

Development and Regulation Committee

10:30	Friday, 22 March 2013	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 3

Membership:

Councillor Nigel Edey
Councillor Bill Dick
Councillor R Boyce
Councillor M Garnett
Councillor I Grundy
Councillor T Higgins
Councillor S Hillier
Councillor G McEwen
Councillor M Miller
Councillor D Morris
Councillor I Pummell
Councillor J Reeves

Chairman
Vice-Chairman

For information about the meeting please ask for:

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Essex County Council

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Part 1

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

		Pages
1	Apologies and Substitution Notices The Committee Officer to report receipt (if any)	
2	Declarations of Interest To note any declarations of interest to be made by Members	
3	Minutes To approve as a correct record the minutes of the Development and Regulation Committee held on Friday 22 February 2013.	5 - 10
4	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	Minerals and Waste	
5a	Royal Oak Quarry The continuation of the development at the site. Location: Royal Oak Quarry, Woodham Walter, Danbury, Essex. Refs: ESS/70/12/MAL & ESS/71/12/MAL. DR1113	11 - 34
6	County Council Development	
6a	New St John's Green School Construction of a new 300 place primary school (replacing St John's Green). Location: Vacant Land, Circular Road East, Colchester, Essex. Ref: CC/COL/34/12 DR1213	35 - 54
7	Information Items	

- 7a Statistics March 2013** **55 - 58**
To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by the Committee. **DR1313**
- 8 Date of Next Meeting**
To note that the next meeting will be held on Friday 19 April 2013.
- 9 Urgent Business**
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

- 10 Urgent Exempt Business**
To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON
22 FEBRUARY 2013**

Present

Cllr N Edey (Chairman)
Cllr W Dick
Cllr R Boyce
Cllr M Garnett
Cllr S Hillier

Cllr M Mackrory
Cllr M Miller
Cllr D Morris
Cllr I Pummell
Cllr C Riley

1. Apologies and Substitution Notices

Apologies were received from Cllr T Higgins (substituted by Cllr Mackrory), Cllr J Reeves (substituted by Cllr Riley), Cllr I Grundy and Cllr G McEwen.

2. Minutes

The Minutes and Addendum of the Committee held on 25 January 2013 were agreed and signed by the Chairman.

3. Matters Arising

There were no matters arising

4. Declarations of Interest

There were no declarations of interest

5. Identification of Items Involving Public Speaking

The persons identified to speak in accordance with the procedure were identified for the following item:

The erection and use of a hammer cage
Castle View School, Foksville Road, Canvey Island, Essex, SS8 7AZ

Public speakers: Mrs Sally Collins speaking for.

Minerals and Waste

6. Castle View School

The Committee considered report DR/06/13 by the Assistant Director Sustainability, Environment and Enterprise.

The Committee was advised that the proposal was to seek approval for the erection and use of a hammer cage.

One error was noted in the papers: that the distance between the proposed development and the nearest residential properties to the site, Venables Court, should be 110 metres (not 25 metres, as indicated in paragraph 3 under The Impact on Residential Amenity).

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 that were:

- Need
- Impact on Residential Amenity
- Landscape and Visual Impact
- Flood Risk.

In accordance with the protocol on public speaking the Committee was addressed by Mrs Sally Collins.

Mrs Collins said:

- The school acknowledged the Committee's concerns about the impact on residential properties and had worked hard to maximise the distances involved
- Now the nearest property under commercial use was 60 metres away and she confirmed the 110 metres to Venables Close
- The cage was an essential sports facility for the school.

Members noted that the school's response to the Committee's rejection of their former application had been very positive.

Following brief discussion the resolution was moved, seconded and unanimously agreed and

Resolved:

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

1. COM1 – Commencement within 3 years.
2. COM3 - Compliance with submitted details.

Village Green

7. Coombe Wood, Thundersley

The Committee considered report DR/07/13 by the County Solicitor.

Members considered an application made by Mrs Eileen Elizabeth Peck to register land at Coombe Wood, Thundersley, Essex as a town or village green

pursuant to the provisions of Section 15 of the Commons Act 2006 (“the 2006 Act”).

The Committee noted:

- This application refers to an area that had been included as part of a previous application, the other part to the south having been successfully registered as VG245
- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information
- Following the Inspector's Report, the objector had entered into discussions with the applicant concerning a possible reduction of the area to be registered. However, this had produced no outcome, and no further representations had been received from either party.

Following the presentation, which included photographs and detailed maps of the application land and surrounding neighbourhood, the recommendation to accept the application was moved, seconded and unanimously agreed and

Resolved:

1. The inspector's recommendation of the relevant locality, neighbourhood and his analysis of the evidence in support of the application is accepted.
2. The inspector's recommendation that the application made by Mrs Peck dated 25 July 2008 is accepted for the reasons set out in the inspector's report and in summary in report DR/07/13.
3. The land shown on the front of report DR/07/13 as applied for is added to the Register of Town and Village Greens.

