

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 27 October 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr M Steel
Cllr M Steptoe (from agenda item 7.1 onwards)	Cllr P Thorogood
Cllr A McGurran	Cllr L Mackenzie
Cllr M Garnett	Cllr M Hardware
Cllr L Bowers-Flint	Cllr I Grundy

### 1. Election of a Vice Chairman

Cllr C Guglielmi proposed, and Cllr M Garnett seconded the election of Cllr Lynette Bowers-Flint as Vice-Chairman until such time as Cllr J Jowers was able to return, provided that this was before the end of the municipal year. Following a unanimous vote in favour, Cllr Lynette Bowers-Flint was duly appointed.

### 2. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr J Jowers for whom Cllr I Grundy substituted, from Cllr D Harris for whom Cllr A McGurran substituted, and from Cllr M Stephenson and Cllr B Aspinell.

Cllr L Mackenzie declared an interest in item 6.1 of the agenda (Minute 17) concerning Loughton Library as he had been lobbied on the proposal. Cllr Mackenzie considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on the item.

Cllr P Thorogood declared an interest in item 7.1 of the agenda (Minute 31) concerning Reinforced Autoclaved Aerated Concrete (RAAC) as his child attended a school affected by RAAC. Cllr Thorogood considered that as the report did not relate to any specific schools or specific school proposals, he was not precluded from participating in the debate and voting on the item.

Cllr C Guglielmi declared an interest in item 5.1 of the agenda (Minute 2) concerning Lufkins Farm as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate, but that he would abstain from voting on the item.

### 3. Minutes

The Principal Planning Officer explained that there had been three alterations made to Minutes 5 and 7 of the meeting held on 25 August 2023 as, following the committee meeting, the Planning Officer had considered the Conditions and felt that the wording was not as specific as it could be.

The minutes of the meeting held on 25 August 2023, including the three amendments, were agreed as a correct record and signed by the Chairman.

#### 4. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

1) **Lufkins Farm, Great Bentley Road, Frating**

To consider report DR/35/23 relating to the Construction of an agricultural reservoir involving the extraction and exportation of sand and gravel; and the erection and use of an on-site processing plant with ancillary facilities. Together with the use of the access, on Great Bentley Road, currently only permitted for a temporary period as part of planning application ref: ESS/40/15/TEN and changes to the timescale of the proposed phasing and restoration of the existing reservoir as permitted as part of planning application ref: ESS/99/21/TEN.

**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN

**Ref:** ESS/101/21/TEN

Public speakers:

- Joint applicants: Mr George Wright and Mr Simon Treacy – speaking for

2) **Loughton Library, Traps Hill, Loughton**

To consider report DR/36/23 relating to the Demolition of the existing building and the construction of new part 5/part 4/part 3 storey building to provide (i) a public library; (ii) space for offices, community use and Jazz Archive; (iii) the provision of 38 residential apartments; and (iv) associated access, parking, servicing, utilities, and landscaping.

**Location:** Loughton Library, Traps Hill, Loughton, Essex, IG10 1HD

**Ref:** CC/EPF/88/22

Public speakers:

- On behalf of Loughton Residents Association Plans group: Mr David Linnell – speaking against
- On behalf of the applicant: Ms Emma Walker – speaking for
- Local member: Cllr Chris Pond
- A statement read on behalf of Cabinet Member for Arts, Heritage and Culture: Cllr Mark Durham.

#### 5. **Lufkins Farm, Great Bentley Road, Frating**

The Committee considered report DR/35/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed Conditions 3, 10, 12, 13, 14, 15, 17, 18, 19, 26, 27, 28, 29, 34, 44 and the addition of proposed Condition 45.

Policies relevant to the application were detailed in the report and addendum.

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

The Committee noted the key issues:

- Principle of Development including Agricultural Justification
- Soils
- Water Environment
- Transport and Highways
- Landscape and Visual Impact
- Air Quality
- Noise
- Ecology
- Cultural Heritage

In accordance with the protocol on public speaking the Committee was addressed by Mr George Wright and Mr Simon Treacy, speaking as joint applicants. Mr Wright and Mr Treacy made several points:

- The Tendring area was one of the driest parts of the UK. Soils in the area were, however, responsive to irrigation, and with water could grow vegetables and salad crops. Without irrigation, they were limited to cereal production.
- A number of reservoirs had been built to store surplus winter water which additionally reduced localised flooding. These reservoirs were used to irrigate crops during spring and summer which reduced the need to extract water from the aquifer and rivers in the summer when it was in short supply.
- Reservoirs had been linked with other farms by a pipeline and operations had been expanded.
- This application sought permission to build a second reservoir at Lufkin's Farm which would allow for storing more water and increase the ability to grow higher margin vegetables. This sustained the farming business, enabled other local farms to grow more specialist water reliant crops and contributed to the UK's ability to grow its own produce.
- Brett Aggregates proposed to erect a processing plant on site as this would generate a road-miles saving. This was because processed products could go direct to market rather than being hauled to Alresford for processing and onward sale. This was encouraged by Policy DM3 of the Minerals Local Plan.
- Brett was committed to self-regulation and the audit of its operations. There had been no complaints received at the existing Lufkin's Farm site since operations began.
- Brett would welcome GeoEssex to visit the new excavation as often as they wished.

