012) and to comply with policy GEN 8 of the Uttlesford Local Plan*

6 **Construction Method Statement**

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. details of a suitable construction access
- vi details of routing of construction vehicles on local roads

***Reason:** To ensure that a suitable construction access is provided with a routing plan that will minimise conflict on the surrounding network, and that non-street parking of construction related vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.*

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.

The ECC sustainable travel Plan team can be contacted by e-mail at travelplanteam@essex.gov.uk

Work within or affecting the highway

Any 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 SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

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

Works to Trees in a Conservation Area

The works to trees identified along Bury Water Lane appear to be located within the Newport Conservation Area, you are advised to contact Uttlesford District Council prior to carrying out any works to trees in a Conservation Area.

Bat and Bird Boxes

It is recommended that bat boxes and bird boxes be installed in accordance with the recommendations of the Preliminary Ecological Appraisal report, By Practical Ecology Ltd, submitted with the planning application.

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.

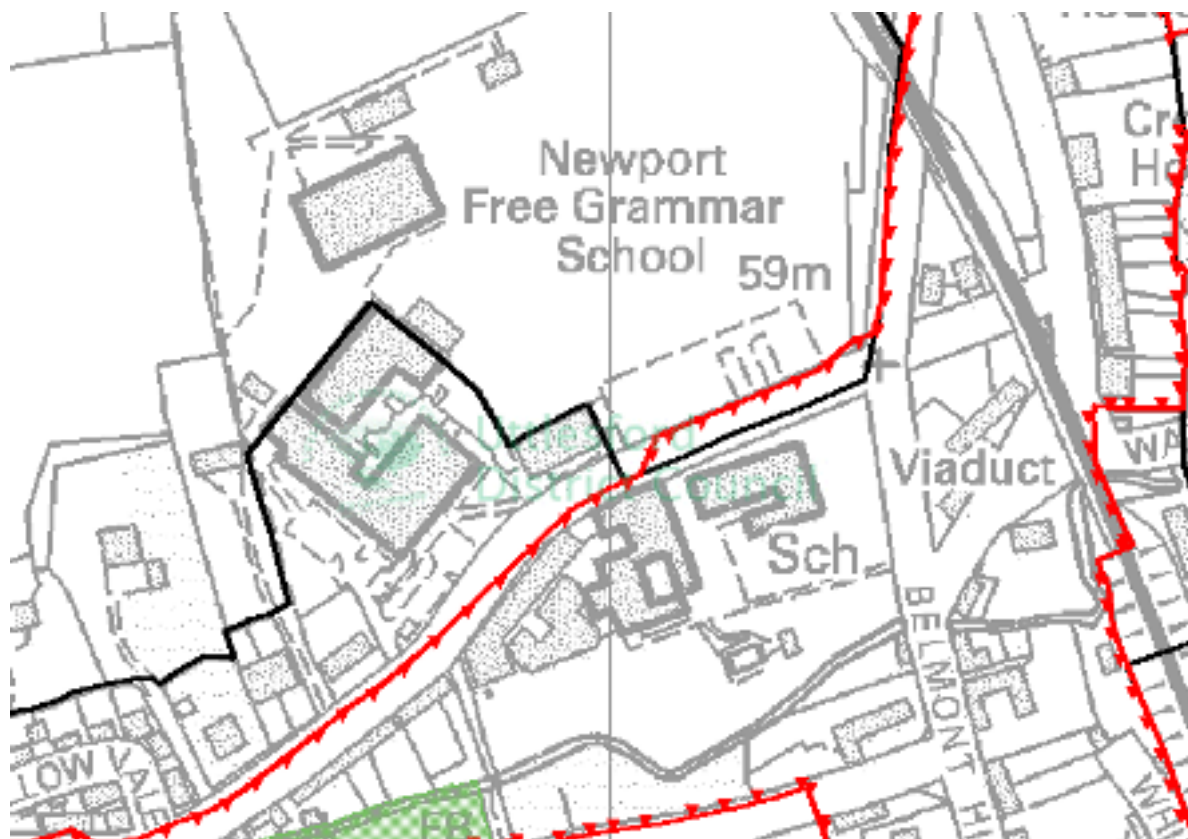
STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

LOCAL MEMBER NOTIFICATION

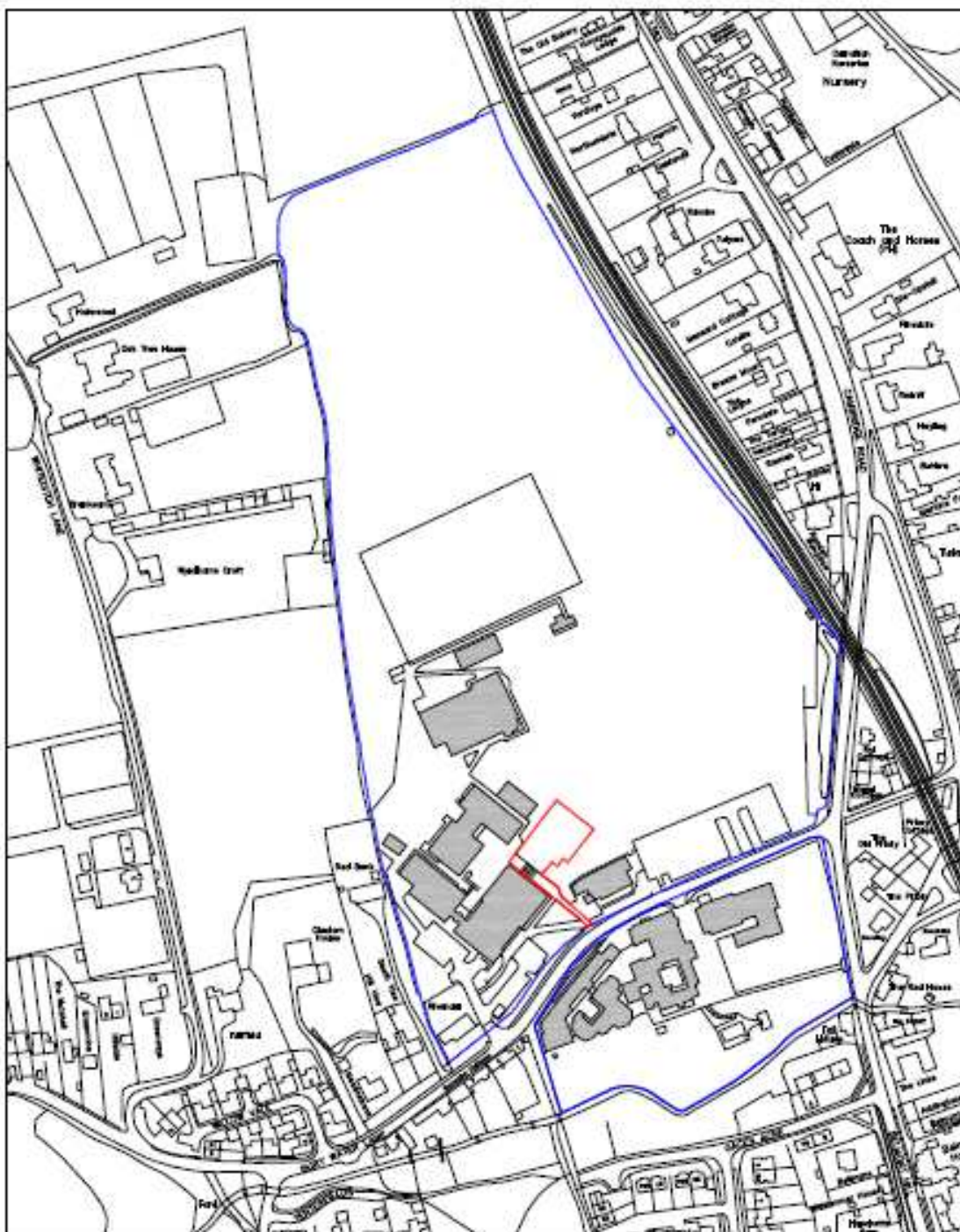
UTTLESFORD – Stansted

NEWPORT SETTLEMENT BOUNDARY



Extract from Uttlesford Proposals Map – black line indicates settlement boundary.