8. “Mill Lane Green”, Walton on the Naze

The Committee considered report DR/08/13 by the County Solicitor.

The Committee noted:

- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information
- For the reasons set out in the inspector's report and in summary in report DR/08/13 the inspector recommended refusal as the evidence did not justify registration of a town or village green because the criteria in section 15(2) of the Commons Act 2006 are not met.
- Further representations were made by the applicant and a Mr Naylor following the Inspector's Report. These are shown at Appendix 4 and as part of the tabled Addendum and its attachment Appendix 6. The inspector had commented on the points raised and his comments were at Appendix 5 and Appendix 7 which was also attached to the Addendum.
- The land is not currently being maintained by Tendring District Council, following a request by the owner; there is a likelihood that it may be developed.

Following the presentation, which included photographs and detailed maps of the application land, the locality area and the neighbourhood, the recommendation to reject the application was moved, seconded and following a vote with 8 in favour, 1 against, and 1 abstention, it was:

Resolved:

1. The neighbourhood shown on Appendix 2 is accepted as the neighbourhood within the locality for the application;
2. The boundary of the identified locality of the ecclesiastical parish of Walton on the Naze shown by the solid line on Appendix 3 is accepted|;
3. The inspector's analysis of the evidence in support of the application is accepted and his recommendation that the application made by Diana Humphreys dated 11th April 2011 is rejected because firstly, the use of the land was interrupted so it was not continuous during the claimed 20 year period and secondly, maintenance by Tendring District Council had to be assumed to be under a relevant statutory power which was section 9 Open Spaces Act 1906 and/or section 164 Public Health Act 1875 which meant that use of the land for recreational purposes was 'by right' and not 'as of right'.

Information Items

9. ROMPs

The Committee considered report DR/09/13, detailing the current status of the MPA's programme of Periodic Reviews of old mineral planning permissions.

The Committee **NOTED** the report, and the amendment set out in the Addendum to the meeting, as circulated.

10. Statistics February 2013

The Committee considered report DR/10/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Assistant Director Sustainability, Environment and Enterprise.

The Committee **NOTED** the report

11. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 22 March 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.20am.

Chairman

committee DEVELOPMENT & REGULATION

date 22 March 2013

MINERALS AND WASTE DEVELOPMENT

Proposal: The continuation of the development at the site without compliance with Condition 1 (Time period for implementation of development) attached to planning permission ESS/27/02/MAL to allow an additional period of 10 years for the Implementation of the development

Location: Royal Oak Quarry, Woodham Walter, Danbury, Essex.

Ref: ESS/70/12/MAL

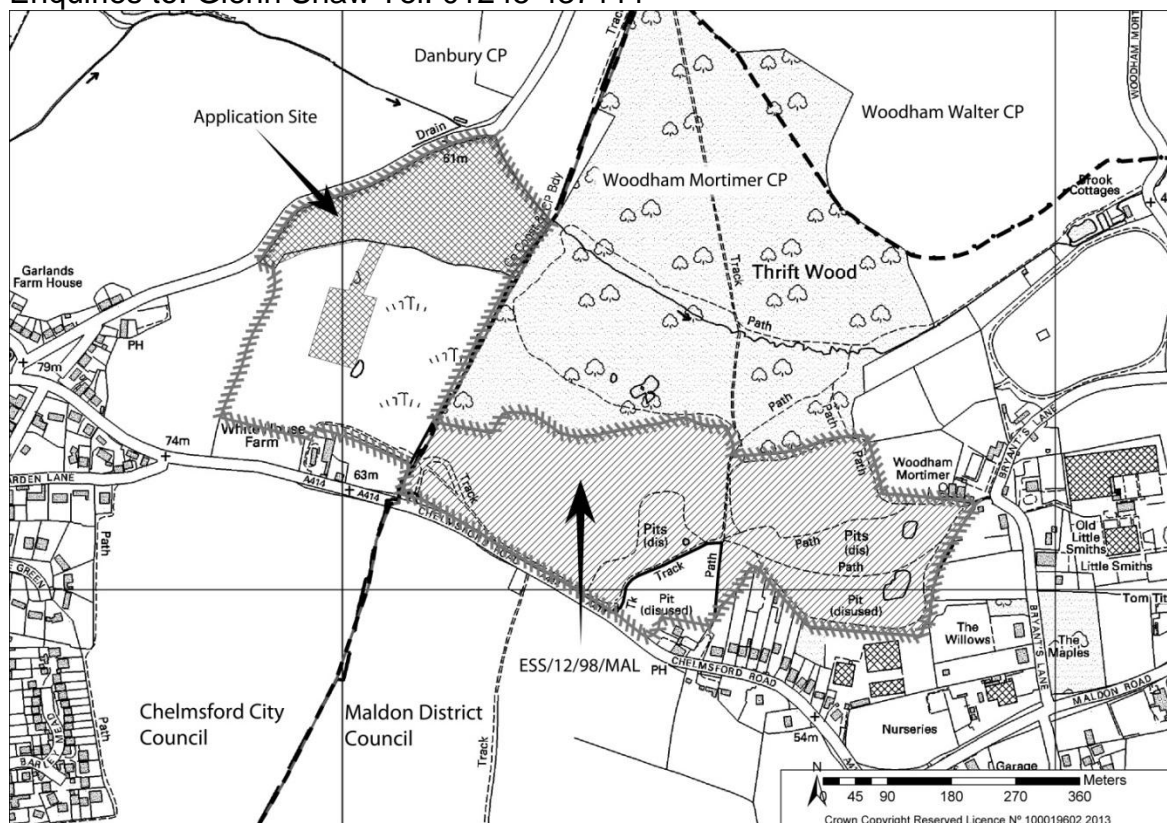
Proposal: The continuation of the development at the site without compliance with condition 5 attached to planning permission ESS/27/02/MAL to allow the permission to be limited to a period of 5 years from the date of commencement of development and condition 7 (Removal of plant, machinery, foundations, roadways and buildings by 30 June 2015) attached to planning permission ESS/27/02/MAL to allow a 15 year extension from the date of commencement of the development.