Following comments and concerns raised by members, it was noted:

- There was existing liaison between Brett Aggregates and Alresford Parish Council, and this could be extended to Frating Parish Council.

- HGVs were unlikely to travel through Great Bentley, as this route was not appropriate for HGVs due to it not containing exclusively A and B roads. The suggested route was through Frating Green, as this route contained more appropriate roads. It was possible to include an informative to request that drivers be discouraged from driving through Great Bentley.

There being no further points raised, the resolution, including the amendments to the conditions and addition of Condition 45 in the Addendum, was proposed by Councillor L Bowers-Flint and seconded by Councillor M Hardware. Following a vote of 8 in favour, 1 abstention, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

- a) the prior completion within 6 months (unless otherwise agreed with the Chairman of Development and Regulation Committee) of a new Section 106 Legal Agreement securing the provisions of the previous S106, namely that the water within the reservoir be shared between the agricultural holdings referred to in the AJS and that any other use of the reservoir would not hinder its purpose as an irrigation reservoir, and a new obligation to provide off-site skylark plots;
- b) conditions covering the following matters:
  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 Minerals Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with:

the details submitted by way of the application ref ESS/21/08/TEN dated 23 May 2008 and covering letter dated 22 May 2008, together with drawings numbered 0318/A (26/02/2007), 0318/O/1b (17/08/2015) and 0318/R/1a, Supporting Statement dated 20 May 2008, Irrigation Requirements Report dated December 2004, Traffic Statement dated March 2007, Hydrogeological Assessment dated August 2007, Preliminary Appraisal of Ecological Interests and Constraints dated March 2007 as amended by Ecological Appraisal update August 2009, Search of Essex Heritage Conservation Record dated 19/10/04, Archaeological Evaluation dated December 2007, Correspondence between Hafren Water and the Environment Agency dated 26 March 2008, 04 April 2008 and 25 April 2008, email dated 28 July 2008 with drawing number 0318/I/1 dated 08/08/2007, email dated 12 August 2008, email dated 07 August 2008 and Licence for access over land at Hill House Farm dated 2007;

AS AMENDED BY

the details submitted by way of the application ref ESS/10/13/TEN dated 13 March 2013, covering letter dated 13 March 2013 and supporting statement entitled 'Lufkins Farm, Great Bentley, Essex, Application for a new planning permission to replace the existing planning consent ESS/21/08/TEN in order to extend the time limit for implementation' by Mineral Services Ltd, together with drawing numbered 0318/A v2 dated 08/03/13 and Ecological Appraisal update March 2013;

AS AMENDED BY

the details submitted and approved by way of the application ref ESS/41/15/TEN dated 21 August 2015;

AS AMENDED BY

the details submitted by way of the application ref ESS/41/15/TEN/NMA1 dated 20 September 2019 and Plan no. 0318/O/1b titled 'Operations Plan' dated 21 August 2019;

AS AMENDED BY

the details of the application dated 12 November 2021, ref: ESS/99/21/TEN;

AS AMENDED BY

The details of the application dated 19 November 2021, ref: ESS/101/21/TEN together with:

- Drawing No. LF/27 titled 'Site Location and Access Plan', dated 14 October 2020;
- Drawing No. 001 titled 'Operations Plan', dated November 2022;
- Drawing No. 002 titled 'Reservoir Restoration Plan', dated November 2022;
- Drawing No. 001B titled 'Interim Restoration Plan', dated August 2023;
- Drawing No. LF/36 titled 'Proposed Reservoir and Silt Lagoon', dated 7 October 2022;
- Drawing No. 001A titled 'Interim Operations Plan', dated August 2023

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral 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 Essex Minerals Local Plan (2014) policies S1, S2, S3, S6, S8, S10, S11, S12, DM1 and DM3, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PP13, PPL1, PPL3, PPL4, PPL5, PPL7, PPL9, CP1, CP2 and DI1.

3. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) Order 2015 (or any order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, plant for the movement of materials, the office weighbridge and portacabin and mobile WC), shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

4. All aggregate materials available for sale shall only originate from the workings hereby permitted. No aggregate shall be imported for processing or resale.

Reason: To ensure uses on site are wholly ancillary to the mineral operations hereby permitted and in the interest of local amenity and compliance with Essex Minerals Local Plan (2014) policies S10 and DM1.

5. The operators shall maintain records of their monthly output/production and shall make them available to the Mineral Planning Authority upon request. All records shall be kept for the duration of the extraction.

Reason: To enable the Mineral Planning Authority to monitor progression and activity at the site and compliance with Essex Minerals Local Plan (2014) policies S6 and S11.

6. The development hereby permitted shall cease not later than 1 November 2034 by which time the site shall be restored in accordance with the scheme approved under Condition 43.

For the area previously approved under permission ref: ESS/99/21/TEN, the development hereby permitted shall cease not later than 14 July 2025.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

7. In the event that operations are terminated, or suspended for a period in excess of 24 months, a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the revised scheme.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

8. Unless the Mineral Planning Authority otherwise agrees in writing any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when they are respectively no longer required for the purpose for which they were installed, in any case not later than 1 November 2034 and upon their removal the land shall be restored in accordance with the approved restoration scheme.

