
Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, Essex on Friday, 24 February 2017

Present:

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

1 Apologies for Absence

Apologies were received from Cllr J Abbott and Cllr Lady Newton (substituted by Cllr C Seagers).

2 Declarations of Interest

Cllr Lissimore declared that she is Deputy Cabinet Member for Education and Lifelong Learning.

3 Minutes

The minutes of the meeting held on 27 January 2017 were agreed and signed by the Chairman.

4 Identification of Items Involving Public Speaking

There were no public speakers identified.

Minerals and Waste

5 Highwood Quarry Little Canfield

The Committee considered report DR/08/17 by the Acting Head of County Planning.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

The Committee was reminded that two applications had been submitted to the meeting held on 27 January: ESS/35/16/UTT, and ESS/34/16/UTT, and that the application to vary the condition relating to the height of the soil washing plant had been resolved to be granted. However, the planning applications relating to variations of conditions to allow early hours HGV movements had been resolved to be refused by the Committee. In line with Committee Protocol, the exact wording for the refusal of the decision was being taken at this meeting to allow officers to present appropriate advice as to the clarity and reasonableness of the reasons for the refusal to the Committee.

The Committee noted the Considerations as set out in the Report.

The resolution was moved, seconded and following a unanimous vote in favour it was

Resolved

A Planning Application ESS/35/16/UTT

That planning permission for variation of condition 16 of ESS/45/15/UTT be **granted**,

1. The wording of condition 16 to be amended to

No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the soil washing plant which shall not exceed a height of 97m Above Ordnance Datum, as shown on drawing no. 14.103.D.004 entitled "Indicative Elevations of Proposed Plant" dated Sept 2014.

2. That all other conditions of ESS/45/15/UTT be updated and re-imposed as appropriate.

B Planning Application ESS/35/16/UTT

That planning permission be **refused** for variation of condition 6 of ESS/45/15/UTT for the following reasons:

- 1) The introduction of HGV movements before 7:00am would introduce industrial operations at the site at an inappropriate time of day causing harm to the rural environment and no justification has been demonstrated to outweigh this harm, contrary to Policy S7 of UDLP and Paragraphs 28 and 109 of the NPPF.
- 2) The introduction of HGV movements before 7:00am would cause harm to local amenity and no justification has been demonstrated to outweigh this harm contrary to UDLP policy GEN 4 WLP policies W10E and W10F and RWLP policy 10 the NPPF and the NPPW.

C Planning Application ESS/34/16/UTT

That planning permission be **refused** for variation of condition 4 of ESS/52/13/UTT for the following reasons:

- 1) The introduction of HGV movements before 7:00am would introduce industrial operations at the site at an inappropriate time of day causing harm to the rural environment and no justification has been demonstrated to outweigh this harm, contrary to Policy S7 of UDLP and Paragraphs 28 and 109 of the NPPF.
- 2) The introduction of HGV movements before 7:00am would cause harm to local amenity and no justification has been demonstrated to outweigh this harm contrary to UDLP policy GEN 4, MLP policy DM1 and the NPPF.

County Council Development

6 The Chase, Newhall, Harlow

The Committee considered report DR/09/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of development
- Sustainable transport & highways impact
- Design, site layout and landscaping
- Flood risk
- Impact on natural environment
- Impact on historic environment
- Impact on residential amenity.

In response to points raised, it was noted:

- Although there was no provision of a dropping off area at the school, there were parking bays in the street, there were likely to be shops built across the street, with parking, and there were plans to build a community centre next to the school, also with parking.
- The Network Assurance team within Essex Highways had been consulted. They advised that the local parking partnership followed a policy of non-intervention for the first five years post adoption on new developments on the basis that the development should accord with current parking standards and any requirements for parking restrictions should be identified and funded by the developer as an integral part of the development.
- The potential use of a part of the recreation field as a drop-off area would require a major redesign
- The application is constrained by the Sustainable Travel Policy; it has been assessed and meets the criteria.
- Although it would not be reasonable for the Committee to seek conditions relating to specific matters such as the policing of traffic by the school, the provision of access to parking at the community hall or steering Harlow District Council's deliberations, it would be reasonable for the Committee to raise certain concerns and Members agreed that their concerns should be expressed in an informative
- Access to the first floor of the building would be provided by both stairs and a lift.