Location: Royal Oak Quarry, Woodham Walter, Danbury, Essex

Ref: ESS/71/12/MAL

Report by Assistant Director for Sustainable Environment & Enterprise.

Enquiries to: Glenn Shaw Tel: 01245 437111



1. BACKGROUND

Royal Oak Quarry is a long established mineral working. Planning permission for sand and gravel extraction at Royal Oak was first granted in 1953. The total area of the site is approximately 24 ha.

The site was originally operated by Aggregate Industries. However in December 2011 Aggregate Industries ceased to operate the site and a new company Danbury Aggregates is now the current operator of the site.

For the purposes of this report Royal Oak is to be referred in two parts.

THE EXISTING SITE (Eastern side)

The location of this part of the site is from the access point on the A414 Chelmsford to Maldon road and goes in an easterly direction running parallel with the A414 to behind the Royal Oak public house (now an Indian restaurant). The area is approximately 14.89 Ha and is divided into 3 working phases and is actively being extracted.

In 1997 a Review of Mineral Permissions (ROMP) (ESS/61/96/MAL) (R) was carried out and an updated set of conditions was agreed. In March 1999 an extension to the working was approved (ESS/12/98/MAL as amended by ESS/34/11/MAL) and this permission incorporated the area undertaken by the Review of Mineral Permissions (ROMP) (ESS/61/96/MAL) (R). Condition 1 attached to planning permission ESS/12/98/MAL stated that the development had to commence before the expiration of 5 years from the date of the permission. The development began in February 2004. Condition 5 permitted the development to last for 10 years from the commencement date, such that with completion of extraction is by February 2014 with restoration required by 2017.

A phasing programme was submitted as a part of ESS/12/98/MAL. The site was divided into 3 phases. Phase 1 was behind the Royal Oak public house (now and Indian Restaurant), Phase 2 was south of Thrift Wood and then moving west into Phase 3. It was anticipated in the original application that the site would now be nearing the end of the extraction phase. However, extraction is currently still taking place in phases 1 and 2 and extraction is unlikely to be completed by 2014.

The applicant has stated that the previous operator of the site sought to satisfy its local market for commercial reasons through windfall (predominantly reservoir) deposits processed at St Clere's Hall Pit to the west of Danbury.

The consequence has been that reserves at Royal Oak Quarry were not, under the previous operator's management, exploited as they could have been with the result that they have been preserved in-situ until needed to meet future local demand. The present operator (Danbury Aggregates) is now operating the site and intends to work the site more proactively.

These reserves within the site form part of the County landbank as an 'Operational Sand and Gravel Quarries with Permitted Reserves'

This permission also included the provision for a processing area located on the western end of the site. The processing area has not been installed as the as raised aggregate has been processed at St Clere's Hall Pit which is approximately 2 miles to the south west. Planning permission for the importation of as raised aggregate for processing at St Clere's Hall Pit expired in March 2012. However the current operators (Danbury Aggregates) of St Clere's Hall Pit have submitted an application (ESS/59/12/CHL) to allow importation and processing of "as raised" material from Royal Oak only until December 2013. This application is waiting to be determined.