– Site Location Plan



Development site boundary outlined red

Site Layout Plan



APPENDIX D

Floor Plans

Proposed First Floor Plan



Proposed Ground Floor Plan



DR/18/17

committee DEVELOPMENT & REGULATION

date 21 April 2017

COUNTY COUNCIL DEVELOPMENT

Proposal: Proposed development of the Beaulieu Park Schools Campus, consisting of a 1200 place three storey Secondary School, 420 place two storey Primary School, 56 place single storey Nursery, Sports Hall with associated community facilities, hard and soft play areas, means of enclosure, landscaping, car parking, bicycle and scooter parking and associated infrastructure on a site of aprox. 11.8ha with vehicular access from Armistice Avenue and pedestrian access via Beaulieu Square, Chelmsford

Location: Land to the northeast of the junction of White Hart Lane (A130) and Essex Regiment Way, Chelmsford

Applicant: Essex County Council

Report by Acting Head of County Planning

Enquiries to: Gráinne O’Keeffe Tel: 033301 33055

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



1. BACKGROUND

Chelmsford City Council Core Strategy and Development Control Policies (adopted 2008) set the objective (Policy CP7) for the Council to prepare an Area Action Plan for North Chelmsford *“which will set out an integrated land use and urban design framework to direct development proposals and public realm investment.”*

The North Chelmsford Area Action Plan (adopted 2011) identified an area for a new neighbourhood in North East of Chelmsford (Refer to Appendix A – Figure 8 of North Chelmsford Area Action Plan) and set out the masterplanning principals for the area.

Site Allocation 13 is identified in the North Chelmsford Area Action Plan (2011) as a location for a Secondary and Primary School.

Outline planning permission (reference 09/01314/EIA) has previously been granted by Chelmsford City Council for :

‘Mixed use development comprising residential development of up to 3,600 dwellings, mixed uses (up to 62,300sqm gross external) comprising employment floorspace including new business park, retail, hotel, leisure, open space, education & community facilities, landscaping, new highways including a radial distributor road, public transport provisions & associated and ancillary development, including full details in respect of roundabout access from Essex Regiment Way & a priority junction from White Hart Lane’.

Following the grant of outline planning permission, there have been a number of reserved matters applications submitted for the wider Beaulieu Park development. Of relevance to this school application is application reference 14/01473/REM, which granted planning permission for:

‘Development of Neighbourhood Centre comprising five buildings: Block 1 of three storeys for food store (A1 convenience), seven retail units (A1 (retail), A2 (financial & professional services), A3 (restaurants & cafes), A4 (drinking establishments), A5 (hot food & takeaways)) and 15 residential apartments, Block 2 of two storeys for community centre, Block 3 of two storeys for health centre with temporary pop-up garden, Block 4 of two storeys for Nursery and Block 5 of three storeys for 19 residential apartments and restaurant (A3) with associated infrastructure, servicing, car and cycle parking and public open space’.

The proposed school site and the neighbourhood centre site (14/01473/REM) both include part of Beaulieu Square, a proposed urban public space between the two developments.

2. SITE

The development site is c. 11.8ha in area, located to the north east of Chelmsford City, within the defined ‘Urban Area Boundary’. The site (Site 13) is allocated as “Location for Secondary School and Primary School” in the North Chelmsford Area Action Plan 2011.

The site is bounded by White Hart Lane to the south, Armistice Avenue to the north with residential property beyond, existing open field to the west (masterplanned for future residential) and Essex Regiment Way beyond. The Beaulieu Square, master planned to the east of the site is partly within the school development site boundary and partly within the neighbourhood centre site.

The nearest residential dwellings are located to the north of the site on the opposite side of Armistice Avenue.

The site is located within Flood Zone 1.

3. PROPOSAL

The proposal is for the development of the Beaulieu Park Schools Campus on 11.8ha site, consisting of:

- 1200 place three storey Secondary School
- 420 place two storey Primary School
- 56 place single storey Nursery
- Sports Hall with associated community facilities
- hard and soft play areas, means of enclosure, landscaping,
- car parking, bicycle and scooter parking
- vehicle access from Armistice Avenue and pedestrian access via Beaulieu Square, Chelmsford

4. POLICIES

The following policies of the, Chelmsford Local Plan, (LP), provide the development plan framework for this application. The following policies are of relevance to this application:

Chelmsford City Council Core Strategy and Development Control Policies (Adopted 2008) and Focused Review Development Plan Document (2013*).

Core Policies

*CP1	Securing Sustainable Development
*CP5	Containing Urban Growth
CP7	Area Action Plans
CP8	Promoting Sustainability
CP9	Protecting areas of natural and built heritage and archaeological importance
CP10	Protection from Flooding
CP11	Energy efficiency, renewable energy and recycling.
CP13	Minimising Environmental Impact
CP18	Providing New Community and Social Facilities in New Major Development
CP19	Improving Links between developments
CP20	Achieving well designed high quality places
CP21	Ensuring buildings are well designed.

Development Control Policies

DC4	Protecting existing amenity.
*DC6	Criteria for Transport Assessments
*DC7	Vehicle Parking Standards at Development
DC13	Sites of biodiversity and geological value
DC17	Conservation Areas
DC18	Listed Buildings
DC19	Scheduled ancient monuments
DC20	Registered parks and gardens
DC21	Archaeology
DC22	Areas of Flood Risk
*DC24	Energy efficient design and use of materials
DC25	Water efficiency and sustainable drainage systems
DC36	Accessible and adaptable developments
DC38	Promoting Sport, Leisure, Recreation and Tourism
DC41	Traffic management measures
DC42	Site planning
DC43	Promoting art in new development
DC45	Achieving high quality development

North Chelmsford Area Action Plan and Proposals Map (Adopted July 2011)

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
Section 12:	Conserving and enhancing the historic environment

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL – No objection, subject to revisions to scheme including, appearance of secondary school elevations, fenestration, vehicle access via armistice avenue, joint use of sport facilities. Conditions are requested relating to public realm, joint use provision of sport facilities, details of wall of primary school cycle store, western section of boulevard pedestrian priority.

SPORT ENGLAND – Supports principle of development as non-statutory consultee and makes advisory comments regarding design and layout of the sports centre, games court and pitches. Sport England seek conditions relating to specification of pitches and courts and community use agreement.

ENGLAND NETBALL (East Region) – Supports

LEAD LOCAL FLOOD AUTHORITY- No objection

HIGHWAY AUTHORITY – No objection, subject to a Travel Plan

HIGHWAY AUTHORITY (Public Rights of Way) – *“Bridleway 37 Springfield passes beside this development site and will be affected by the new provisions for cycles and pedestrians. Our Department is already in consultation with the planning departments of ECC and Chelmsford CC with a view to diverting the bridleway.”*

COUNCILS LIGHTING CONSULTANT – No objection, Lighting Strategy is sound in principle, recommends condition requiring detailed lighting plan.

PLACE SERVICES (Ecology) – No objection

PLACE SERVICES (Trees) – No objection, All new trees must be planted in accordance with British Standard 8545:2014 Trees: from nursery to independence in the landscape.

PLACE SERVICES (Urban Design) – No objection, subject to conditions relating to materials & samples, fenestration detail design, detail design of primary and nursery entrance, hard & soft landscaping.

PLACE SERVICES (Landscape) – Support subject to condition for detailed landscape/planting scheme.

PLACE SERVICES (Historic Environment) – No objection. Archaeological investigation and recording has already been carried out on this site and no further archaeological recommendations are required.

PLACE SERVICES (Historic Buildings) – No objection

SPRINGFIELD PARISH COUNCIL – Objects for the following reasons:-

- a) There is no allocation provided as a drop off area for parents who wish to drop off their children;
- b) There appears to be insufficient car parking facilities;
- c) The increase in vehicular traffic within the residential area.

