



Essex County Council

Development and Regulation Committee

10:30	Friday, 28 February 2020	Committee Room 1, County Hall, Chelmsford, CM1 1QH
--------------	-------------------------------------	---

For information about the meeting please ask for:

Matthew Waldie, Democratic Services Officer

Telephone: 033301 34583

Email: democratic.services@essex.gov.uk

Part 1

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

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on 24 January 2020.	6 - 19
3	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.	
4	County Council Development	

- 4.1 Lakelands Primary School, Stanway 20 - 37**
 To consider report DR/06/20, relating to the continuation of development of and use as a Primary School without compliance with conditions 2 (approved details) and 13 (Construction Management Plan) attached to planning permission ref CC/COL/35/19, to allow the use of Nuthatch Chase as a secondary construction access for a temporary time period.
 Location: Lakelands Primary School, Land off Wagtail Mews, Stanway, Colchester, CO3 8AL
 Reference: CC/COL/10/20
- 5 Information Items**
- 5.1 Report on the programme of Periodic Reviews Of Mineral Planning Permissions 38 - 42**
 To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).
- 5.2 Applications, Enforcement and Appeals Statistics 43 - 44**
 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/08/20
- 6 Date of next meeting**
 To note that the next meeting will be held at 10:30am on Friday 27 March 2020, in Committee Room 1, County Hall.
- 7 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)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they

involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

8 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.

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

The agenda is available on the Essex County Council website, <https://www.essex.gov.uk>. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Attendance at meetings

Most meetings are held at County Hall, Chelmsford, CM1 1LX. A map and directions to County Hall can be found at the following address on the Council's website: <http://www.essex.gov.uk/Your-Council/Local-Government-Essex/Pages/Visit-County-Hall.aspx>

Access to the meeting and reasonable adjustments

County Hall is accessible via ramped access to the building for people with physical disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

Induction loop facilities are available in most Meeting Rooms. Specialist headsets are available from Reception.

With sufficient notice, documents can be made available in alternative formats, for further information about this or about the meeting in general please contact the named officer on the agenda pack or email democratic.services@essex.gov.uk

Audio recording of meetings

Please note that in the interests of improving access to the Council's meetings, a sound recording is made of the public parts of many of the Council's Committees. The Chairman will make an announcement at the start of the meeting if it is being recorded.

If you are unable to attend and wish to see if the recording is available you can visit this link <https://cmis.essexcc.gov.uk/Essexcmis5/CalendarofMeetings> any time after the meeting starts. Any audio available can be accessed via the 'On air now!' box in the centre of the page, or the links immediately below it.

Should you wish to record the meeting, please contact the officer shown on the agenda front page

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Victoria Freeman, Senior Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

**Minutes of the meeting of the Development and Regulation Committee,
held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on
Friday, 24 January 2020**

Present:

Cllr C Guglielmi (Chairman)	Cllr J Henry
Cllr J Aldridge	Cllr S Hillier
Cllr D Blackwell	Cllr M Maddocks
Cllr M Hardware	Cllr J Moran
Cllr D Harris	Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr M Durham (substituted by Cllr Maddocks), Cllr M Garnett (substituted by Cllr Henry), Cllr M Mackrory and Cllr A Wood.

2 Declarations of Interest

There were none

3 Minutes

The minutes of the meeting held on 22 November 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

There were none.

Minerals and Waste

5 Pitsea Landfill

The Committee considered report DR/01/20 by the Chief Planning Officer.

Members noted that the current application relating to landfill was agreed by the Committee in 2015, subject to conditions and a legal agreement. However, the legal agreement had not been completed, so planning permission allowing the site to operate beyond 31 December 2015 had not been issued. The landfill has continued to operate in principle with the conditions of the 2007 planning permission, so landfilling of non-hazardous waste has continued since 31 December 2015, in breach of planning control. This report asked members to confirm that no enforcement action should be taken at the present time and that the operator be given six months to produce proposals to resolve the situation.

Members noted:

- When the application was made in 2015, it was expected that a lot of household waste would be redirected to the Tovi waste facility at Courtauld Road, so extending the life of the landfill site. However, this had not occurred to the extent anticipated and the site ceased to receive non-hazardous waste in December 2018. However inert materials continue to

be imported by road and barge and are required to achieve to the restoration of the site

- With regard to the pedestrian footbridge, as proposed by the applicant in 2015, Cllr Pat Reid, the local Member, had made a representation to the Committee, drawing attention to the concerns of local residents, who hoped that it would still be installed, as the traffic presented a danger to pedestrians. In response, it was pointed out that Veolia had encountered ongoing difficulties from Network Rail and had already incurred considerable financial outlay. The construction of a bridge while a requirement of the legal agreement it had not been required on highway and safety capacity grounds. Veolia were unwilling to proceed further, but they were still keen to provide some public benefit, and were exploring other options, including traffic management on the existing bridge to improve pedestrian access. It was also pointed out that the number of HGVs was reducing and would dwindle to zero in time.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of eight in favour, none against, with two abstentions, it was

Resolved

That, taking into account the results of harm assessment carried out on 20 December 2019, it is not considered expedient to take enforcement action at this time. However the situation will be reviewed within 6 months of the date of the report (by 24 July 2020), should the applicant not have come forward with revised proposals that allow completion of a legal agreement and issuing of a planning permission to address the breach of planning control.

