

**Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 27 September 2019**

**Present:**

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr M Hardware	Cllr A Wood

**1 Apologies for Absence**

Apologies were received from Cllr D Blackwell and Cllr D Harris.

**2 Declarations of Interest**

There were none.

**3 Minutes**

The minutes of the meeting held on 26 July 2019 were agreed and signed, subject to one amendment.

Item 6, Points noted following Members' comments. Replace first bullet paragraph with:

'Parking seemed to create the most problems, the funding provided through the Memorandum of Understanding would be used by the Highway Authority on access improvements in the vicinity of the school, primarily the potential introduction of parking controls or improvements to crossing points to access the school and secondly the introduction of a 20mph speed restriction'

**4 Identification of Items Involving Public Speaking**

There were no public speakers.

**County Council Development**

**5 Lakelands Primary School, Stanway**

The Committee considered report DR/27/19 by the Chief Planning Officer.

Members noted the amendments set out in 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:

- Principle and need
- Policy considerations

- Traffic and highway impact
- Landscape and visual impact and Ecology
- Amenity impact and health
- Design
- Flood risk.

Several issues were raised:

- There were no dropping off points for those pupils being driven to school. However, Essex did not provide these and it was not in the authority's gift to do so. Such an issue would be dealt with in the Travel Plan. In this case, nearby roads could provide some temporary parking, with pedestrian access to the school. Any restrictions on local parking and the use of parking permits were matters for the local authority and the developer to take forward. On-site parking would comply with the Parking Standards
- The central location made the school widely accessible on foot and should encourage pupils to travel by more sustainable means. Members considered that it would also give rise to potential problems with vehicular traffic, but the school would have to manage this through its Travel Plan
- Regarding potential noise emanating from the site, this site had been earmarked for a school in the Master Plan. The trees around the site were intended to provide a visual screen, not to reduce noise. An additional noise assessment would be required via condition
- The use of a flat roof complied with present practice and standards. Although the school would be virtually the only flat-roofed building in the area, it was suggested that a pitched roof might have a greater impact on the visual amenity
- A Member considered that the flat roof design would result in no loft space for storage. It was confirmed that there would be storage space within the building interior. The use of wooden cladding had not been raised as a maintenance issue by the urban designers
- The size and layout of the play areas met Sport England's standards
- A Member asked whether the toilets would be unisex and it was confirmed that they would be
- The building met all the necessary planning requirements, in respect of proximity to surrounding buildings, storage for equipment and access for service vehicles. The proximity to buildings in Rook End was explained.
- The boundary fence height and colour was queried. The height was confirmed by officers
- A Member asked whether there could be an access point from the east and it was confirmed that this hadn't been put forward within the application
- The site was considered by Members to be small for a 420 space school. The outside hard play area was thought to be too small considering that the MUGA may be in use at lunchtime. It was confirmed that Sport England had no objection and the site would meet the relevant standards for outside space
- It was questioned where the storage space for bins would be, and the officer confirmed the location
- It was asked what renewable energy would be incorporated.

- Members considered that the site had been poorly planned at the masterplan stage. A Member considered it should be positioned at the edge of the residential development.

Concern was expressed at the lack of information provided to members, which restricted their ability to make decisions on applications as a whole. It was also suggested that there was a lack of opportunity for input, beyond that between developer and district authority. It was noted that, for sites included in a wider Master Plan, members could get involved at the public consultation stage of the local plan. It was also suggested that it would be helpful for discussions to take place across portfolios within the planning authorities, to facilitate better developments.

It was pointed out that, although many of the concerns expressed by members could not be addressed from a planning point of view, they would be fed back to infrastructure delivery, for them to take into consideration in future projects.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a vote of 7 in favour and 3 against, it was

### **Resolved**

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

1. The development hereby permitted shall be 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/COL/35/19 dated 11/06/19,

- Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;
- Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
- Planning Statement by Strutt & Parker dated May 2019;
- Construction Management Plan ref BC1851 Revision 2 by Barnes Construction dated September 2019;
- Climate Based Daylight Modelling by The Energy Practice dated

05/04/19;

- Health Impact Assessment by Strutt & Parker dated August 2019;
- Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
- Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
- Transport Assessment ref JTP18\_090 by Journey Transport Planning dated May 2019;
- Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
- Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
- Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

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

- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016 Rev P2 dated 06/08/19;
- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

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

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

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

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

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

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

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

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

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

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

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

6. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

7. No works or development shall take place until a scheme to minimise dust emissions during construction has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the construction of the development hereby permitted. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the construction of the development hereby permitted.

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

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

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

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

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate plans;
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved strategy and shall be retained in that manner thereafter.

*Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.*

10. No development shall take place beyond the installation of a damp proof membrane until details and samples of materials, including render, and timber, brick and brick mortar, have been submitted to and approved in writing by the County Planning Authority. The details shall include the use of 'Cinder Grey' brick. The development shall be implemented in accordance with the approved details.

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

11. Prior to installation of windows, details including plans and material samples of the window frames, vents and window recess shall have been submitted to and approved in writing by the County Planning Authority. The development shall take place in accordance with the approved details.

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

12. Prior to the installation of any part of the surface water drainage system, a detailed surface water drainage scheme for the site, based on the submitted Flood Risk Assessment V1.2 by Concertus dated 08/05/19, shall have been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and shall include but not be limited to:

- Limiting discharge rates to the greenfield 1 in 1 year rate for all storm

events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with Anglian Water;

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development hereby permitted shall be implemented in accordance with the approved scheme.

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

13. The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 2 by Barnes Construction dated September 2019.

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

14. Prior to beneficial occupation of the development hereby permitted, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the County Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided as part of the plan. The development shall thereafter be implemented in accordance with the approved plan.

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

15. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved



Maintenance Plan. These must be available for inspection upon a request by the County Planning Authority.

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

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

The scheme shall include:

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

The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 17 of this permission.

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

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

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

18. No development of the All Weather Pitch, as shown on drawing ref External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19, shall take place until details of the design and layout of the All Weather Pitch, including details of surfacing, construction cross-section, line marking, goal storage and fencing have been submitted to and approved in writing by the County Planning Authority. The development shall be

implemented in accordance with the approved details.

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

19. No development of the natural turf playing field, shown as soft informal play on drawing ref External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19, shall commence until the following documents have been submitted to and approved in writing by the County Planning Authority:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality;
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The development shall thereafter be implemented in accordance with the approved scheme.

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

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

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

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

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

22. The western façade of the main school building hereby permitted shall be positioned at least 12.9m from the façade of the residential properties on Rook End, as shown on drawing ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19.

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

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

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

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

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

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

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

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

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

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

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

## **6 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/28/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The amendment set out in the Addendum was noted, ie percentage of Major Planning Applications within 13 week or 16 week deadline, as applicable: replace the 94% with 100%.

The Committee NOTED the report

## **7 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 25 October 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:45 am.

**Chairman**