LOCAL MEMBER – CHELMSFORD – CHELMER & SPRINGFIELD – Any comments received will be reported.

6. REPRESENTATIONS

Adjoining properties on Armistice Avenue were directly notified of the application. Three letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Chelmsford and Netball league support proposed development.	Noted.
Countryside, the developer of the adjoining residential and neighbourhood centre developments supports subject to design amendments and provision of joint use community facilities.	Noted.

7. APPRAISAL

The key issues for consideration are:

Principle of Development
 Site Layout and Design
 Sustainable Transport and Highways Impact
 Flood Risk
 Impact on Natural Environment
 Impact on Historic Environment
 Impact on Residential Amenity
 Sustainability
 Community Sports Facilities

A PRINCIPLE OF DEVELOPMENT

The site is located within the 'Urban Area Boundary' and is in accordance with Policy CP 5 of the Chelmsford Local Plan.

The site is located allocated (Site 13) in the North Chelmsford Area Action Plan (adopted 2011) as "Location for Secondary School and Primary School" therefore the proposed school campus is acceptable in principal at this location.

The principle of the new education campus has also been established by the outline planning permission granted by Chelmsford City Council (09/01314/EIA).

However, the applicant has not submitted a reserved matters application to the City Council, and instead has submitted a full planning application, this application, under Regulation 3 to Essex County Council.

B SITE LAYOUT AND DESIGN

It is a core planning principal 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.”*

Paragraph 60 of the NPPF states *“decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

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

The school site was master-planned as an early stage and the design submitted is in accordance with the objectives and development principles for the Site 13 as outlined in the North Chelmsford Area Action Plan (Refer to Appendix D). The school buildings are proposed to the eastern end of the site to front the Beaulieu Square, a proposed public plaza, with the proposed playing fields located to the western end of the site.

The Council's Urban Design Consultant comments *“Following a number of pre-application meetings the proposals for Beaulieu Park Education campus site have evolved sufficiently for the school to be deemed suitable enough for approval. In terms of urban design the proposals reflect a suitable layout which meets and addresses the main opportunities of the site. The proposed elevations on a number of the proposed buildings are in most cases adequate but opportunities have been missed to design a school campus site which reflects and responds to the quality and innovative nature of the surrounding Beaulieu Park development.”*

The Urban Design Consultant and Chelmsford City Council, both consider the detailing of the proposed buildings could be enhanced and raise concerns about the extensive use of uPVC windows. However the NPPF states *“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.”*

It is considered the arrangement of the buildings within the site around a central spine road and internal courtyard represents good layout and urban design and achieve good permeability through the site. Subject to addition conditions being imposed covering materials & samples, fenestration detail design, detail design of primary and nursery entrance, hard & soft landscaping, the relationship of the proposed buildings with the public realm is considered to represent good urban design.

Having regard to paragraph 74 of the NPPF to *“give great weight to the need to create, expand or alter schools”*, it is considered that subject to conditions

requiring detailed design aspects to be agreed, the site layout of the proposed development is in accordance with the objectives and development principles for Site 13 set out in the North Chelmsford Area Action Plan and would achieve good design in accordance with the NPPF and policies CP19,CP20,CP21,DC36,DC42,DC45 of the Chelmsford City Local Plan.

C SUSTAINABLE TRANSPORT AND HIGHWAYS IMPACT

The NPPF promotes sustainable transport. Having regard to paragraph 32 of the NPPF “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.

Plans and decisions should take account of whether:

- “the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people, and;
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Paragraph 34 “decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

Paragraph 38 “Where practical, particularly within large-scale developments, key facilities such as primary schools ... should be located within walking distance of most properties.”

The site of the proposed school is located in Beaulieu, a new neighbourhood located to the north east of Chelmsford City, for up to 3600 new dwellings in four phases. Phase 1 is currently under construction. The proposed school was master-planned at an early stage to accommodate the new population growth and therefore it is considered to be sustainably located and the catchment for pupils would be within walking distance of the school and would minimise the need to travel and maximise the use of sustainable travel modes. The school would be located adjacent to the local neighbourhood centre (currently under construction), to the east, and would facilitate shared journeys.

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

The Transport Statement outlines how sustainable travel is at the core of the wider Beaulieu Park development, with a network of footpaths, cycle paths, proposed bus routes and a new train stations to encourage travel by methods than the private car.

There are two vehicular access points to the site proposed from Armistice Way and the junctions have already been constructed as part of the wider Beaulieu

scheme. One access is to serve the proposed primary school and the other access is to serve the secondary school & sports centre car park.

The main pedestrian and cycle access point is proposed via the proposed Beaulieu Square, a public square to the east of the site.

A coach drop-off point has been incorporated within the school site near the playing pitches and sport centre.

Bicycle parking and scooter parking for both pupils and staff is proposed in accordance standards set out in policy. A car park for staff and visitors to the sports centre is also included.

The Highways Authority comments as follows "*The Highway Authority is satisfied with the application following submission of revised vehicle tracking demonstrating delivery vehicles can turn within the grounds of the school. Plans initially submitted showed delivery vehicles having to turn within the pedestrianised area to the east of the school and this was unacceptable. The only acceptable vehicle accessing the pedestrianised area is a fire tender. The cycle parking has also been revised to provide a separate area for staff from students making it acceptable. The principal of parking bays of 2.5m x 5m are acceptable in this instance due to the long stay, low turnover of vehicles anticipated in the car park.*"

In conclusion, it is considered that subject to the imposition of suitable conditions, the proposal is in accordance with the principle of promoting sustainable transport in the NPPF and policies DC7, DC6 and DC41 of the adopted Chelmsford City Local Plan.

D FLOOD RISK

The site is located with Flood Zone 1, low flood risk, as per the Environment Agency mapping 'Risk of flooding from Rivers and Sea', where the land is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

A site specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1 (as per Footnote 5 of paragraph 103 of NPPF).

A Drainage Statement (Incorporating Flood Risk Assessment) has been submitted in support of the planning application.

As the site is in Flood Zone 1 it is at low risk of fluvial flooding.

The Local Lead Flood Authority (LLFA) is a statutory consultee on major development with surface water drainage. They comments as follows "*Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission. The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application and the site wide drainage strategy are implemented as approved.*"

In conclusion, having regard to the location of the site in Flood Zone 1, it is considered the proposed development would not be at fluvial flood risk, and having regard to the sustainable drainage strategy proposed, it is considered that the development would not result in flood risk elsewhere and would meet the challenge of climate change and flooding in accordance with the NPPF and policies DC22, DC25 and CP10 of the Local Plan.

E IMPACT ON NATURAL ENVIRONMENT

It is a core planning principle of the NPPF to “contribute to conserving and enhancing the natural environment”

An Extended Phase 1 survey was submitted in support of the planning application. There are no statutory sites within 2km of the proposed site. The nearest non-statutory site is Channels Golf Course, a local wildlife site, 500m to the north of the site. The report submitted states this area is designated for its great crested newt interest but the LoWS is currently being developed for housing and it is concluded in the report that the proposed school development would be unlikely to have any impacts on the LoWS.

The Councils' Ecology Consultant does not raise any objection to the proposed development.

In conclusion it is considered that the proposed development would conserve the natural environment in accordance with the NPPF and policy CP9 and DC13 of the Local Plan.

F IMPACT ON HISTORIC ENVIRONMENT

It is a core planning principle of the NPPF to “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”

The nearest listed buildings to the site are Old Lodge Farm, New Hall and Woolpits Farm.