Various points were made and views expressed by Members:

- It was encouraging to receive an application that preceded the development around it
- It was good to see that flood provision had been included

- The school may have been designed on the basis of the vast majority of pupils arriving on foot or scooter/bicycle, but the reality was that a large number would come by car. Suitable provision for dealing with the sort of problems experienced by schools should have been planned in from the beginning
- The provision of a drop off zone was not without its own potential problems with drivers parking there
- There was no suitable space for coaches to wait in.

There being no further matters raised by Members, the resolution was proposed and seconded. Following a vote of eight in favour and three against, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/HLW/56/16 validated on 14 December 2016 including the following drawings and documents:

Drawings Prepared by ASTUDIO Architecture

PL-00-GA-000600	Rev. D	Site Location Plan
PL-00-GA-000610	Rev. D	Block Plan
PL-00-GA-001120	Rev. E	Ground Floor Plan
PL-01-GA-001121	Rev. E	First Floor Plan
PL-02-GA-001122	Rev. C	Roof Plan
A-EL-002000	Rev. F	North West and North East Elevations
A-EL-002001	Rev. E	South West and South East Elevations
A-SEC-003000	Rev. E	Primary School Sections

A-SEC-003001	Rev. D	Early Years Sections
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Drawings prepared by Wynne-Williams Associates Landscape Architects

1639_LL_102	Rev. P01	External Definition
1639_LSe_401	Rev. P00	Sports Pitch Sections
1639_LSe_402	Rev. P00	Sports Pitch Sections Sheet 2
1639_LL_101	Rev. P02	Sports Pitch Layout
1639_LL_103	Rev. P01	Main Layout Plan
1639_LL_104	Rev. P02	Open Space Layout
1639_LP_302	Rev. P01	Planting Plan Sheet 1
1639_LP_303	Rev. P01	Planting Plan Sheet 2
1639_LSe_404	Rev. P00	Site Sections
1639_LL_110	Rev. P00	Site Location Plan

Documents:

- Planning Statement, prepared by Strutt and Parker, dated December 2016
- Design and Access Statement, prepared by ASTUDIO Architects, dated 09/12/16
- Heritage Statement, prepared by Architectural Management, dated December 2016
- Transport Assessment, prepared by Journey Transport Planning, dated December 2016
- Framework Travel Plan, prepared by Journey Transport Planning, dated December 2016
- Flood Risk Assessment and Drainage Strategy, prepared by Rossi Long Consulting, dated December 2016 and additional information including permeable paving calculations received by email from Strutt & Parker on 19/01/2017

Extended Phase 1 Survey, prepared by Richard Graves Associates, dated September 15 The Memorandum of Understanding signed by the Head of Infrastructure Delivery, dated 23 February 2017.and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. **Bicycle Parking**

Prior to first occupation of the proposed building, a minimum of 52 covered bicycle stands and 100 pupil scooter parking stands shall be erected on site at the locations indicated on drawing Number 1639_LL_103 Rev. P01 Main Layout Plan. Within one month of commencement of development on site, detailed design drawings for the covered bicycle stand and covered scooter stand shall be submitted for the prior written approval of the County Planning Authority and the development shall be carried out and implemented in accordance with the approved details.

4. **Archaeology**

No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority.

5. **Detailed Surface Water Drainage Scheme**

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:

- Discharge to the ground. Additional infiltration testing should take place to support the detailed strategy. Should it be found at that stage that infiltration is not possible an alternative discharge strategy based on greenfield discharge should be agreed by the local authority.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance

routes, FFL and ground levels, and location and sizing of any drainage features.

A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to first occupation of the proposed school and nursery buildings.

6. Scheme to minimise off-site surface and ground water flooding during construction

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 as approved.

