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**Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, Essex on Friday, 16 December 2016**

**Present:**

Cllr R Boyce (Chairman)	Cllr J Abbott
Cllr S Barker	Cllr K Bobbin
Cllr M Ellis	Cllr A Erskine
Cllr I Grundy	Cllr J Lodge
Cllr S Lissimore	Cllr M Mackrory
Cllr C Seagers	

**1 Apologies for Absence**

Apologies were received from Cllr C Guglielmi, Cllr J Jowers (substituted by Cllr C Seagers), Cllr Lady Newton (substituted by Cllr S Barker) and Cllr J Reeves (substituted by Cllr I Grundy).

**2 Declarations of Interest**

Cllr Lissimore declared a personal interest in agenda items 6.1 and 6.2, in respect of Hogarth Primary School and Roding Valley High School respectively, as Deputy Cabinet Member for Education. (Items 6 and 7 below refer.)

**3 Minutes**

The minutes of the meeting held on 25 November 2016 were agreed and signed by the Chairman.

**4 Identification of Items Involving Public Speaking**

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

1) To consider report DR/44/16, relating to the erection of a single storey building together with the extension of existing hard surface play area and car park, additional bicycle and scooter parking and additional landscaping/tree planting.

At Hogarth County Junior School, Riseway, Brentwood, Essex, CM15 8BG.

Reference: CC/ BRW/44/16.

Applicant: Essex County Council

Public Speaker: Nick Davey speaking for.

2) To consider report DR/45/16, relating to the proposed construction of a new two storey detached educational block to accommodate six classrooms, a library and ancillary facilities on the site of the existing school.

At Roding Valley

High School, Alderton Hill, Loughton, IG10 3JA.

Reference: CC/EPF/51/16.

Applicant: Essex County Council

Public Speaker: Michael Benbow speaking against.

**Minerals and Waste**

**5 Hastingwood, North Weald**

The Committee considered report DR/43/16 by the Director of Operations, Environment and Economy. Members noted the Addendum to the agenda, particularly with reference to a response from the Local Member.

It was noted that, as the application was to establish the lawful planning status of the land, no planning policies were applicable.

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

The Committee noted the key issue, which was whether the use of the land as described in the application had taken place continuously on the application site for the 10 year period.

Certain points were noted by Members:

- The officer's recommendation was different to that requested by the applicant
- Officers were not aware of any complaints having been received about this site to date
- Concrete crushing was not included in this Certificate, but moving forward, the applicant would be able to carry out this activity on a piecemeal basis, subject to licensing by the local district council
- This certificate in effect authorised industrial activity on a greenfield site located within the Green Belt.

There being no further matters raised by Members, the motion was proposed and seconded, and, following a unanimous vote in favour, it was

**Resolved**

That a Certificate of Lawful Use is issued for:

The storage, screening and distribution of recycled of road planings (and use of associated plant and equipment) at land at Hastingwood, London Road, North Weald, Harlow as shown on plan titled Site Plan, drawing nos 216020DWG001 dated 15/03/16.

**County Council Development****6 Hogarth Primary School, Brentwood**

The Committee considered report DR/44/16 by the Director of Operations, Environment and Economy.

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, which were:

- Principle of development
- Loss of playing field
- Sustainable transport and highways impact
- Site layout and design
- Loss of trees/ecology
- Residential amenity.

In accordance with the protocol on public speaking the Committee was addressed by Nick Davey, as agent for the applicant. Mr Davey said:

- There is a growing need for school places in Brentwood, both through families moving into the area and rising birthrates; it is particularly acute in the primary sector, with current estimates putting demand at 600 places per year up to 2023
- Many Brentwood schools do not have the opportunity to provide for this need, being either restricted by space or other factors such as having restricted admission policies; but Hogarth's has room to develop, no entry restrictions and is also well placed within the area of greatest need
- It will allow a second entry form and it will take six years before the school is fully used
- The location best resolves issues relating to circulation and the design has the least impact on existing playing fields and playground
- It represents best value to the authority and it can be delivered within budget
- It is compliant with national and local planning policies and the NPPF suggests authorities should give great weight to school schemes that go to meet local need.