The Historic Buildings Consultant for the Council comments as follows “*The five grade II listed buildings at Old Lodge Farm that form the farm complex to the east settings have already been undermined by the existing residential development, which also screen the proposals from the listed building. The proposals are not considered to undermine their setting compared to the existing arrangement. New Hall is a more significant heritage asset than Old Lodge Farm complex however it is set further back from the proposals and has less of a relationship with the area of the proposed development. Due to the existing residential development and the screen this provides the proposals are not considered to further undermine the setting of the listed building and Park and Garden compared to the existing arrangement. Woolpit's farm to the north-west is considered to have no existing relationship to proposed site and the development is therefore not considered to undermine its setting.*”

Having regard to the separation distance between the proposed development and

nearest listed buildings, it is considered the development as proposed would conserve the historic environment in accordance with the NPPF and policies CP9, DC17, DC18, DC19, DC20 and DC21 of the Local Plan.

G IMPACT ON RESIDENTIAL AMENITY

There are no residential properties adjoining the site boundary, the nearest residential properties are located to the north on the opposite side of Armistice Avenue, to the south on the opposite side of Essex Regiment Way. The land adjoining the school playing fields at the western boundary is master planned for residential development. The neighbourhood centre currently under construction on the opposite side of Beaulieu Square, will also include some residential units.

Having regard to the distance between buildings there would be no loss of daylight or sunlight to existing buildings and no overlooking.

It is considered that the development as proposed would not result in significant adverse impact on the amenity of adjoining occupiers and would be in accordance with the NPPF and policy DC4 of the Chelmsford Local Plan.

H SUSTAINABLE BUILDING

Policy DC 24 of the Local Plan states “ To ensure the delivery of sustainable development, the City Council will require all new dwellings and non-residential buildings to incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources where they fall within the following thresholds:

Planning permission will not be granted for development which fails to meet the following standards:

- i)..... and non-residential developments of 1,000 sq. m. or more are required to achieve a 10% reduction or more in carbon dioxide emissions above the requirements of current Building Regulations through such means as improvements to the building fabric or connection to a decentralised energy supply or use of on-site local carbon and renewable energy technology. For all developments falling within this threshold a statement must be submitted with any applications for planning permission specifying how this will be achieved
- iii) Non-residential buildings shall have a minimum BREEAM (or its successor) of “Very Good”
- iv) All new buildings are required, where possible, to utilise a minimum of 20% of sustainable building materials and/or re-use of recycled materials in the construction of the development”

A ‘Climate Change/Energy/Sustainability Statement’, has been submitted in support of the planning application.

The report demonstrates how the proposed development is designed to achieve compliance with the Part L of Building regulations 2013 and meet the 10% CO2 emission reduction from renewables using Gas Absorption Heat Pumps (GAHP)

and solar photovoltaic (PV) technology. This is considered to meet the requirement of Policy DC24 (i)

A BREEAM Pre-Assessment report is included in the report which demonstrates the building is designed to achieve “very good”. This would be in accordance with Policy DC24 (iii).

The applicant has not submitted any details to meet the requirement to utilise a minimum of 20% of sustainable building materials and/or re-use of recycled materials in the construction of the development. However the applicant has agreed to achieve this and is agreeable to the inclusion of a planning condition to meet the requirement of Policy DC24(iv).

In conclusion, the proposed development would incorporate sustainable design features to reduce carbon emissions and the consumption of natural resources and is therefore considered to represent sustainable design in accordance with Policy DC24 and CP8 of the Local Plan.

I COMMUNITY USE SPORTS FACILITIES

The Sports Centre is proposed to provide for the sporting needs of the proposed school development and also part of the community needs arising from the surrounding residential development at Beaulieu.

The proposal for community use of the proposed sports facilities arises from a requirement to provide adequate sports facilities for the residents of the wider Beaulieu scheme and is a requirement of the outline planning permission. No details have been submitted as part of this application.

The applicant has submitted a letter confirming the community use of the proposed Sports Centre “ *I can confirm that Essex County Council as applicant is promoting the community use of the school sports and leisure facilities and has been working closely with Chelmsford City Council Leisure Services to ensure appropriate facilities are provided as part of the proposed school development. Furthermore, it is intended that the sports and leisure facilities provided will be the subject of a formal Community Use Agreement between the appointed School Academy Sponsor and Chelmsford City Council. This will be a condition of appointment when Essex County Council selects an Academy to operate the school. The Community Use Agreement will be based upon the Sport England model agreement and I attached a draft Agreement illustrating the expected provisions for community use. We will be working together to have a signed agreement in place prior to our occupation of the new Secondary School.*”

While it is welcomed that the applicant, Essex County Council, is working closely with Chelmsford City Council to promote community use of the school sports facilities, it is considered that a condition requiring joint use, is not necessary as part of this planning application.

8. CONCLUSION

The site has been identified in the North Chelmsford Area Action Plan for school

use, therefore the development is considered acceptable in principal at this location.

It is considered that the proposed development is sustainably located and would not be detrimental to highway safety, efficiency or capacity in the vicinity of the site or on the wider highway network.

The development would be at low risk of flooding and having regard to the sustainable drainage strategy proposed would not result in flood risk elsewhere.

The proposed development is considered to represent good quality architectural and urban design and would protect the residential amenity of adjoining occupiers.

Subject to the conditions listed below, the development as proposed is considered to be acceptable in accordance with the National Planning Policy Framework and policies CP1, CP5, CP7, CP8, CP9, CP10, CP11, CP13, CP18, CP19, CP20, CP21, DC4, DC6, DC7, DC13, DC17, DC18, DC19, DC20, DC21, DC22, DC24, DC25, DC36, DC38, DC41, DC42, DC43 and DC45 of the Chelmsford City Council Core Strategy and Development Control Policies (Adopted 2008) and Focused Review Development Plan Document (2013).

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.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended].

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/CHL/07/17 validated on 25/01/2017

Drawings

Site Wide Drawings

BPS-NOR-SW-ZZ-SH-A-1003 Rev A - EXTERNAL BUILDING FINISHES
SCHEDULE
BPS-NOR-SW-ZZ-SI-A-9001 Rev B - SITE LOCATION PLAN

Site Landscape Drawings

BPS/WWA/SW/XX/PP/L/0001 Rev PL04 - Rendered landscape masterplan/Block Plan
BPS/WWA/PS/ZZ/GA/L/0001 Rev PL01 - Nursery and Primary School Landscape Layout
BPS/WWA/SS/ZZ/GA/L/0001 Rev PL01 - Secondary School Landscape Layout

BPS/WWA/SC/ZZ/GA/L/0001 Rev PL01 - Sports Hall and Car Park Layout Plan
BPS/WWA/PS/ZZ/GA/L/0002 Rev PL01 - Primary and Secondary School Sports Pitches
BPS/WWA/SW/ZZ/PL/L/0001 Rev PL01 - Planting Strategy
BPS/WWA/SW/XX/PP/L/0004 Rev PL01 - Cyclist and Pedestrian Movement Analysis
BPS/WWA/SW/XX/PP/L/0004 Rev PL01 - Cycle and Parking Provision
BPS/WWA/SW/XX/PP/L/0003 Rev PL01 - Security Fencing Strategy
BPS/WWA/SW/ZZ/SE/L/0001 Rev PL02 - Site Sections

Secondary School Drawings

BPS-NOR-SS-00-GA-A-3001 Rev K - GROUND FLOOR FUNCTION PLAN
BPS-NOR-SS-01-GA-A-3002 Rev K - FIRST FLOOR FUNCTION PLAN
BPS-NOR-SS-02-GA-A-3003 Rev J - SECOND FLOOR FUNCTION PLAN
BPS-NOR-SS-RF-GA-A-3701 Rev G - ROOF PLAN GENERAL ARRANGEMENT PLAN
BPS-NOR-SS-ZZ-SE-A-4001 Rev H - GENERAL ARRANGEMENT SECTIONS - SHEET 1
BPS-NOR-SS-ZZ-EL-A-4002 Rev D - GENERAL ARRANGEMENT SECTIONS - SHEET 2
BPS-NOR-SS-ZZ-EL-A-5001 Rev F - GENERAL ARRANGEMENT ELEVATIONS - SHEET 1
BPS-NOR-SS-ZZ-EL-A-5002 Rev F - GENERAL ARRANGEMENT ELEVATIONS - SHEET 2
BPS-NOR-SS-ZZ-EL-A-5003 Rev F - GENERAL ARRANGEMENT ELEVATIONS - SHEET 3
BPS-NOR-SS-ZZ-EL-A-5004 Rev F - GENERAL ARRANGEMENT ELEVATIONS - SHEET 4
BPS-NOR-SS-ZZ-SH-A-7501 Rev D - GROSS EXTERNAL AREA SCHEDULE