7. Surface Water Drainage System - Maintenance Plan

Prior to first occupation of the proposed school building a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the County Planning Authority.

8. Surface Water Drainage System - Maintenance Logs

The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved under Condition 7. These shall be available for inspection upon a request by the County Planning Authority.

9. Arboricultural Survey

No development shall take place until a full Arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by the County Planning Authority.

The report shall include the following:

a) a plan that shows the position, crown spread and root protection area in

accordance with section 5.5 of BS5837:2012 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.

b) details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012

c) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.

d) details and positions of the ground protection in accordance with section 2 of BS5837:2012.

e) details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

f) details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.

g) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.

h) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph 5.4.2 of BS5837:2012.

i) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.

j) details of the methodology to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.

k) details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.

l) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.

m) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures,

with particular regard to ground compaction and phototoxicity

n) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of BS5837:2012.

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

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

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

10. No surface water discharge onto public highway

There shall be no discharge of surface water onto the Highway.

11. Boundary Landscape Treatment

Within one month of commencement of construction on site a detailed scheme of landscape treatment for the boundaries and immediate areas adjacent to the Roundhouse, the Farmhouse and neighbouring housing shall be submitted for the prior written approval of the County Planning Authority. The plans shall be drawn to a scale of not less than 1:200; details shall include finished levels and contours, soil and plant specifications, schedules of plants, plant sizes and proposed numbers.

Note this condition is has been applied notwithstanding the submitted landscape plans 1639-LP-302/303 P01.

The approved scheme of landscape treatment shall be implemented in full in accordance with the approved details in the first planting season following the commencement of development.

Any planting removed, dying or becoming seriously damaged or diseased within ten years of planting shall be replaced within the first available planting season thereafter (on a 1:1 basis for the first five years) with planting of similar size and which shall then be planted in the first

available planting season.

12. Management of Boundary Planting

Prior to first occupation of the proposed school buildings, a scheme for the management and maintenance of the soft landscape areas covering a minimum period of 10 years, shall be submitted for the prior written approval of the County Planning Authority. The scheme shall be implemented in full in accordance with the approved details.

Any planting removed, dying or becoming seriously damaged or diseased within ten years of planting shall be replaced within the first available planting season thereafter (on a 1:1 basis for the first five years and at the discretion of the County Planning Authority for the second five years) with planting of similar size.

13. Biodiversity/Ecology

No development or preliminary groundworks of any kind shall take place until the applicant has undertaken a pre-construction ecological survey in accordance with details that shall have been previously submitted and approved in writing by the County Planning Authority. If protected species are identified during the survey a scheme of mitigation/translocation shall be submitted to and approved in writing by the County Planning Authority and the approved scheme implemented prior to any development or preliminary groundworks.

14. Bin Storage Details

Prior to first occupation of the proposed building, the bin storage structures shall be installed at the locations indicated on drawing Number 1639_LL_103 Rev. P01 Main Layout Plan. Within one month of commencement of development on site, detailed design drawings for the proposed structures shall be submitted for the prior written approval of the County Planning Authority and the development carried by implemented in accordance with the approved details.

15. External Lighting Design

No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operational hours have been

submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

16. Ecological Management Plan

An ecological management plan (EMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development to secure the long-term success of the wildflower grassland proposed to be created on site. The content of the Plan shall include the following.

- a) Aims and objectives
- b) Prescriptions for management actions.
- c) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- d) Details of the body or organization responsible for implementation of the plan.
- e) Ongoing monitoring and remedial measures.

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

17. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no school buildings hereby approved shall be extended and no new development shall be erected on the site without the benefit of express planning permission.

Information Items

- 7 Applications, Enforcement and Appeals Statistics**
The Committee considered report DR/10/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

The Committee NOTED the report.

- 8 Date of Next Meeting**
The Committee noted that the next meeting would be held on Friday 24 March 2017 at 10:30am in Committee Room 1.

There being no further business the meeting closed at 11.27am.

Chairman