Reason: To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

9. Operations authorised or required by this permission shall only be carried out between the following times:

0700 – 1800 hours Monday to Friday;  
0700 – 1300 hours Saturdays;

And at no other time or on Sundays and Public Holidays, except for emergency maintenance and monitoring of the site and the following provisions, unless otherwise approved in writing by the Mineral Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gvw) and vehicles in excess of 3.5t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

For clarity, the operation of plant and machinery for the stripping of soil, construction of screen bunds or the extraction of sand and gravel shall not commence before 0800 hours prior to the completion of the screen bunds related to the phase being worked and intended to afford visual and aural protection to nearby residents.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

10. Prior to the commencement of works within reservoir 2\* a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Mineral Planning Authority.

Reason: For the protection of ecology, wildlife and protected species within the site, to minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.

11. All plant and machinery shall operate only during the permitted hours, as specified in Condition 9, except in an emergency (which shall be notified to the Mineral Planning Authority as soon as practicable), and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community and compliance with Essex Minerals Local Plan (2014) policy S10 and DM1.

12. Prior to the commencement of works within reservoir 2\*, details of advance planting to hedges 1, 2, 3 and 4 shown on the restoration scheme approved under Condition 43 shall be submitted and approved by the Mineral Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Mineral Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.

13. Prior to the commencement of works within reservoir 2\*, a landscape restoration scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The 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 and maintained thereafter.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4..

14. Prior to the commencement of works within reservoir 2\*, a landscape and ecological management plan (LEMP) covering a minimum of 5 years shall be



submitted to, and approved in writing by, the Mineral Planning Authority. This should include:

a) Drawings showing the extent of the LEMP - showing the areas to which the LEMP applies.

b) Written Specification detailing (where applicable):

- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures;

Any tree or shrub that dies, is damaged, diseased or removed five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub of species and size to be agreed with the Mineral Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.

15. Prior to the commencement of works within reservoir 2\*, a site specific Arboricultural impact assessment and method statement along with a tree protection plan shall be submitted, which conforms with BS5837: 2012 Trees in relation to Design, demolition and construction.

The works shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL3 and PPL4..

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (S. Deakin, February 2021) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. This may include the appointment of an appropriately competent person to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.

17. Prior to the commencement of works within reservoir 2\*, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) 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).
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.
- h) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.

Where the approved development is to proceed in a series of phases over several years, further supplementary ecological surveys for shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 16, 17, 18 and 19. The supplementary surveys shall be of an appropriate type for the habitats and species set out in the Ecological Appraisal (S. Deakin, February 2021) and survey methods shall follow national good practice guidelines.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.

18. Prior to the commencement of works within reservoir 2\*, a Biodiversity Method Statement for protected species (Water Voles) shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.

19. Prior to the commencement of works within reservoir 2\*, a Biodiversity Enhancement Strategy for habitat creation and restoration and for protected and Priority species shall be submitted to and approved in writing by the Mineral 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 maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.

20. Any temporary fuel or chemical storage vessel shall be within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed to avoid spillage.

Reason: To minimise the risk of pollution of watercourses and aquifers and compliance with Essex Minerals Local Plan (2014) policy S10 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL5.

21. The access / haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex Minerals Local Plan (2014) policy S10.

22. No loaded lorry shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

23. All ingress to and egress from the site by vehicles shall be by the access and internal access road from Great Bentley Road as per planning ref. ESS/40/15/TEN. A metal gate shall be placed across the access point from the public highway and securely locked outside of the permitted hours referred to in Condition 9 of this permission. Visibility splays shall be secured and maintained in accordance with Drawing No. D381/108 Rev D, dated 19 June 2015.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

24. There shall be no more than 60 vehicle movements in excess of 3.5t gvw (30 in/30 out) from the site on any single working day. Except on Saturday mornings when there shall be no more than 30 vehicle movements in excess of 3.5t gvw (15 in/15 out) from the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

25. For HGV traffic leaving the site and travelling to Alresford Creek Quarry plant site, the development hereby permitted shall be carried out in accordance with Traffic Management Plan titled 'Application to discharge the requirements of condition 19 of planning permission ESS/99/21/TEN requiring submission and agreement of a traffic management plan', dated April 2023.

Reason: In the interests of amenity, highway safety and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

26. No development or preliminary groundworks shall take place on reservoir 2\* until a geoarchaeological investigation has been completed in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

27. No development or preliminary groundworks shall take place on reservoir 2\* until a mitigation strategy detailing the approach to further archaeological excavation, monitoring and/or preservation in situ has been secured in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7..

28. No extraction in reservoir 2\* can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Mineral Planning Authority.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

29. Following completion of the archaeological and geoarchaeological fieldwork a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in advance with the Mineral Planning Authority) shall be submitted to and approved in writing by the Mineral Planning Authority. The post excavation assessment shall result in 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 any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

30. No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) Clearly identify the origin, intermediate and final locations of soils for use in restoration together with details of quantities, depths and areas involved.
  - b) Define the type of machinery to be used and all the machine movements shall be restricted to those approved.