Sports Centre Drawings

BPS-NOR-SC-00-GA-A-3001 Rev K - GROUND FLOOR FUNCTION PLAN
BPS-NOR-SC-RF-GA-A-3701 Rev G - ROOF PLAN GENERAL ARRANGEMENT PLAN
BPS-NOR-SC-ZZ-SE-A-4001 Rev G - GENERAL ARRANGEMENT SECTIONS
BPS-NOR-SC-ZZ-EL-A-5001 Rev E - GENERAL ARRANGEMENT ELEVATIONS

Nursery Drawings

BPS-NOR-NU-00-GA-A-3001 Rev J - GROUND FLOOR FUNCTION PLAN
BPS-NOR-NU-RF-GA-A-3701 Rev G - ROOF PLAN GENERAL ARRANGEMENT
BPS-NOR-NU-ZZ-SE-A-4001 Rev G - GENERAL ARRANGEMENT SECTIONS
BPS-NOR-NU-ZZ-EL-A-5001 Rev F - GENERAL ARRANGEMENT ELEVATIONS

Primary School Drawings

BPS-NOR-PS-00-GA-A-3001 Rev K - GROUND FLOOR FUNCTION PLAN
BPS-NOR-PS-01-GA-A-3002 Rev K - FIRST FLOOR FUNCTION PLAN
BPS-NOR-PS-RF-GA-A-3701 Rev G - ROOF PLAN GENERAL ARRANGEMENT PLAN
BPS-NOR-PS-ZZ-SE-A-4001 Rev G - GENERAL ARRANGEMENT SECTIONS - SHEET 1

BPS-NOR-PS-ZZ-SE-A-4002 Rev C - GENERAL ARRANGEMENT SECTIONS - SHEET 2
BPS-NOR-PS-ZZ-EL-A-5001 Rev F - GENERAL ARRANGEMENT ELEVATIONS - SHEET 1
BPS-NOR-PS-ZZ-EL-A-5002 Rev D - GENERAL ARRANGEMENT ELEVATIONS - SHEET 2

Vehicle Tracking Drawings

BPS-MLM-ZZ-XX-DR-D-1000-P06-S2 - Vehicle Tracking - Refuse Vehicle
BPS-MLM-ZZ-XX-DR-D-1001-P08-S2 - Vehicle Tracking - Fire Tender
BPS-MLM-ZZ-XX-DR-D-1002-P07-S2 - Vehicle Tracking - 7.5 Tonne Box Van
BPS-MLM-ZZ-XX-DR-D-1003-P08-S2 - Vehicle Tracking - 12m Rigid Lorry
BPS-MLM-ZZ-XX-DR-D-1004-P08-S2 - Vehicle Tracking - Coach Entrance and Turn

Drainage Drawings

Documents:

- Planning Statement, prepared by Strutt & Parker, dated January 2017
- Design and Access Statement (REV E) prepared by Norr Architects
- Transport Statement, prepared by MLM, dated
- Sustainability Statement (including BREEAM pre-assessment), prepared by Hoare Lea
- Drainage Statement (Incorporating Flood Risk Assessment), prepared by MLM, dated 11 April 2017.

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

Reason: To ensure development is carried out in accordance with the approved plans.

3. **Bicycle Parking**

Prior to first occupation of the proposed building, a minimum of 300 pupil and 18 staff covered bicycle stands for the secondary school and minimum of 100 pupil scooter parking stands and 40 pupil and 6 staff bicycle stands shall be erected on site at the locations indicated on Site Layout Plan. Within one month of commencement of development on site, detailed design drawings for the covered bicycle stand and covered scooter stand shall be submitted for the prior written approval of the County Planning Authority and the development carried by implemented in accordance with the approved details.

Reason: In the interests of promoting sustainable transport in accordance with the National Planning Policy Framework (2012) and to comply with policy DC7 of the Chelmsford City Local Plan.

4. **Beaulieu Square design details**

Prior to first beneficial use of the proposed school buildings, the part of the Beaulieu Square within the development site boundary, shall be finished and

landscaped in accordance with a plan to be submitted for the prior written approval of the County Planning Authority.

The proposed plan shall include details of hard and soft landscaping proposed and shall be designed in conjunction with the landowners of the eastern part of Beaulieu Square.

Reason: To ensure the Beaulieu Square functions as a unified public open space notwithstanding different ownership across the site, in the interests of visual amenity and to achieve good urban design in accordance with the NPPF and policies DC45 and CP of the Local Plan.

5. **Detailed Landscape Plan**

Within one month of commencement of development on site, a detailed landscape scheme shall be submitted for the prior written approval of 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 be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved scheme.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development 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 interests of visual amenity and to enhance the natural environment in accordance with the NPPF.

6. **Sustainable Building Materials**

The proposed development shall utilise a minimum of 20% sustainable building materials and/or re-use of recycled materials in the construction of the development.

No development above DPC level shall take place unless and until a Sustainability Statement demonstrating a minimum of 20% of sustainable building materials and/or re-use of recycled materials has been submitted for the prior written approval of the Planning Authority.

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

Reason: To ensure the delivery of sustainable development in accordance with policy DC24 (iv) of Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document (2013).

7. **Surface Water Drainage**

The development shall be implemented in accordance with the Drainage Statement (Incorporating Flood Risk Assessment), prepared by MLM, dated 11 April 2017.

Reason: To ensure development does not increase flood risk elsewhere in accordance with the NPPF and policies CP10 and DC22 of the Local Plan.

8. **Primary School Cycle Store Wall facing Beaulieu Square**

Within one month of commencement of development on site, detailed proposals for the black wall of the Primary School cycle store, facing the Beaulieu Square, shall be submitted for the prior written agreement of the County Planning Authority. Without prejudice to the foregoing, the proposals shall incorporate a design feature (such as community art wall/revolving school art project). The development shall thereafter be implemented in accordance with the approved proposals.

Reason: In the interest of visual amenity fronting the Beaulieu Square and to promote art in new development in accordance with policy DC43 of the Local Plan.

9. **Detailed Lighting Design**

No fixed lighting shall be erected or installed until details of the location, height, tilt, lighting controls, lighting design, illuminance levels, uniformities, spill light contour lines on to Ordnance Survey mapping and consideration given to switching off or dimming after hours has been submitted to and approved in writing by the County Planning Authority. The details shall include a design summary to ensure the lighting is designed to an appropriate lighting standard will minimise the potential nuisance of light spillage on the local environment, adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: In the interests of amenity, in accordance with the NPPF and policy DC4 of the Local Plan.

10. **Fenestration Details**

All fenestration on the proposed buildings shall be recessed. No development shall proceed above DPC unless and until detailed design drawings have been submitted for the prior written approval of the County Planning Authority. The development shall thereafter be implemented in accordance with the approved detailed design drawings.

Reason: In the interest of visual amenity and to achieve good design in accordance with the NPPF and policies CP21 and DC45 of the Local Plan.

11. **External Material Finishes and Samples**

Within one month of commencement of development on site, a full schedule of all external material finishes plus samples shall be submitted for the prior written approval of the County Planning Authority.

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

Reason: In the interest of visual amenity and to achieve good design in accordance with the NPPF and policies CP21 and DC45 of the Local Plan.

12. **Building Entrance details for Nursery and Primary School**

Prior to commencement of construction on the Nursery and Primary School buildings, detailed drawings of the entrance features to both buildings shall be submitted for the prior written agreement of the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to achieve good design in accordance with the NPPF and policies CP21 and DC45 of the Local Plan.