County Council Development

6 Junction 7A M11 link

The Committee considered report DR/02/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to the conditions.

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
- Green Belt
- Landscape, Trees and Ecology
- Heritage
- Amenity
- Flood Risk and Drainage
- Highways

Following comments made by Members, it was noted:

- As originally envisaged, the link road between Junction 7A and Sheering Road was designed with two arms: a southern arm which would carry westbound traffic from the new junction towards Harlow; and a northern arm which would carry eastbound traffic from Harlow towards the junction/M11. This design is now not needed in the short to medium term due to the changes in the anticipated phasing of emerging development and the desire to focus upon and prioritise sustainable non-motorised transport infrastructure for development to the north of Harlow (Gilston area).
- The area to the north of the link is currently the preferred site for the Princess Alexandra Hospital. However, at the current time this development is not committed. The interim scheme is therefore to ensure best value, deliverability and outcome in the short to medium term.
- Updated traffic modelling has been undertaken and the dual carriageway (in both directions) on the phase A link orientation, which forms the interim scheme, means no overall loss of lane capacity.
- The interim scheme should also be compatible with a northern bypass in the future.
- This application does not require any land outside the red line of the existing permission.
- This area does form part of the Green Belt, and the application has been assessed as such. Albeit, it is confirmed that the Epping Forest District Council emerging plan does propose to remove this area from the Green Belt. Epping Forest District Council has made no comment on the proposal.
- Noting this is an interim scheme, should in the future the applicant not wish to construct phase 2A and 2B as originally approved further applications for consideration would have to be made (as required by condition 24).

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

Resolved

Subject to no intervention by the Secretary of State, 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 of the application dated 29 August 2019, together with drawings titled 'Alternative Interim Phase 2A Site Location Plan', drawing no. B3553F05-0100-

DR-0009 (Rev P01), dated 19/07/19; and 'Alternative Interim Phase 2A Site Plan', drawing no. B3553F05-0100-DR-0010 (Rev P0), dated 17/07/19; '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: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), CP9 (Sustainable Transport), GB1 (Green Belt Boundary), GB2A (Development in the Green Belt), HC1 (Scheduled Monuments and Other Archaeological Sites), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), RST3 (Loss or Diversion of Rights of Way), U1 (Infrastructure Adequacy), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

3. No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on the drawing titled 'Alternative Phase 2A Design Landscape Mitigation Figure 7-3a', drawing no. B3553F05-3000-DR-0758 (Rev P01), dated Aug 19, unless otherwise agreed in writing by the County Planning Authority, and shall include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details.

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: 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 mitigate impacts of the development on the natural environment in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

4. No development shall take place until a Landscape and Ecological Mitigation and Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:

- a) Aims and objectives of management;
- b) Appropriate management options for achieving aims and objectives;
- c) Prescriptions for management actions;
- d) Preparation of an annual work schedule/plan; and
- e) Details of the body or organisation responsible for management

and for ecology:

- a) Full detailed designs of all ecological mitigation measures, including those referred in the 'Biodiversity Statement and Mitigation Plan', document no, B3553F05-3000-REP-0055 and shown on the drawing titled 'Figure 8-2 Alternative Phase 2A Design Ecological Mitigation Plan, drawing no. B3553F05-3000-DR-0772 (Rev P0), dated 17/01/2019, unless otherwise agreed in writing by the County Planning Authority;
- b) Proposed monitoring of mitigation measures and how contingencies and/or remedial action will be identified, agreed and implemented; and
- c) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority 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 in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

5. No development shall take place until a detailed Noise Mitigation Plan has been submitted to the County Planning Authority for review and approval in writing. The mitigation plan shall confirm specification of the link road surfacing and any other measures proposed to limit noise impact within the application area. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of residential amenity and to mitigate environmental noise impact in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

6. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures, the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement submitted pursuant to application ref: CC/EPF/08/17, unless otherwise agreed in writing by the County Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

7. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. That submitted would be expected to follow the principles suggested within the drawings titled 'Road Lighting Layout Plan Sheet 5 of 7', drawing no. B3553F05-1300-DR-0005 (Rev P01), dated 14/02/18; and 'Road Lighting Key and Notes', drawing no. B3553F05-1300-DR-0015 (Rev P01), dated 14/02/18, unless otherwise agreed in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability 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 lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key

areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

8. Prior to commencement of development, a Bird Hazard Management Plan to prevent the utilisation of the site by hazardous bird species shall be submitted to the County Planning Authority for review and approval in writing. The submitted plan shall include, but not be limited to:
- Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
 - Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers; and
 - Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with ST9 of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

9. No development (including demolition, ground works, vegetation clearance) shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the County Planning Authority for review and approval in writing. The CEMP shall follow the principles suggested within the Outline Environmental Management Plan, document ref: B3553-3000-REP-0056 (Rev P00.3), dated January 2017 and the Construction Phase Traffic & Transport Impact Assessment, document ref: B3553F05-0000-REP-0081 (Rev 1), dated January 2017 and with regard to construction cover similar areas/topics to that considered within the Construction Methodology Report, document ref: B3553F05-0000-REP-0076 (Rev P0), dated November 2016,

albeit with reference to the development hereby permitted and construction details shown on drawings titled 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 4 of 7', drawing no. B3553F05-3000-DR-0707 (Rev P0), dated 18/02/2019; 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 5 of 7', drawing no. B3553F05-3000-DR-0708 (Rev P0), dated 28/08/2019; and 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 6 of 7', drawing no. B3553F05-3000-DR-0709 (Rev P0), dated 28/08/2019, unless otherwise agreed in writing by the County Planning Authority.

In terms of environmental management, and specifically biodiversity, the plan shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of highway safety and amenity, to make appropriate provision for conserving biodiversity during construction and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

10. No development or any preliminary groundworks shall take place until:
 - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), LL1 (Rural Landscape), LL7 (Planting Protection and Care of Trees) and LL10 (Adequacy of Provision for Landscape Retention) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

11. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation (trial trenching) 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 as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

12. Prior to commencement of development but following completion of the archaeological work required by condition 11, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval and writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008)

13. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 11, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of

post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

14. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. The strategy shall include the following components:
1. A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action
- The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the NPPF.

15. Prior to commissioning/operation of development hereby permitted a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the NPPF.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

17. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates from the interim link road (including Campions roundabout) to 1l/s or the 1:1 Greenfield runoff rate (whichever is greater) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report
- 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 CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes 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 approved scheme shall subsequently be implemented prior to commissioning and opening.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

18. No development shall take place until a Surface Water Drainage System 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. The development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

19. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: Construction works may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils, during construction, may limit the ability of the site to intercept rainfall and as such increased runoff rates. A construction surface water run-off management scheme is therefore required to mitigate the risks associated with this part of the development in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

20. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality and in accordance with policy RP3 (Water Quality), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

21. Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency's Groundwater Protection: Principles and Practice. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

Groundwater is particularly sensitive in this location because the proposed development site is located upon Principal and Secondary A aquifers.

22. No development shall take place until a scheme to demonstrate if and how compensatory flood storage for the 1 in 100 plus 35% climate change fluvial flood event will be provided, has been submitted to and approved in writing by the County Planning Authority. The scheme will be based on the approved and verified hydraulic flood modelling.

Reason: To ensure that the development is appropriately flood resilient and does not increase flood risk elsewhere, in line with paragraph 163 of the NPPF, and in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

23. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

24. Unless any alternative planning permission is granted, prior to the commencement of works pursuant to phase 2B (the northern arm link road) as permitted by planning application ref: CC/EPF/08/17 (or any variation to this permission), a scheme shall be submitted to the County Planning Authority for review and approval in writing detailing all works necessary to revert the interim phase 2A link, hereby permitted, to the original phase 2A link design as approved as part of planning application ref: CC/EPF/08/17. Details provided shall include a schedule of works, a construction method statement and measures proposed in terms of reinstatement/restoration of the areas affected. The works shall subsequently be undertaken in accordance with the approved details.

Reason: As this permission would sit alongside CC/EPF/08/17 it is considered important to secure the details proposed for the works associated with the removal of the additional carriageways and re-engineering of the interim phase 2A at the point of implementation of phase 2B from an environmental and amenity perspective and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), GB2A (Development in the Green Belt), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse

Environmental Impacts), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

Informative

This permission is considered intrinsically linked to planning application ref: CC/EPF/08/17. The majority of conditions imposed on this condition are mirrored from this permission with reference also made to the Environmental Statement originally submitted with this application. Where slight amendments have been made to condition wording it is hoped that the applicant would proactively seek take on board any new requirements as part of combined details submitted, for the development as a whole, in due course.

7 Enforcement of Planning Control

The Committee considered report DR/03/19, updating members of enforcement matters for the period 1 October to 31 December 2019.

The Committee NOTED the report.