In response to points raised, it was noted:

- Several sites had been looked at; Hogarth had been considered well-placed relative to the need in the Brentwood area
- A travel plan will be put in place, with measures to mitigate the impact of traffic on the area, to educate all parties and to encourage the use of alternative modes of transport. Scooter racks are featured in the plan, rather than cycle racks, as cycling proficiency tests are taken in Year 6, so most of the children would not be allowed to cycle to school; and there are existing cycle stands that are not well used. The hope is that children will develop the good habit of travelling to school by scooter and then cycle when they are older
- One feature will be a regular survey of the situation, to see if any specific action needs to be taken. County Council officers will assist the school develop their travel plan on an ongoing basis
- Figures suggest that about 50% of current pupils arrive by car. This figure is expected to increase with the increased intake but this will be spread out over a six-year period; and it is hoped that the measures implemented under the traffic plan will reduce the impact
- There is a dropping off area designed into the scheme and this may be developed under the travel plan
- Conditions relating to the replacement and upkeep of trees could be conditioned
- The lighting of the car park facilities does not form a part of this application and may need a separate application at a later date
- There were no details available on the ecological wall, which will face the south-east
- The windows of the classrooms will face the south-west and the north-east
- In general terms, it is already necessary to have a special reason to impose

pre-development conditions on an application and restrictions are likely to be tighter in future.

Members made several observations:

- The Parking Partnerships had education of parents and the public as part of its remit and it was suggested that the Partnerships should be made consultees of these schemes. This suggestion would be taken forward by the planning authority
- It was noted that there was no reference to renewable energy in the application. Although there might be nothing within the Local Plan to require this, the County Council could still impose its own requirements. This matter would also be taken forward by the planning authority, in respect of future applications
- The design of the building was poor, in that it did not blend in with the other buildings.

Members proposed the addition of:

- two conditions, requiring the replacement of trees and their maintenance
- an informative relating to potential lighting requirements.

There being no further matters raised by Members, the resolution, including these additions, were proposed and seconded. Following a vote of eight in favour and two against, with Cllr Ellis abstaining, 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/BRW/44-16 validated on 01 November 2016

Drawings:

L-00-01 Site Location Plan

L-01-02A Proposed Site Plan Designations

L-01-00 Existing Site Plan

L-01-01A Proposed Site Plan

A-01-00 Ground Floor Plan

A-01-01 Roof Plan

A-02-01A Elevations

A-02-02A Elevations

A-03-01 Sections

A-03-02 Sections

A-07-01 Material Samples

A-07-02A Scooter Storage  
L-01-10 Existing Pitch Capacity  
L-01-11A Proposed Pitch Capacity  
L-01-20A Construction Management Plan  
Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) Prepared by t4 ecology Ltd, dated July 2016.  
Transport Statement, prepared by Waterman, dated 21 September 2016.  
School Travel Plan, prepared by Waterman, dated 22 September 2016  
Planning Statement, prepared by The JTS Partnership LLP, dated November 2016  
Design and Access Statement Rev. A, prepared by sixfoot studio, dated 21 September 2016  
Arboricultural Impact Assessment, prepared by SES, dated 25th July 2016.  
and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

- 3 Prior to first occupation of the new building, a minimum of 3 covered bicycle stands and 60 scooter stands shall be erected at the locations indicated on drawing L-01-01A
- 4 Within one month of completion of the construction or within one month of first occupation of the proposed development, the temporary construction compound area shall be removed and the land reinstated to its previous condition as a playing field.
- 5 Details and samples of the materials to be used for the external appearance of the building shall be submitted to and approved in writing by the Planning Authority prior to installation of the materials on site. The details shall include the materials, colours and finishes to be used on all buildings. The development shall be implemented in accordance with the approved details.
- 6 The development shall be carried out in accordance with the tree root protection and mitigation measures in the Arboricultural Impact Assessment, prepared by SES, dated 25th July 2016.
- 7 Replacement of trees
- 8 Maintenance of replacement trees

The meeting was adjourned at 11:40 am and was reconvened at 11:42 am.