- c) Confirm that all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under Condition 33 of this planning permission.

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

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policies S10, S12 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

- 31. No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of soil bunds to the site have been submitted to and approved in writing by the Mineral Planning Authority. Details shall include a plan, showing the location as well as the seed mixture and the application rates, and identifying the soil types and units contained therein.

All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority.

Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan (2004) policies S10 and S12.

- 32. All topsoil, subsoil and soil making material shall be retained on site unless with the prior approval of the Mineral Planning Authority. No bunds shall remain on site as part of the restoration scheme agreed under Condition 43 to this permission.

Reason: All soils are required on site to ensure a satisfactory restoration of the land and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

- 33. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

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

Reason: To prevent damage to the integrity of the soil resource by avoiding movement when the soils are wet or excessively moist and so do not meet the defined criteria having regard to Essex Minerals Local Plan (2014) policy S12.

34. Noise levels shall be monitored at three-monthly intervals at the locations listed in Condition 35, as shown on Figure 2-1 in the report titled 'Lufkins 2 – New Reservoir and Associated Processing Plant. Noise Assessment', ref: 403.09885.00027v1, dated July 2021. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for two separate 15 minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Mineral Planning Authority.

Reason: To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

35. Except for temporary occasions, the free-field Equivalent Continuous Noise Levels (LAeq, 1hour) at noise sensitive properties near the site shall not exceed the limits set out below:

Slough Farm – 53 dB  
Lufkins Farm – 52 dB  
Hill House Farm – 50 dB  
Brook Farm – 50 dB

Reason: To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

36. For temporary but exceptionally noisy operations, the free-field Equivalent Noise Level at noise sensitive properties shall not exceed 70dB LAeq, 1 hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. These operations shall include bund formation and removal, soils stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

37. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

38. All plant, equipment and machinery shall only operate during the hours permitted under Condition 9. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.

39. A width of 5m shall be left between the toe of the northern bund and footpath 4 Great Bentley including the 2m width of the footpath itself.

Reason: In order to protect the users of Footpath 4 Great Bentley and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP1.

40. Prior to discharge of water to Bentley Brook a river level gauge shall be installed upstream of the discharge point to monitor levels within the river to ensure that no water is discharged to Bentley Brook during high flow periods.

Reason: To ensure the flood risk to the site and surrounding area is not increased as a result of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.

41. Prior to first discharge of water to Bentley Brook the river gauge shall be fully operational and maintained for the duration of the development.

Reason: To ensure river levels can be monitored prior to water discharge into the Bentley Brook and to ensure the flood risk to the site and surrounding area is not increased as a result and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013- 2033 and Beyond: Section 2 policies PPL1 and PPL5.

42. All tree/shrub/hedgerow removal shall be undertaken outside of the bird breeding season.

Reason: For the protection of nesting birds and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Essex Minerals Local Plan (2014) policies S10 and DM1.Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.

43. The development shall be carried out in accordance with the restoration scheme titled 'Reservoir Restoration Plan', Drawing No. 002, dated November 2022. The development shall be implemented in accordance with the approved plan.



Reason: To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.

44. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for trees, grassland and hedgerows shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works to reservoir 2\* on site. The scheme shall provide an outline strategy for the 5 year aftercare period and provide a detailed annual programme of care. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.

45. No mineral sourced from phases 1A, 1B, 2A or 2B as shown on Drawing no. 001A entitled "Interim Operations Plan" dated August 2023 shall be removed from the site until the "Plant and stockpile area" shown on drawing no. 001A is operational.

Reason: To ensure the development is implemented in accordance with the application details, to minimise the impact of HGV traffic from the development and to comply with Essex Minerals Local Plan (2014) policies S11 and DM1.

\* For all conditions of this planning permission "reservoir 2" shall be defined as the area shown on Drawing No. 001A as the "Plant and Stockpile Area" and "Phases 1A, 1B, 2A and 2B".

#### Informatives

1. Upon implementation this planning permission shall supersede planning permissions with the following references ESS/99/21/TEN and ESS/40/15/TEN.
2. This planning permission is subject to a legal agreement.

## 6. Loughton Library, Trapps Hill, Loughton

The Committee considered report DR/36/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 3, 7, 8 and 10.

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
  - Schedule of Accommodation/Library Space, Density and Housing Mix
  - Design and Landscaping
  - Epping Forest Special Area of Conservation
  - Heritage
  - Highways
  - Sustainability, Flood Risk/Drainage and Basement Impact Assessment
  - Financial Viability and Contributions

In accordance with the protocol on public speaking the Committee was addressed by Mr David Linnell, speaking on behalf of Loughton Residents Association Plans Group. Mr Linnell made several points:

- The public benefit of a new library did not stem from the design of this development as this benefit would likely be delivered as part of any redevelopment of the site, therefore, the focus on financial viability was unjustified.
- Epping Forest District Council only had an interim strategy for air pollution mitigation.
- There was a lack of comparison regarding sustainability between the impact of repairing the existing building with the impact of demolishing the existing building and erecting a new one.
- The proposed building would be out of character for the area. The site had been identified in the Local Plan for redevelopment for 20 flats. The proposal would double the number of flats and erect a building of five stories.
- The library lay at the end of a large open area which was much used by residents. There was a lack of visualisations from the bowls club or Trapp's Hill.
- The existing roof line lay beneath the tree line and the façade was relatively unobtrusive. This proposal would adversely change the area as the proposed building would reach above the trees and dominate the roadway.