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/04/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

9 Dates of Future Meetings

The Committee considered report DR/05/20, listing the proposed Committee meeting dates to April 2021.

The Committee NOTED the report.

10 Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 28 February 2020, in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:15 am

DR/06/20**Report to:** DEVELOPMENT & REGULATION (28th February 2020)

Proposal: COUNTY COUNCIL DEVELOPMENT - Continuation of development of and use as a Primary School without compliance with conditions 2 (approved details) and 13 (Construction Management Plan) attached to planning permission ref CC/COL/35/19, to allow the use of Nuthatch Chase as a secondary construction access for a temporary time period.

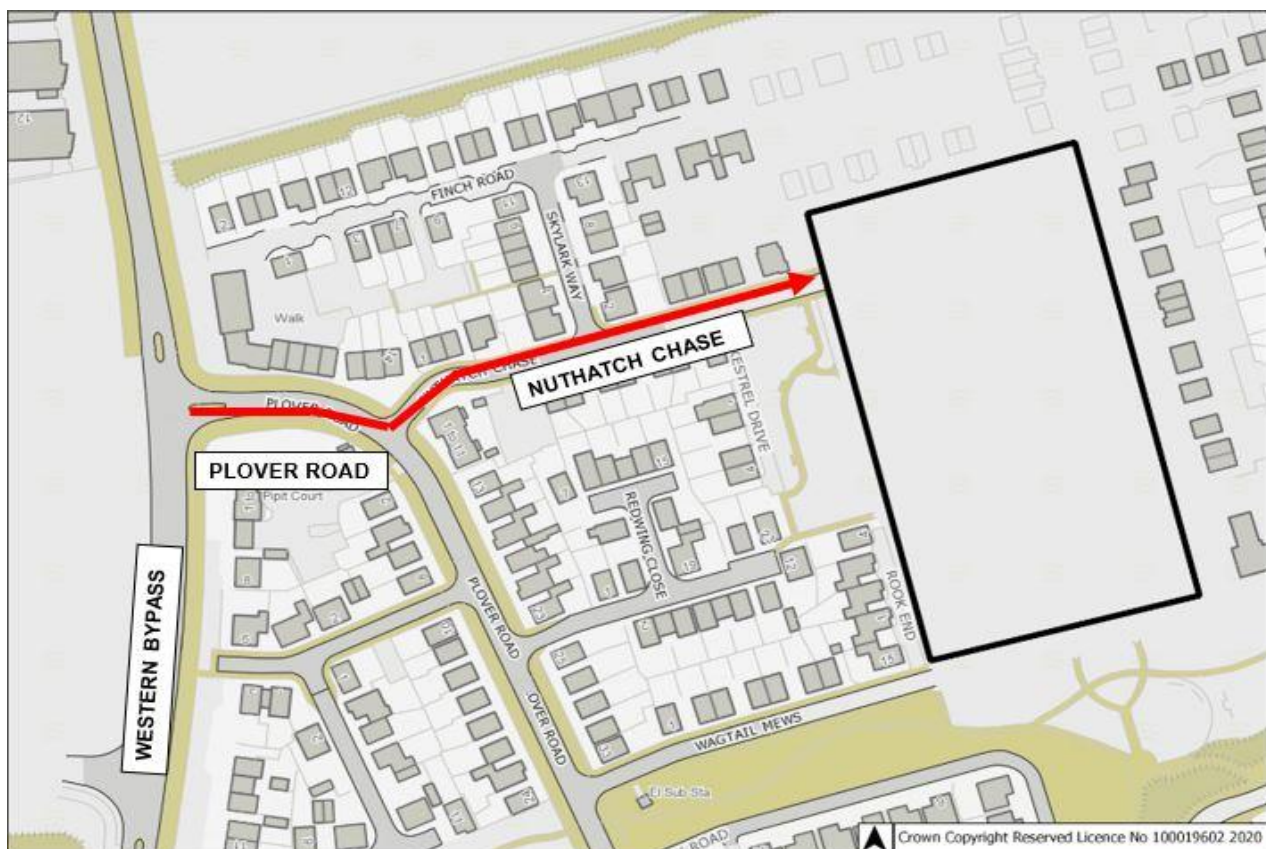
Ref: CC/COL/10/20**Applicant:** Essex County Council

Location: Lakelands Primary School, Land off Wagtail Mews, Stanway, Colchester, CO3 8AL

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Shelley Bailey Tel: 03330 136824

The full application can be viewed at <https://planning.essex.gov.uk>



1. **BACKGROUND**

On 30th September 2019, planning permission ref CC/COL/35/19 was granted for:

‘Erection of 2-storey Primary School to accommodate 420 pupils (2-Form Entry), including outdoor play space, all-weather playing pitch, landscaping, cycle/scooter storage, staff parking and supporting infrastructure’.