INFORMATIVES

Sport England Advice

The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

Particular attention is drawn to: Sport England's Sports Halls: Design and Layouts, <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls> and the England & Wales Cricket Board's 'Guidance on Indoor Sports Halls with Cricket Provision' <http://www.ecb.co.uk/development/facilities-funding/facilities-guidance-and-project-development/indoor>

Particular attention is drawn to: Sport England's Artificial Surfaces for Outdoor Sports' guidance note (2013) / , Sport England's 'Artificial Sports Lighting' guidance note (2012) www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-facilities / England Netball's 'Performance Requirements for Indoor Surfaces guidance note <https://englandnetball.co.uk/make-the-game/facilities-information> /, the LTA's Porous Macadam Tennis Courts and Floodlighting Outdoor Tennis Courts guidance notes <https://www.lta.org.uk/venue-management/facilities-advice/>

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)].

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.

Highway Work

All work within or affecting existing and future highways 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: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

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

Chelmsford City Council

The applicant is invited to liaise with Chelmsford City Council Planning Development Management Team and Leisure services during the development of the scheme. Both services remain available for ongoing consultation on design and operational matters, with the applicant and the Academy, once appointed.

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

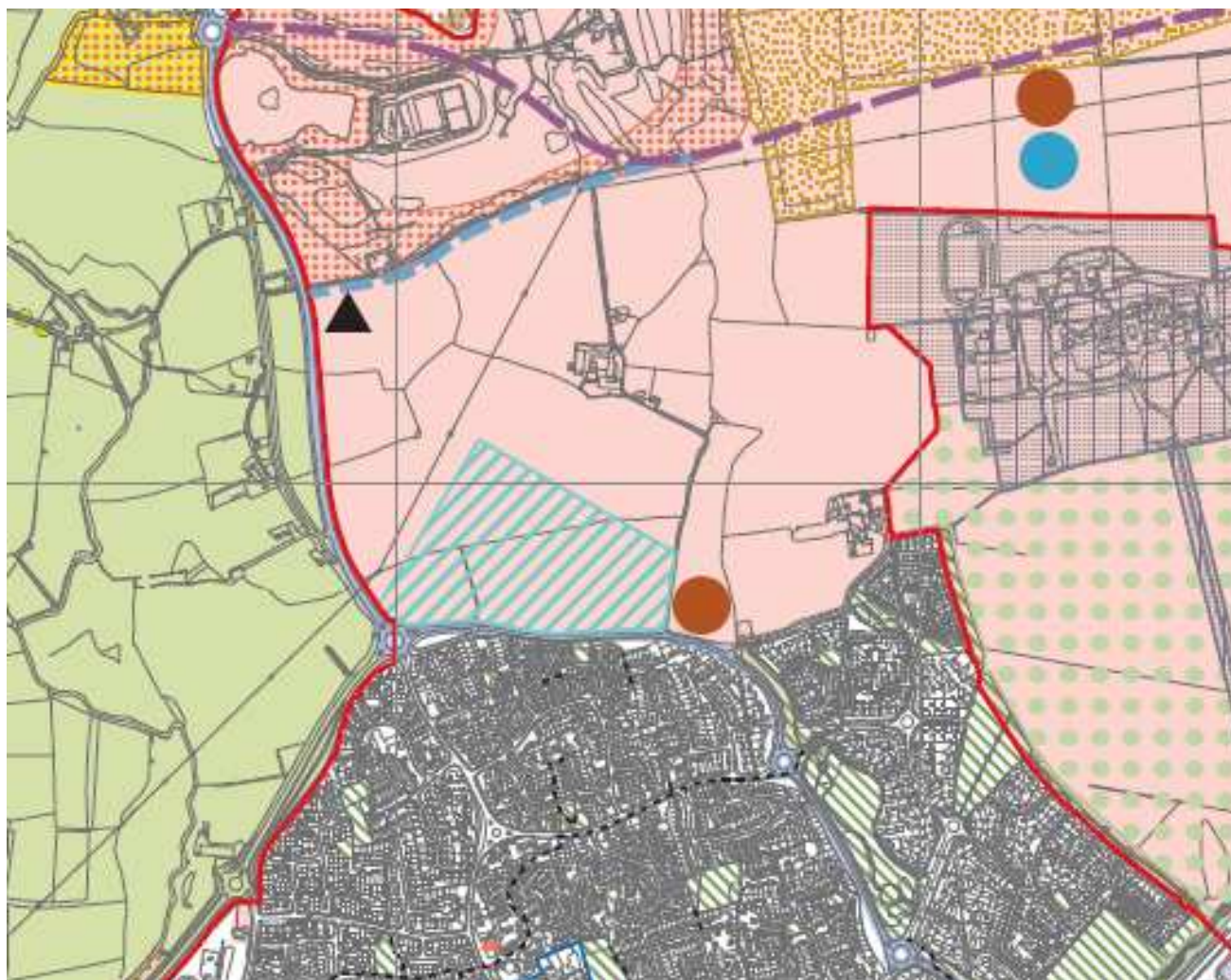
CHELMSFORD – Chelmer and Springfield

APPENDIX A – NORTH CHELMSFORD AREA ACTION PLAN





Figure 8 Area for masterplanning new neighbourhoods in North East Chelmsford



**APPENDIX B – EXTRACT FROM NORTH CHELMSFORD AREA ACTION PLAN
PROPOSALS MAP (ADOPTED 2011)**

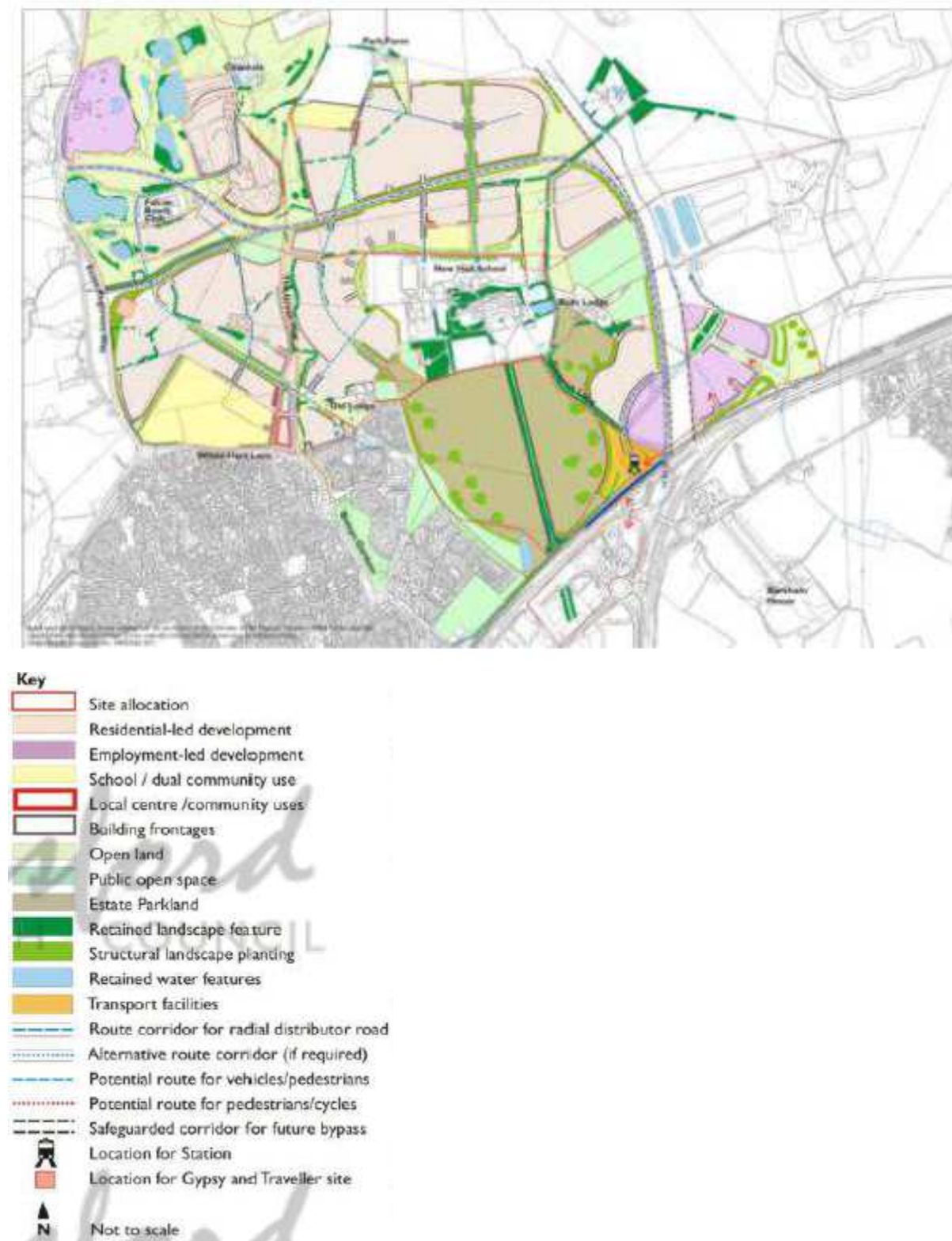


Extract from North Chelmsford Area Action Plan (adopted 2011) Proposals Map

-  Site Allocation - Location for Secondary School and Primary School (CP4)
-  Location for Local Community Facilities (CP4)
-  Site Allocation - Area for Masterplanning (CP7)
-  Urban Area Boundary (CP5)

APPENDIX C – NORTH CHELMSFORD AREA ACTION PLAN – FIGURE 11

Figure 11 North East Chelmsford Masterplanning Principles



APPENDIX D – NORTH CHELMSFORD AREA ACTION PLAN – SITE ALLOCATION 13

Providing Land for Education and Community Facilities

3.78 New housing needs to be supported by schools, childcare, health care facilities, community spaces and convenience retail. A secondary school will need to be provided in the early phase of housing development. The first primary school would be located alongside the secondary school and the NCAAP identifies land for a second primary school and a third if housing numbers require it.