In accordance with the protocol on public speaking the Committee was addressed by Mrs Emma Walker, speaking on behalf of the applicant. Ms Walker made several points:

- The starting point for this application was the redevelopment of the existing library building and its re-provision as part of a scheme involving new residential development established by the adopted Local Plan.
- Whilst the adopted Local Plan suggested 20 units, it had not set a maximum. National planning policies supported making the best use of urban land in sustainable locations, therefore, it was appropriate that the scheme aimed to make the best use of the site, provided that the development was well designed and appropriate in its context. The appropriateness of the design was demonstrated by the support from the Place Services Urban Design team.
- The minor concern raised in relation to the impact on the York Hill Conservation Area was at the lower end of less than substantial harm and this would arise from any scheme to redevelop the library given that the site was visible from the Conservation Area. The National Planning Policy Framework required assessment of such harm against public benefits. In this case, significant public

benefits arose from the new library provision, as recognised by the Planning Officer.

- The existing building was of an age and condition where it needed substantial maintenance in order to continue to provide accommodation that was fit for purpose. Furthermore, the configuration of the space over two floors was inefficient and difficult to manage and staff effectively.
- The scheme had been independently appraised and it had been accepted that the development could not fund both the major benefit of the new library and provide affordable housing.
- Extensive discussions had taken place with existing occupants through the pre-application process and all of the occupants who wished to continue operating from the site had been appropriately accommodated in the new scheme.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Chris Pond, speaking as the Local Member. Cllr Pond made several points:

- The existing facility was much appreciated and there was opposition to the proposals from residents of Loughton.
- There could be better utilisation of already developed land, and this would negate any risk of releasing embedded carbon.
- The proposed building was too high, and the garage floor was an unnecessary addition to the building as there was a public car park close by.
- A condition providing for a temporary library in a building in the town centre for the two-year construction phase would be welcomed.
- A condition providing for the preservation and redisplaying of the Loughton History Tapestry near the new library entrance would be welcomed.
- A condition directing construction traffic away from the most sensitive parts of the Special Area of Conservation would be welcomed.

The Committee received a statement on behalf of Cllr Mark Durham, Cabinet Member for Arts, Heritage and Culture. The statement made several points:

- Loughton library required extensive and potentially very costly maintenance, and this work would still not deliver a facility that was suitable for the years ahead.
- A full redevelopment of the library would deliver a new, modern, high quality public building that could be used by the local community. It would also be energy efficient and far more economical to operate.
- Libraries needed to offer more diverse and flexible facilities. The proposed design would provide a fully accessible, bright, and modern library space as well as the flexibility to enable a variety of other services that were not possible in the current building. The design would also provide a new outdoor learning and activity space with stepped seating that would be directly linked to the library.
- The proposals were for a mixed-use development that would provide a community space and high-quality residential units in a modern building.
- There had been an extensive consultation locally and with Epping Forest District Council. The proposals for the library development had been enthusiastically supported by local residents.

---

Following comments and concerns raised by public speakers, it was noted:

- Proposed Condition 15 outlined the requirement for a Construction Management Plan to be in place prior to development commencing, and this would provide for the routing of construction traffic.
- There was a commitment to provide a temporary library during the construction phase, however, the precise location of this was not yet known as contracts had not been explored. It would be possible for Members to request the addition of an informative which would express a desire for the temporary library to be in close proximity to the existing provision.
- The applicant could also be encouraged, through an informative, to ensure that the Loughton History Tapestry was retained within any new library building.

Following comments and concerns raised by members, it was noted:

- Two trees would be removed, one being a Category C tree and another which was dead (Category U). The oak tree would be incorporated within the courtyard area. There would be protection measures in place for the oak tree, and it was not foreseen that there would be any need to damage the root system.
- There had been no assessment carried out in respect of the possible effect of future residents utilising the existing town centre car park.
- The exact cost of refurbishment of the existing building had not been presented to officers. A viability assessment had been carried out to assess the feasibility of demolition and reconstruction. The applicant had made the decision to apply to redevelop the site, and the application was required to be considered and assessed as submitted.
- The independent consultant used for the viability assessment advised that developer profit margin usually ranged between 15 to 20%, and so the proposed developer profit margins of 15 and 17.5% had been accepted as part of this assessment. The viability assessment submitted by the applicant and the independent review of this was in the public domain.
- The viability assessment submitted concluded that there would be an overall project deficit, and as such, affordable housing could not be delivered.
- The Infrastructure Delivery Team had advised that there was no education contribution required as part of the proposed development.
- There was a commitment to providing a temporary library during the construction phase, and Members could request the inclusion of an informative which would outline Members' desire to have this located within close proximity to the existing provision.
- The courtyard area was proposed to be a mixed-use space for library users, residents, and the public. A proposed condition sought to require a management plan for this, which could seek to allow areas of the courtyard to be ringfenced for specific purposes.
- There was no objection from Place Services (Urban Design) and there had been no concerns raised by Epping Forest District Council specifically in respect of the design of the proposed building.
- There were 38 residential units in the proposed development, and 37 parking spaces.