Construction of the development formally commenced on 4th November 2019.

2. **SITE**

The 1.14ha application site is located in Stanway, Colchester, in a former gravel working. As such, prior to commencement of construction of the new school, it was bare ground, free of any trees or other features. It is south of London Road and Tollgate West, where a mix of retail, business and other light industrial units form Tollgate Business Park and Tollgate Shopping Centre.

The site forms part of the wider housing development in the area west of Tollgate Road. There are occupied properties to the adjacent west of the site in Rook End, together with an amenity area further towards the north of this boundary. Wagtail Mews, when completed, will form a highway, separating the application site from a central parkland area to the south. Christopher Garnett Chase will abut the eastern boundary and currently contains partially completed residential properties. To the north there will be residential properties (not yet built) between the school site and the existing retail area.

Additionally, since the approval of permission ref CC/COL/35/19, there are now occupied properties along Nut Hatch Chase to the north west.

3. **PROPOSAL**

Planning permission ref CC/COL/35/19 requires (via conditions 2 and 13) that a Construction Management Plan (CMP) is complied with. This CMP includes an approved route for construction vehicles to access the development via Wagtail Mews.

The developer now wishes to use Nuthatch Chase (which was not formed at the beginning of the scheme) for a temporary period of 12 weeks (from 3rd February 2020 to 24th April 2020) to construct the MUGA and natural grass pitches only. The main construction access would remain via Wagtail Mews.

As such, the application proposes to vary conditions 2 and 13 attached to the existing planning permission ref CC/COL/35/19.

Condition 13 is currently worded as follows:

‘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: In the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP17 and DP1.'

Condition 2, in summary, requires compliance with the submitted documents, including the Construction Management Plan Revision 2, as per Condition 13.

4. **POLICIES**

The following policies of the Colchester Site Allocations, (CSA), Adopted October 2010, Colchester Development Policies DPD, Adopted 2010, as amended by the Focused Review, (CDP), July 2014, the Colchester Core Strategy, Adopted 2008, as amended by the Focused Review, (CCS), July 2014 and the emerging Colchester Borough Local Plan dated June 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

Colchester Site Allocations, Adopted October 2010

Policy SA STA1 - Appropriate Uses within the Stanway Growth Area

Colchester Development Policies DPD, Adopted 2010, as amended by the Focused Review, July 2014

DP1 - Design and Amenity (Revised July 2014)
DP17 – Accessibility and Access

Colchester Core Strategy, Adopted 2008, as amended by the Focused Review, July 2014

SD1 – Sustainable Development (Revised July 2014)

Emerging Colchester Local Plan Publication Draft

SP1 – Presumption in Favour of Development
SP6 – Place Shaping Principles
DM15 – Design and Amenity

Due to the very limited weight that these policies hold (explained below), they have not been discussed in detail in the report.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should 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 achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission 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 an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Colchester Local Plan is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may 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 NPPF.

The emerging Colchester Local Plan (2017) has been submitted to the Secretary of State and the Examination in Public has commenced. The Inspector has made initial comments and emphasised that more work needs to be carried out before the plan can be found sound, and that more evidence is required.

Further examination hearings took place in January 2020 and the Inspector's report is awaited.

It is therefore considered that the emerging Plan holds limited weight in decision making.

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – Any comments received will be reported.

HIGHWAY AUTHORITY – No comments to make, however has commented on the highway-related representations received.

STANWAY PARISH COUNCIL – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – Stanway and Pyefleet – Any comments received will be reported.

6. REPRESENTATIONS

40 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Cala Homes previously caused parking obstructions and workmen were rude. Mud was tracked onto an adjacent private road and never cleaned.	This application does not control the wider residential development.
Nuthatch Chase is smaller/narrower than Wagtail Mews and its use would be chaotic.	The Highway Authority has not objected.
Diggers and deliveries along Nuthatch Chase have previously scratched cars and blocked access.	Noted; however this application has no control over previous/wider developments.
Unable to take a buggy down the road due to builders cars parked on the path.	Noted; however this application has no control over previous/wider developments.
Mud on the road has not and will not be cleaned even if this is committed to.	This application does not control the wider residential development.
Residents should have the right to enjoy their homes without extra disruption.	See appraisal.
As the road is busier now, it would be dangerous for large vehicles to use it with cars parked either side.	The Highway Authority has not objected.
Residents park badly along Nuthatch Chase as there are no parking restrictions. A petition is being started to implement yellow lines. Could restrictions be implemented on a temporary basis?	See appraisal.
The management company are preparing the road for block paving, which will cause more traffic.	The Highway Authority has stated that the roads are to be of asphalt construction. The Highway Authority has not objected.
Mud on the roads is hazardous	Noted; however this application has no

currently.

control over previous/wider developments.