Site Allocation 13 - Secondary and first primary school site and surrounding land

Site context

3.79 Land for a co-located secondary school and primary school is allocated on White Hart Lane. This is where vehicular, cycle and foot access can be directly gained from new and existing neighbourhood areas. The area allocated for schools allows for school buildings to be located at the eastern part of the site where they can interact with the proposed community facilities and main access route between new and existing areas. The school site is kept away from traffic noise from Essex Regiment Way and enables housing development to surround the school site and present frontage to White Hart Lane and the Nabbotts roundabout.

Objectives

- Locate a secondary school and primary school with early years and childcare provision on a single integrated site;
- Ensure interaction between school entrances, shared facilities and new local community facilities;
- Site qualities and land constraints meeting Education Authority requirements;
- Enable housing development to adjoin school boundaries.

Development principles

- The land allocated for schools enables flexibility for school design and access and the size of the playing fields can be modified at the west end;
- Site bounded at east end by a public footpath to be upgraded into a pedestrian concourse between schools and other community facilities;
- School buildings located at the east end of the site with building frontage to the pedestrian concourse and to White Hart Lane;
- Vehicular access is required from a minimum of two sides;
- Western end to have tree planted perimeter and residential development to create a buffer between school sites and major roads;
- School buildings to be designed to create attractive frontage to public spaces and to face White Hart Lane;
- Secondary school to include a sports hall and performance space accessible and available for community use;
- Secondary school playing fields to be used on an agreed basis with a suitable local football club in need of facilities;
- School buildings may be three storeys to optimise the efficiency of site use;
- Car parking for the schools to be located on the north side and the governing body to operate a green travel plan controlling car park use from the outset.

DR/19/17

This report is accompanied by Appendix 2 which is exempt from publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

committee DEVELOPMENT & REGULATION

date 21 April 2017

ENFORCEMENT OF PLANNING CONTROL

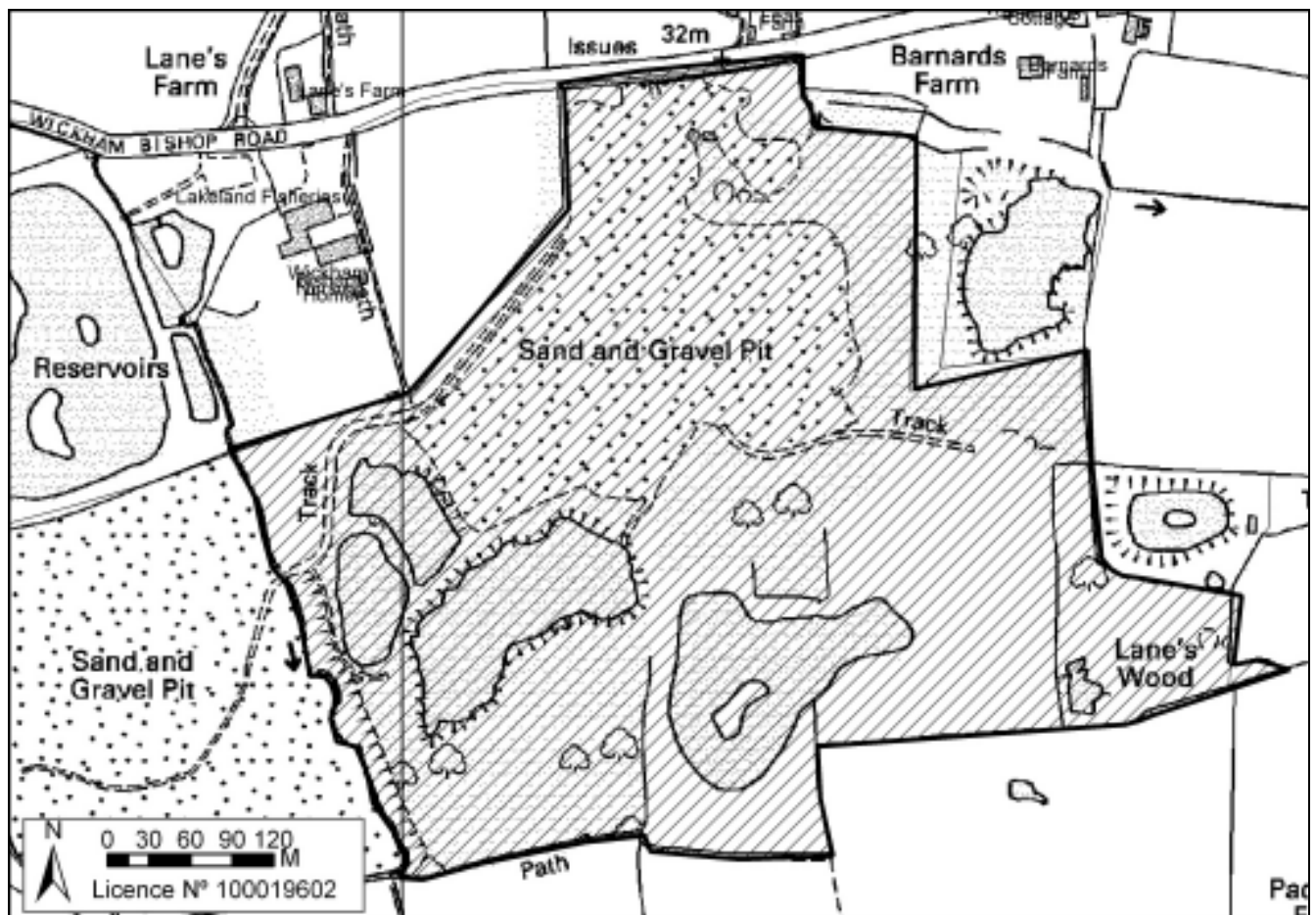
Restoration of mineral workings and non-compliance with planning conditions

Location: at Dannatts Quarry, Hatfield Peverel.