- The report referred to the Essex Future Library Strategy 2019 – 2024, and there was a more recent strategy which covered 2022 – 2026. The position of the strategy had not changed between the previous and latest versions in respect of what this principally outlined for library buildings. However, Members' attention was duly drawn to this given the fact that the quote detailed within the report was from the 2019 – 2024 strategy and not the more recent one.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor M Steptoe and seconded by Councillor L Mackenzie. Following a vote of 8 in favour, 1 against, 1 abstention 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 requirements and conditions:

1. Within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), the applicant shall enter into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) and provide evidence of actual payment of the below contributions together with any monitoring contribution as may be required, before commencement of the development:
  - £70,399.94 towards access management and monitoring of recreation/visitor pressure on Epping Forest SAC;
  - £27,208 towards the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement project – a recreational mitigation/avoidance measure being secured separate to the costs arising from Epping Forest Strategic Access Management and Monitoring Strategy;
  - £12,730 towards managing and mitigating the effects of air pollution from the development on Epping Forest SAC; and
  - £59,093 towards additional primary healthcare services.
2. Within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), the applicant shall provide a commitment to the County Planning Authority that a minimum of £30,000 of funding is available for public realm improvements, in the immediate locality of the development site, to be undertaken in association with the development approved. The commitment shall confirm the intention to hold proactive discussions with Epping Forest District Council and other relevant parties with regard to implementing such improvements and that this funding/money could be called upon within 5 years of the commencement date of the development.

## **Conditions**

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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 09/09/2022 and shown on drawings titled: 'Site and Location Plan', drawing number: 0501 (Revision A), dated 25/04/2022; 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022; 'Proposed First Floor and Second Floor Plans', drawing number: 0011 (Revision C), dated 12/08/2023; 'Proposed Third and Fourth Floor Plans', drawing number: 0012 (Revision C), dated 12/08/2023; 'Proposed Roof Plan', drawing number: 0013 (Revision C), dated 12/08/2023; 'Proposed Basement Plan', drawing number: 0001 (Revision A), dated 19/04/2022; 'Proposed North Elevation', drawing number: 201 (Revision C), dated 12/08/2023; 'Proposed West Elevation', drawing number: 202 (Revision C), dated 12/08/2023; 'Proposed South Elevation', drawing number: 203 (Revision D), dated 12/08/2023; 'Proposed East Elevation', drawing number: 204 (Revision D), dated 12/08/2023; 'Proposed Internal Courtyard Facing Elevations', drawing number: 205 (Revision C), dated 12/08/2023; 'Proposed Section A-A', drawing number: 0101 (Revision D), dated 12/08/2023; 'Proposed Section B-B', drawing number: 0102 (Revision D), dated 12/08/2023; 'Proposed Internal Courtyard Section', drawing number: 0103 (Revision C), dated 12/08/2023; '1B2P Flat Types', drawing number 020 (Revision A), dated 19/04/2022; '2B3P Flat Types Sheet 1', drawing number 021 (Revision B), dated 12/08/2023; '2B3P Flat Types Sheet 2', drawing number 022 (Revision B), dated 12/08/2023; '2B4P Flat Types Sheet 1', drawing number 023 (Revision A), dated 19/04/2022; '2B4P Flat Types Sheet 2', drawing number 024 (Revision B), dated 12/08/2023; '2B4P Flat Types Sheet 3', drawing number 025 (Revision B), dated 12/08/2023; 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 SP1, SP2, SP6, H1, H2, T1, DM1, DM2, DM3, DM7, DM9, DM10, DM11, DM12, DM15, DM16, DM18, DM19, DM20, DM21, DM22, P2, D1, D2, D3, D4 and LOU.R7 of the Epping Forest District Local Plan 2011-2033.

3. No development above damp proof membrane of the building hereby approved shall take place until exact details of the materials to be used for the external appearance (including all windows, doors, balconies, roof coverings and rain goods) of the development have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the proposed material palette is of a high quality and to comply with policies SP2, DM9 and P2 of the Epping Forest District Local Plan 2011-2033.

- 
4. No works or development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- a) A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS:5837 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 retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS:5837
  - 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 BS:3998, 1989, 'Recommendations for Tree Work'.
  - d) Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS:5837.
  - 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 9.2 of BS:5837. 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 9 of BS:5837.
  - g) Details and positions of the underground service runs in accordance with section 1 1.7 of BS:5837.
  - h) Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph 5.2.2 of BS:5837.
  - 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 10 of BS:5837.
  - j) Details of the working methods 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 working methods 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 working methods 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 working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

- 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 paragraph 9.2.3 of BS:5837.
- o) Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS:5837.
- p) The timing of the various phases of the works or development in the context of the tree protection measures.

The approved tree protection scheme shall be implemented and maintained during the complete construction phase of the development.

Reason: To ensure retained trees are protected from damage, in the interest of visual amenity and to comply with policies SP6, DM1, DM3, DM9 and P2 of the Epping Forest District Local Plan 2011-2033.

5. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawings titled 'Proposed Site Layout', drawing number: F1628PS100 (Rev B), dated 14/12/2022 and 'Courtyard Proposal', drawing number: F1628PS300 (Rev B), dated 14/12/2022. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with the details subsequently submitted and approved pursuant to condition 6 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), in the interest of the environment and the amenity of the local area and to comply with policies SP6, DM1, DM3, DM9 and P2 of the Epping Forest District Local Plan 2011-2033.

6. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that 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 after the completion of the development (operations) 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 conserve and enhance Protected and Priority species, 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 and Species), to ensure the landscaping proposals are effectively managed following implementation and to comply with policies SP6, DM1, DM3, DM9 and P2 of the Epping Forest District Local Plan 2011-2033.

7. Prior to beneficial occupation of any part of the building hereby permitted, an access management scheme for the external courtyard (open space) shall be submitted to the County Planning Authority for review and approval in writing. This area shall subsequently be managed in accordance with the approved scheme.

Reason: The external courtyard has been suggested as a multi-use area. The management scheme to be submitted pursuant to this condition is required noting that there are indications of some fencing/gates around this area. Clarity about the use of this space, including any access restrictions and management for example as a bookable space is considered necessary to ensure the suggested benefits are fully delivered for all potential users with reference to policies SP2, DM10, P2 and D4 of the Epping Forest District Local Plan 2011-2033. of the Epping Forest District Local Plan 2011-2033.

8. No development above damp proof membrane of the building hereby approved shall take place until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building has been submitted the County Planning Authority and approved in writing. 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 additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

Reason: In the interest of amenity, to ensure the design rationale for the building is not subsequently compromised by urban paraphernalia and to comply with policies DM9, DM10, DM21 and P2 of the Epping Forest District Local Plan 2011-2033.

9. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), 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 (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details

shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining areas, properties and highways.

The lighting design 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 occupiers of the development, neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and to comply with policies DM1, DM9, DM10, DM21 and P2 of the Epping Forest District Local Plan 2011-2033.

10. No development above damp proof membrane of the building hereby approved shall take place until exact details of the sustainability/low carbon/energy saving measures outlined in the submitted 'Energy and Sustainability Strategy for the Loughton Library', document reference: AG/VL/P20-2058/01TN Rev A, dated 10 August 2022 have been submitted to the County Planning Authority for review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the specification of building materials, windows and doors; building insulation; the proposed mechanical ventilation with heat recovery system; the air source heat pump system; proposed water efficient fittings within the residential units to achieve the targeted water consumption level of less than 105 litres per person per day; the location of the 10 electric vehicle charging points to be provided within the car park and confirmation that these will be installed and be operational prior to beneficial occupation of any residential unit; and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 0013 (Revision C), dated 12/08/2023. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals, supporting the use of electric vehicles and to comply with policies T1, DM2, DM19, DM20, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

11. Prior to beneficial occupation of the development hereby permitted, the site access arrangements and vehicle parking and turning areas, as shown on drawings titled 'Proposed Basement Plan', drawing number: 0001 (Revision A), dated 19/04/2022 and 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022, shall be provided, hard surfaced, sealed and marked out. In addition to this, the enclosed bike

store and external cycle hoops, as shown on the drawing titled 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022, shall be constructed and provided. The vehicle parking and turning area areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

Reason: To provide a suitable level of parking on-site, to provide appropriate facilities to store cycles, in the interest of highway safety and to comply with policies S2, T1, DM2, DM9, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

12. Prior to beneficial occupation of the any of the residential units hereby approved, a management scheme for the vehicle parking area, as shown on drawing titled 'Proposed Basement Plan', drawing number: 0001 (Revision A), shall be submitted to the County Planning Authority for review and approval in writing. The management plan shall seek to confirm allocation of the parking provision across the residential units and furthermore outline how it will be ensured that 17 of the vehicle spaces being provided will be restricted to use by only Ultra Low Emission Zone vehicles.

Reason: To ensure appropriate allocation of the parking provision proposed, to limit the potential for atmospheric pollution from the vehicle movements associated with the development and to comply with policies S2, T1, DM2, DM9, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

13. Prior to beneficial occupation of the any of the residential units hereby approved, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport. The pack which shall be provided to each dwelling, free of charge, shall include at least six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car, promoting sustainable development and transport and to comply with policies T1, DM2, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

14. Prior to the library use hereby approved being opened to the public, a staff and library user (customer) travel plan/information pack shall be submitted to the County Planning Authority for review and approval in writing. This document, which is expected to be promoted to staff and made publicly available, shall seek to outline active travel facilities and public transport services within the locality in an attempt to reduce the number of staff and customers visiting the site by way of private vehicle. The plan should outline how often the document will be reviewed, how travel patterns of staff and customers could potentially be monitored and any annual commitments to initiatives to support sustainable travel.

Reason: In the interests of reducing the need to travel by car, promoting sustainable development and transport and to comply with policies T1, DM2, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

15. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:

- a) the proposed construction access;
- b) the layout of the construction compound (inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development);
- c) wheel and underbody cleaning facilities;
- d) routing of vehicles;
- e) measures proposed to reduce the potential for amenity impacts or nuisance; and
- f) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

Reason: In the interests of highway safety, nearby amenity, that construction works may lead to excess water being discharged from the site and to comply with policies DM2, DM15, DM21, DM22 and P2 of the Epping Forest District Local Plan 2011-2033.

16. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction phase of the development and shall seek to:

- a) Identify likely waste types/streams to be generated from the demolition and construction of the development;
- b) Outline how this waste is proposed to be managed;
- c) Identify where and how waste will be disposed of (as appropriate); and
- d) Confirm management processes proposed to encourage resource efficiency and increase materials recovery.

Reason: In the interests of ensuring best practice during the construction programme, limiting the amount of residual waste, delivering resource efficiency and to comply with policy DM21 of the Epping Forest District Local Plan 2011-2033.

17. No development shall take place until an Employment and Skills Plan has been submitted to and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction phase of the development and shall seek to confirm opportunities proposed to be created during the construction phase, either directly or via the appointed contractor, to local people and businesses in terms of new job creation, work placement/experience opportunities and any training programmes to be offered.

Reason: In the interests of attempting to provide opportunities for local employment and training and seeking to drive forward an increase in construction employability levels and workforce numbers.

18. No works except demolition shall take place until a detailed surface water drainage scheme and management/maintenance plan for the site has been submitted to and approved in writing by the County Planning Authority. The drainage strategy shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context and should include but not be limited to:
- Limiting discharge rates to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change, subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Providing 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.
  - Demonstrating that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Pollution and treatment indices tables should be provided.
  - 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 and should demonstrate where the roof run off and learning area drainage.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of any SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment, failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site, to ensure appropriate management and maintenance arrangements are put in place and to comply with policies DM15, DM16 and DM18 of the Epping Forest District Local Plan 2011-2033.

19. The development shall be implemented in accordance with recommendations outlined within the submitted 'Ground Investigation Report', produced by Richard Jackson Engineering Consultants, dated January 2021 with regard to further gas monitoring and mitigation (if required). 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, in such an event, shall be implemented as approved.

Reason: To ensure that occupiers and users of development are not put at unacceptable risk from or adversely affected by unacceptable levels of contamination or pollution and to comply with policy DM21 of the Epping Forest District Local Plan 2011-2033.

20. All residential units hereby approved, as part of this development, shall be built in accordance with Part M4(2) Category 2 (Accessibility and Adaptable Dwellings) as set out in the Building Regulations 2010 – Access to and Use of Buildings (Approved Document M Volume 1: Dwellings).

Reason: To ensure that all residential units are provided with reasonable provision for most people to access and incorporate features that make them potentially suitable for a wide range of occupants and to comply with the applicable part of policy H2 of the Epping Forest District Local Plan 2011-2033.

21. Within two months of agreement to the sale of the twentieth residential unit within the building hereby approved, a viability review report shall be submitted to the County Planning Authority for review and approval in writing. The report shall seek to provide an updated position of the development viability based on actual costs and sales, at this point, and re-assess the ability to provide a financial contribution towards affordable housing in Epping Forest District. In the event, that a contribution towards affordable housing is considered viable, the applicant shall as part of this submission provide a commitment to enter into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended), to secure the actual payment of the contribution, within 6 months of approval of the review report submitted. Evidence of payment of any such contribution shall furthermore be provided to the County Planning Authority within one month following payment.

Reason: To ensure compliance with policy H2 of the Epping Forest District Local Plan 2011-2033.

Informative(s):

- The applicant will have to bear all the costs associated with amending the existing parking restrictions along Traps Hill, to implement the relocated access for the development. The proposed amendments to the parking have nevertheless been agreed in principle by the North Essex Parking Partnership.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).

- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter (2022) and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

#### **7. Reinforced Autoclaved Aerated Concrete (RAAC)**

The Committee considered report DR/37/23 by the Chief Planning Officer, relating to temporary development in response to Reinforced Autoclaved Aerated Concrete (RAAC) in schools and education settings.

There being no further points raised, the resolution, was proposed by Cllr L Bowers-Flint and seconded by Cllr M Steel. Following a unanimous vote in favour, it was

#### **Resolved**

That, subject to any necessary retrospective regularisation, it is not considered expedient to take enforcement action against any breach of planning control caused by the installation of any temporary building or provision without planning permission by Essex County Council at an Essex educational setting as a direct or indirect response to RAAC.

#### **8. Land to the south of Ivy Barn Lane, Margaretting, Ingatestone**

The Committee considered report DR/38/23 by the Chief Planning Officer, relating to unauthorised minerals and waste development.

The Committee NOTED the report.

#### **9. Enforcement of Planning Control Update**

The Committee considered report DR/39/23 by the Chief Planning Officer, concerning an update on the enforcement of planning control.

The Committee NOTED the report.

#### **10. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/40/23; applications, enforcement and appeals statistics, as at the end of August 2023.

The Committee NOTED the report.

#### **11. Applications, Enforcement and Appeals Statistics**

---

The Committee considered report DR/41/23; applications, enforcement and appeals statistics, as at the end of September 2023.

The Committee NOTED the report.

**12. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 24 November 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:16pm.