Non-residents leave cars all day along Nuthatch and use the bus, causing an obstruction.

See appraisal.

7. APPRAISAL

The key issues for consideration are:

- A. Principle of and need for development
- B. Highway Impact
- C. Amenity Impact

A PRINCIPLE OF AND NEED FOR DEVELOPMENT

The principle of the development of a school on the application site has been established through the allocation of the site under CSA Policy SA STA1 (Appropriate uses within the Stanway Growth Area), which allocates the Stanway Growth Area for residential and employment uses. The Lakelands area forms part of an existing allocation. The supporting text notes that there is an existing S106 Agreement which requires provision of a primary school site.

Additionally, and as stated, there is an existing planning permission (ref CC/COL/35/19) in place for the provision of the school.

It is therefore considered that the development of a school on the application site is acceptable in principle, in accordance with CSA Policy SA STA1.

The use of an alternative construction access for a temporary period is acceptable in principle, subject to no unacceptable highway or amenity impacts, which are considered further in the report.

The applicant has put forward a need for the development based on the use of Nuthatch Chase as a secondary access for construction of the Multi Use Games Area (MUGA) and natural grass pitches to the rear of the school. Nuthatch Chase would be used for a period of 12 weeks and would enable the delivery of the MUGA and grass pitches simultaneously with the rest of the site, thereby reducing the overall construction time for the site.

In addition, the early establishment of the natural pitch would mean it would be well formed for the proposed opening of the school in September 2020. The earlier establishment of onsite drainage would manage rainwater collection on site.

It is accepted that use of the proposed secondary access would provide a logical access point for the areas at the rear of the site.

CDP Policy DP1 (Design and Amenity), in summary, requires

'All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic

and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities (which are stated to include vehicle movements) associated with them, will:...

- Protect existing residential amenity and create a safe environment, among other requirements.

CCS Policy SD1 (Sustainable Development), in summary, states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The extent to which the proposals meet the requirement for sustainable development will be considered throughout the report.

B HIGHWAY IMPACT

CDP Policy DP17 (Accessibility and Access), in summary, requires:

'...Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties and/or the public rights of way network...'

As stated, the secondary access is proposed to be in use from the 3rd of February 2020 until 24th April 2020. It is anticipated that 25 muck away lorries and 40 materials in lorry deliveries would occur within this time.

The access route would be used only by traffic relating to the MUGA and grass pitches, all other contractors and workers would be expected to use the primary Access via Wagtail Mews, as already established in the original Construction Management Plan.

The revised Construction Management Plan commits to providing road sweepers to clear any debris on the road.

The Highway Authority has raised no objection to the proposals. Nuthatch Chase is a highway the same as Wagtail Mews, which should have no more highway safety implications if managed appropriately.

The Highway Authority has stated that the roads are unadopted and so parking restrictions would not be possible.

In this respect, the proposals are considered to comply with CDP Policies DP1 and DP17 and there is considered to be no highway related reason to refuse the use of Nuthatch Chase on a temporary basis.

C AMENITY IMPACT

As stated, CDP Policies DP1 and DP17, in summary, require no unacceptable or unreasonable harm to amenity.

It is accepted that the proposed use of Nuthatch Chase would introduce construction traffic into the area which was not anticipated when the original planning permission was granted.

However, the proposed use would be for a relatively short time period of 12 weeks. The proposed vehicle numbers would result in an average of 6 vehicles per week along Nuthatch Chase, which is not considered to be a significant amount.

The applicant has committed to road sweeping to ensure the highway is kept clear.

Whilst the concerns of residents regarding other contractors are noted, the proposals before the County Planning Authority have to be considered on their own merits.

It is considered that the proposed use of Nuthatch Chase as a secondary construction access for a temporary period would not have unacceptable impacts on the amenity of residents. There may also be slight benefits to residential amenity overall due to the ability to complete the whole school development more quickly. It is therefore considered that the proposals would comply with CDP Policies DP1 and DP17.

8. CONCLUSION

It is therefore considered that the proposed use of Nuthatch Chase as a construction access on a temporary (12 week) basis would have no unacceptable impacts on highway safety or amenity, in compliance with CDP Policies DP1 and DP17.

The development is considered to meet the environmental, social and economic strands of sustainable development as set out in the NPPF and as required by CDP Policy DP1 and CCS Policy SD1.

Overall, there are considered to be no planning reasons to refuse the application and Conditions 2 and 13 should be amended as proposed.