Ref: Ref. 70/421/33/114

Report by Acting Head of County Planning

Enquiries to: Richard Greaves Tel: 03330 136824



1. PURPOSE OF REPORT

To provide an update on progress in respect of Dannatts Quarry; specifically matters relating to the transfer of the land to the county council for future use as a 'country park' in accordance with a planning legal agreement under section S52 of the (former) Town and Country Planning Act 1971.

As a reminder, the report sets out the background to the case and an update following the previous Committee resolution of 28 February 2014 (report attached as confidential item at Appendix 2) authorising the commencement of formal action to secure the transfer of the land.

Since then legal proceedings have been taken and judgement given on the substantive issue.

2. BACKGROUND AND SUMMARY

The case concerns a former sand and gravel quarry that remains to be fully restored under the conditions imposed by the planning permission and passed into the ownership of Essex County Council (ECC) in accordance with a planning legal agreement concluded at the time the planning permission was granted. The last update was provided to the Committee in June 2016.

There was a delay in restoration of the site and enforcement action was undertaken.

The Barnards Farm site has not been completely restored, nor has the land been transferred to ECC for use as a country park under the terms of the agreement.

There is an on-going breach of an Enforcement Notice (issued in July 2009) as the site has not been fully restored.

3. SITE AND BACKGROUND

The area of land to the east of Hatfield Peverel, between the B1019 Maldon Road and Spring Lane has been the site of extensive sand and gravel extraction during the last 60 years. That part of the area to the south of Wickham Bishops Road, generally known as 'Barnards Farm' or 'Dannatts Quarry', has been the site of extraction since 1948 on the basis of a number of Interim Development Order consents and planning permissions.

More recently planning permission was granted in 1990 which brought together a number of older permissions and land areas to regularise on-going extraction. Two of the conditions required extraction to be completed within 10 years of commencement and restoration to be completed within 11 years. Operations were deemed to have commenced in January 1991.

A section 52 Legal Agreement was also completed requiring, amongst other matters, that an area identified as a country park (edged blue and hatched on the plan in the agreement) be transferred to ECC.

Extraction and processing of sand and gravel took place broadly in accordance with

the approved working schedule necessary to meet the completion date of 16 January 2001, but the importation of inert waste fill fell seriously behind schedule. Consequently a further planning permission was granted in July 2001 and the completion dates were extended to 16 January 2004 and 16 January 2005 respectively.

By January 2004 it had become apparent that the importation of sufficient inert waste fill to complete the restoration of the site had still not been achieved and in February 2004 a planning application was submitted to extend the time limits to 31 July 2005 for the importation of material and 31 December 2005 for the completion of restoration. This application was submitted by Danbury Haulage Ltd.

On 29 July 2005 and despite strong opposition from the local community, the County Council resolved to grant permission subject to the applicant and landowners entering into an Agreement under Section 106 of the Town & Country Planning Act 1990. This Agreement would have updated the obligations imposed by the earlier Section 52 Agreement. The applicant and landowners declined to enter a new Agreement and planning permission was subsequently not granted meaning that importation after 31 July 2005 was not in accordance with extant planning permission. Inert waste continued to be imported until January 2006 when the site was closed.

Enforcement notices were issued in 2006 primarily requiring the site to be fully restored in accordance with the approved restoration plan from 2001.

The former quarry is effectively split into 2 parts, the Travear Land (to the west) and the Country Park land. The water area on site is in use by a fishing club.

In October 2009 the Committee considered a range of enforcement options and resolved to seek the transfer of the land into the ownership of ECC, as required under the terms of the S52 agreement subject to certain provisos.

4. UPDATE

A 'letter before action' was sent to B Dannatt Ltd on 29 January 2016. ECC requested a response by 12 February 2016 and a transfer of the land within 3 months. ECC requested confirmation that the company was taking steps to do so by 12 February 2016 to avoid having to wait to the end of that period. No response was received and accordingly legal proceedings were commenced to take control of the land.

Proceedings were instigated against the company for specific performance of the agreement, damages for the diminution in value of the land due to encumbrances created and failure to complete restoration works in accordance with the agreement as well as the costs of those proceedings.

ECC presented its case at a hearing before Chancery Division of the High Court (transferred from the Commercial Court) on Friday 17 February 2017.

The Defendant did not attend, however ECC was successful as the Order agreed before Justice Snowden (see Appendix 1) was granted, requiring, in summary, that:

1. The Defendant transfer the Land to the ECC in compliance with the S52 Agreement;
2. A judgment for ECC to have damages assessed in relation to the Defendant's breaches of the S52 Agreement.
3. The assessment of damages was adjourned generally but with any application to be made on or before 17th February 2018.
4. ECC's costs to be paid.

The Company was served with the court Order and the date of deemed service was 24 February 2017. The Company had until 24 March 2017 to effect a transfer of the land from it to ECC. To date that has been no response and ECC will now be applying to the court to sign the relevant paperwork to transfer the land to ECC.

CONCLUSION

Subject to the formal transfer of the land being achieved and that ECC seeks recovery of its paid damages and legal costs, this brings this difficult planning case to a successful conclusion.

RECOMMENDED

That:

1. The case is closed from a planning position and no further work is undertaken by ECC as Mineral and Waste Planning Authority in respect of planning enforcement matters in relation to the previous planning permissions and S52 Legal agreement, subject to the formal transfer of the land being achieved.

LOCAL MEMBER NOTIFICATION

BRAINTREE – Witham Southern

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

Claim No. CL-2016-000675

Before the Honourable Mr. Justice Snowden sitting on 17th February 2017

BETWEEN:

ESSEX COUNTY COUNCIL

Claimant

and

B. DANNATT LIMITED
(CRN: 00331992)

Defendant

ORDER

Upon hearing Counsel for the Claimant and the Defendant not attending

And upon the Claimant's application dated 9th December 2016

And upon the Court being satisfied that the conditions for Judgment in Default in CPR 12.3(1) are met

IT IS ORDERED THAT:

1. The Defendant shall transfer the Land diagonally hatched on the attached plan (including the entirety of title EX612777, and the unregistered land delineated in yellow) to the Claimant in compliance with its obligations under clause 1(iii) of the Agreement dated 16th January 1990 ("the Agreement"), within 28 days of deemed service of this order upon it at its registered address.
2. Judgment for the Claimant for damages to be assessed in relation to the Defendant's breaches of said Agreement.
3. The assessment of damages is adjourned generally with permission to restore. If no request is made to restore the same prior to 4pm on 17th February 2018, the judgment at paragraph 2 above shall be set aside, and the claim in damages deemed struck out without further order.

4. The Defendant shall pay the Claimant's costs of action to be assessed in detail upon the standard basis, if not agreed.
5. Permission to either party to apply upon notice for further directions.

Dated: 17th February 2017

DR/20/17

Committee DEVELOPMENT & REGULATION

Date 21 April 2017

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

Report by Acting Head of County Planning

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**

N°. Pending at the end of February

33

N°. Decisions issued in March

10

N°. Decisions issued this financial year

45

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

98%

N°. Delegated Decisions issued in March

7

N°. Section 106 Agreements pending at the end of March

6

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 February

7

Nº. Decisions issued in March

1

Nº. Decisions issued this financial year

48

Nº. Delegated Decisions issued in March

1

All Applications

Nº. Delegated Decisions issued in March

8

Nº. Committee determined applications issued in March

3

Nº. of Submission of Details dealt with this financial year

135

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

76

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

0

Appeals

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

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

25

Nº. of cases cleared last quarter

4

Nº. of enforcement notices issued in March

0

Nº. of breach of condition notices issued in March

0

Nº. of planning contravention notices issued in March

0

Nº. of Temporary Stop Notices issued in March

0

Nº. of Stop Notices issued in March

0