## **7 Roding Valley High School, Loughton**

The Committee considered report DR/45/16 by the Director of Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum, particularly with reference to conditions on working hours and on the use of wheel-washing equipment.

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, which were:

- Principle of development
- Site layout and design
- Sustainable transport and highways impact
- Residential amenity
- Trees and landscaping

In accordance with the protocol on public speaking the Committee was addressed by Michael Benbow, a local resident. Mr Benbow said:

- He speaks for 22 households near the school. 16 neighbours have objected to this, along with Epping Forest District Council, Loughton Residents Association and Loughton Town Council
- The school owns a substantial amount of land, yet this building is to be squeezed into a recreation area between an existing building and the boundary, so spoiling the open aspect of Brook Road
- He agrees with the District Principal Planning Officer's view, that 'the bulk, design and siting of the proposed building would not respect its setting and would cause significant harm to the character and appearance of the locality'.
- The model initially used to demonstrate the proposals was misleading, showing the building 12 metres from the boundary
- Three planning conditions are requested: 1) The building should be set back 13 metres from the boundary, both to protect the existing tree roots and to preserve the open aspect, as reflected by the private dwellings across the road; 2) all glass panels above the ground floor, facing Brook Road, should be obscure glass; 3) the boundary hedge should be maintained at a height of 4.5 metres.

In response to points raised, it was noted:

- The model presented by the school is indicative only; the drawings presented are accurate. It was not possible to move the building further back from the boundary
- The distance between the school and the nearest residential building is 32 metres, whereas the minimum required distance for privacy is 22 metres; so it is not necessary to use obscure glass. This would be an unacceptable imposition on the users of the building in any case
- The condition relating to hedgerows could be modified to require their maintenance at a minimum height
- The assessment of other potential locations within the school grounds for the development
- This school already has a high level of sustainable travel and it is not considered necessary to install additional cycle stands to the level of the Essex minimum standards; should these numbers prove inadequate in the future, funding may be available to add to them
- The level of 350 additional pupils represents those arising from the extra entry class plus those in the increased sixth form
- The brickwork will reflect that of the original school building, with some zinc

panelling and a green roof.

Concern was also noted with regard to the possible impact of the building work on the trees and hedgerow.

There being no further matters raised by Members, the resolution, including the suggested additions relating to the height of the hedgerow and conditions relating to working hours and the use of wheel-washing equipment as part of a construction management plan, were proposed and seconded. Following a vote of seven in favour and three against, with one Member abstaining, 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/EPF/51/16 validated on 01 November 2016

Drawings

058-001 Location Plan

058-010 Block Plan as Existing

058-020 Site Plan as Existing

058-031 Site Section AA & BB as Existing

058-032 Site Section CC&DD as Existing

058-110/Rev. A Proposed Block Plan

058-220/Rev. A Proposed Site Plan

058-201 Proposed Floor Plans

058-210 Proposed Roof Plan

058-231 Proposed Section FF&GG

058-242 Proposed East Elevation/Street Elevation

058-243 Proposed South Elevation

058-244 Proposed Courtyard North & West Elevation

058-921 Proposed Cycle Shelter

058-931 Boundary Distance Diagram

Design and Access Statement prepared by Barker Associates, dated September 2016

Daylight and Sunlight Assessment prepared by MLM Consulting Engineers Ltd, dated 01 August 2016.

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

3 Prior to first occupation of the proposed building, a minimum of 30 covered bicycle stands shall be erected on site in accordance with drawings 058-921 and 058-220/Rev. A.

4 Prior to commencement of development, a full Arboricultural survey and report in accordance with BS5837:2012 shall be submitted for the prior written approval of 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 report.

5 No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, 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. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with the approved scheme.

6 Samples of the proposed external material finishes shall be submitted for the written approval of the County Planning Authority prior to their installation on site. The development shall thereafter be implemented in accordance with the approved external material finishes.

7 The height of the perimeter hedgerow.

8 A construction management plan to be provided for approval and complied with during the construction of the development including provision for working hours and the use of wheel-washing equipment.

### **Information Item**

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

The Committee considered report DR/46/16, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee NOTED the report.

#### **9 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 27 January 2017 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.26pm.

**Chairman**