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 carried out in accordance with the details submitted by way of application reference CC/COL/35/19 dated 11/06/19,

- Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;

- Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
- Planning Statement by Strutt & Parker dated May 2019;
- **Construction Management Plan ref BC1851 Revision 4 by Barnes Construction dated December 2019;**
- Climate Based Daylight Modelling by The Energy Practice dated 05/04/19;
- Health Impact Assessment by Strutt & Parker dated August 2019;
- Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
- Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
- Transport Assessment ref JTP18_090 by Journey Transport Planning dated May 2019;
- Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
- Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
- Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

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

- 06/08/19;
- Elevational Material Details ref 118216-CDP-DR-ZZ-XX-A-2014 Rev P3 dated 06/08/19;
- Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2006 Rev P4 dated 06/08/19;
- Cropped Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2016 Rev P2 dated 06/08/19;
- Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19;
- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016 Rev P2 dated 06/08/19;
- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

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

AS AMENDED BY

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

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

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

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

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

3. No beneficial occupation of the development hereby permitted shall take place

unless a noise assessment to predict the noise impact of the proposed Hard Outdoor PE Court and Artificial Turf Pitch on nearby noise sensitive properties (to be agreed in advance in writing with the County Planning Authority), as well as mitigation measures if adverse impacts are found to occur, has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall include details of the noise predictions and baseline noise conditions. The development shall thereafter take place in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

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

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

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

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

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

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

For clarity, the approved materials are as follows:

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

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

10. The development hereby permitted shall be implemented in accordance with the window details approved on 17th December 2019 under condition 11 of planning permission CC/COL/35/19. The approved window details are set out in the application for approval of details reserved by condition dated 13th November 2019;
 - Cover letter from Strutt&Parker dated 13th November 2019;
 - Cover letter ref BC 1851 from Barnes Construction;

- Drawing ref 118216-CDP-DR-ZZ-XX-A-9002-P4 dated 12/11/19 (Proposed elevation key plan);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9005-P2 dated 11/11/19 (W3/W4 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9003-P2 dated 11/11/19 (W1 – Proposed window details);
- Drawing ref 118216-CDP-DR-ZZ-XX-A-9004 P2 dated 11/11/19 (W2 – Proposed window details).

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

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

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

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

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

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

The approved Maintenance Plan for Surface Water Drainage details are set

out in the application for approval of details reserved by condition dated 10th December 2019;

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

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

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

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

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

The scheme shall include:

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

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

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

16. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 15 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next

available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on plan Landscape Proposals ref 118216-

CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

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

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

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

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) 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

COLCHESTER - Stanway and Pyefleet

committee DEVELOPMENT & REGULATION

date 28 February 2020

INFORMATION ITEM: Report on the programme of Periodic Reviews of Mineral Planning Permissions

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Claire Tomalin – Tel: 03330 136821.

1. PURPOSE OF THE REPORT

To update Members on the current status of the MPA's programme of Periodic Reviews of mineral planning permissions (also known as ROMPS).

2. BACKGROUND

The Environment Act 1995 introduced a requirement for periodic review of all mineral permissions when 15 years old. The review programme gives Mineral Planning Authorities the opportunity to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant.

The Planning Practice Guidance (PPG) outlines the manner in which Periodic Reviews are undertaken.

In order to ensure Members are kept up to date it has been agreed previously that a report would be produced annually advising of sites needing review in the next year.

The provisions of the Environment Act 1995 were amended on the 23 June 2013 under new provisions within The Growth and Infrastructure Act 2013. The amendments give discretion to MPAs over when the initial review is undertaken. The MPA may choose a longer period than 15 years, if circumstances are appropriate, as long as it is not less than 15 years and also subject to a provision that the interval between any two reviews not being less than 15 years.

It is not the case that all old mineral planning permission will require view. The PPG advises "*Mineral Planning Authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware and has not been able to address*"

3. PERIODIC REVIEWS

Under the Environment Act 1995 the MPA is required to review mineral planning permission issued after 22 February 1982 that are 15 years old. The MPA must notify the operator at least 12 months prior to the permission being 15 years old.

This report is addressing 2 periods of review.

In 2019 it was necessary for the MPA to review permissions to be 15 years old between February 2020 and February 2021 i.e. permission issued from 22 February 2005 to 21 February 2006.

In 2020 it is necessary for the MPA to review permissions to be 15 years old between February 2021 and February 2022 i.e. permissions issued from 22 February 2006 to 21 February 2007.

The Periodic Review process makes no distinction between active and dormant sites. An updated set of conditions must be submitted for both types of site by the applicant. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, although restoration and aftercare conditions still apply.

Review applications may be subject to Environmental Impact Assessment. Once a Periodic Review application is received, the MPA has three months (16 weeks if accompanied by an EIA) in which to make a decision on the application and if no decision is reached, the application is automatically approved. The applicant may however agree to extend the period for determination.

If the MPA imposes new conditions that unreasonably restrict working rights, a liability to compensation may arise. There must, therefore, be exceptional circumstances for such conditions to be imposed.

The Periodic Review programme in Essex

Mineral Permissions Previously Identified for Review

In 2018 no sites were identified for review i.e. all mineral permissions granted between Feb 2004 and Feb 2005 the mineral site had been completed and satisfactorily restored and completed aftercare or the conditions were considered adequate.

For permissions issued between Feb 2005 and Feb 2006 mineral sites had either been completed and satisfactorily restored or the site was operating without issues and the conditions considered adequate. Details are contained in Appendix 1 attached.

Future permissions identified for Review

The MPA has now considered all predominant planning permissions granted within the administrative area of Essex between 22 February 2006 and 21 February 2007 and has assessed them for the need for Periodic Review.

Three mineral planning permissions have been identified as issued in the relevant period, but all have either been completed, not implemented or superseded by subsequent permissions. See Appendix 2

The future Periodic Review programme

A further annual update report on the outcome of each year's Periodic Review exercise will be presented to the Development and Regulation Committee in late 2020.

BACKGROUND PAPERS

70.421.50

Ref: P/DM/Claire Tomalin

LOCAL MEMBER NOTIFICATION

COLCHESTER – Stanway & Payfleet

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2005 to 21 February 2006 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2019 and February 2020

Site Ref.	Address & Electoral Division	Applic No.	Description	Decision Date	Periodic Review needed Y/N
13 421 19	Colchester Quarry (Stanway Hall), Warren Lane Stanway	ESS/49/01/COL/R	Review of Mineral Planning Permission	13/04/2001	No Superseded by ESS/14/06/COL and ESS/06/09/CHL ESS/23/14/COL
13 421 19	Colchester Quarry (Bellhouse), Warren Lane, Stanway	ESS/48/01/COL/R	Review of Mineral Planning Permission	13/04/2001	No Conditions are considered adequate and it is likely there will be a variation application in the near future, which would give an opportunity to reconsider restoration and aftercare conditions.
23 421 16	St Clere's Hall Pit, Danbury, Chelmsford	ESS/44/05/CHL	Mineral extraction and progressive restoration of a western extension	31/01/06	No The site was partly worked and then it was decided not to progress and the site restored. Aftercare is ongoing, but conditions are adequate and therefore no ROMP required.

Review of Mineral Planning Permissions

PERIODIC REVIEWS – Predominant Mineral Planning permissions issued between 22 February 2006 to 21 February 2007 identification of Planning Permissions granted 15 years ago requiring Periodic Review between February 2020 and February 2021

Site Ref.	Address & Electoral Division	Application No.	Description	Decision Date	Periodic Review needed Y/N
24 421 02	Chigborough Quarry, Chigborough & Draper's Fms; Saltcote & Rook Halls, Maldon, CM9 4QX	ESS/19/06/MAL	Recommencement of sand & gravel extraction within the former permitted area, to complete restoration of the former plant site & stockpile area to a fishing lake, with associated landscaping	25/07/2006	No Site completed and aftercare period completed
13 421 20	Bouchiers Hall Farm, Inworth, Colchester	ESS/16/05/COL	Extraction and Removal of sand and gravel to provide for the construction of an agricultural reservoir	06/04/2006	No Permission never implemented and now expired.
13 421 19	Bellhouse & Abbotstone Landfill Site, Warren Lane, Stanway, Colchester, CO3 0NN	ESS/14/06/COL	Continuation of development without compliance with conds 6 (working scheme) & 15 (restoration scheme) attached to pp ESS/49/01/COL R to extend the time for the submission of a detailed working and restoration scheme for an additional 2 yrs	30/05/2006	No Permission superseded by subsequent permissions, last permission ESS/23/14/COL.

Report to: DEVELOPMENT & REGULATION (28 February 2020)
INFORMATION ITEM – Applications, Enforcement and Appeal Statistics
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: Emma Robinson – tel: 03330 131512 The full application can be viewed at: http://planning.essex.gov.uk/

1. PURPOSE OF THE ITEM

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications

SCHEDULE

Nº. Pending at the end of December	19
Nº. Decisions issued in January	3
Nº. Decisions issued this financial year	28
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in January	2
Nº. applications where Section 106 Agreements pending at the end of January	3

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Pending at the end of December	4
Nº. Decisions issued in January	2
Nº. Decisions issued this financial year	18
Nº. Delegated Decisions issued in January	2

All Applications

Nº. Delegated Decisions issued in January	4
Nº. Committee determined applications issued in January	1
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	128
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of January	46
Nº. of referrals to Secretary of State under delegated powers in January	0

Appeals

Nº. of outstanding planning and enforcement appeals at end of January	1
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	27
Nº. of cases cleared last quarter	14
Nº. of enforcement notices issued in January	0
Nº. of breach of condition notices issued in January	1
Nº. of planning contravention notices issued in January	1
Nº. of Temporary Stop Notices issued in January	1
Nº. of Stop Notices issued in January	0