Planning permission ESS/12/98/MAL allowed a maximum of 40 lorry movements (20 in 20 out) a day.

Condition 2 attached to planning permission ESS/12/98/MAL stated the extracted material would be worked dry. The previous operator discovered that the water table in phases 1 and 2 was much higher than anticipated which required 24 hour water pumping and furthermore the previous operator also sought an extension of time to allow the retention of the plant and machinery to coincide with the termination of the extraction date until 16th February 2014.

In November 2011 planning permission ESS/34/11/MAL was granted to allow night time pumping to address this issue and an extension of time for the retention of the plant and machinery (not currently installed) to coincide with the termination of the extraction date until 16th February 2014. ESS/34/11/MAL is now the extant permission for the eastern section of Royal Oak Quarry.

LATERAL EXTENSION (Western site)

Planning permission was granted in November 2002 (ESS/27/02/MAL) for the lateral extension to the existing quarry with restoration to agriculture. It is this planning permission which is the subject of the current two planning applications.

Condition 1 attached to planning permission ESS/27/02/MAL stated that the development shall be begun before the expiration of 10 years. However, Condition 33 required that no commencement of extraction could take place until extraction at the eastern site as permitted by ESS/34/11/MAL has been completed.

The original proposal estimated that there are 290,000 tonnes of recoverable mineral within the site and the estimated rate of extraction would be 180,000 tonnes per annum with restoration to existing levels would be provided by backfilling with 60,000m³ per annum which would give an estimate of life of 2.7 years to complete.

The site is permitted to be worked in a westerly direction which would be working towards high ground which would hide the working face.

The site is presently in arable cultivation.

There is a technical error within the Lateral Extension planning permission in that the planning permission relies upon the processing plant, haul road and access to the A414, but these are not within the application area for the Lateral Extension. While the planning permission for Lateral Extension seeks to retain the processing plant and access permitted under the planning permissions for the Existing Site this is not possible, the only way this could be achieved is through an application to amend the planning permission for the Existing Site (ESS/34/11/MAL).

ROMP

ESS/12/98/MAL remains the sustentative Mineral Permission for the Existing Site and was issued on 26 March 1999 such that a Review of Old Mineral Permission is required in 2014 and at that time all permission relating to Royal Oak including ESS/27/02/MAL and any amending permissions resulting from the current applications would also be reviewed.

2. SITE

Royal Oak Quarry is located approximately 1 mile southeast of the village of Danbury and approximately 3 miles west of Maldon.

The site which is the subject of these two planning applications occupies an area of approximately 4.1 Ha, described above as the Lateral Extension. The application site is bordered by Herbage Park Road on the north side of the site leads to Woodham Walter to the north east and Runsell Green to the south west.

Thrift Wood which is a County Wildlife Site and ancient woodland is adjacent to the application site's eastern boundary.

Immediately to the south are old mineral working associated with the quarry restored to low level agriculture.

There are residential properties in Runsell Green which are to the west and approximately 300 metres from the site. Cherry Orchard Lane is approximately 500 metres to the south west of the site. White House Farm is approximately 350 metres to the south of the site.

There are established hedges on the north, west and southern boundaries.

Access to the site is off the A414 (Chelmsford Road) Chelmsford to Maldon Road, via the Existing site.

This site which is the subject of these applications falls within boundary of Chelmsford City Council within the parish of Danbury, but its eastern boundary abuts the boundary of Maldon District Council and the Parish Woodham Mortimer and Hazeleigh.

The application is the preferred site "W" for mineral extraction in the Essex Minerals Local Plan adopted January 1997.

3. PROPOSAL

There are two separate applications varying conditions of the same planning permission.

ESS/70/12/MAL

Condition 1 attached to planning permission ESS/27/02/MAL states “*The development hereby permitted shall be begun before the expiration of 10 years from the date of this permission*”.

The applicant is seeking an additional 10 years to commence the development.

ESS/71/12/MAL

This proposal is for the variation of two planning conditions attached to planning permission ESS/27/02/MAL

Condition 5 states that “*this permission shall be limited to period of 3½ years from the date of commencement of the development, by which time the operations shall have ceased and the site have been restored in accordance with the scheme approved under Condition 15*”.

The applicant is seeking that this condition be amended to allow an additional 1½ years, for extraction, such that in total the applicant would have 5 years to complete the mineral extraction.

Condition 7 states that “*Unless the County Planning Authority otherwise agreed in writing any plant, buildings, machinery and internal haul road 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 30 June 2015 and upon their removal the land shall be restored in accordance with the agreed restoration scheme of this application and that approved under reference ESS/12/98/MAL*”.

The applicant is seeking that this condition be amend to allow 15 years from the date of the permission for the removal of any plant, buildings, machinery and internal haul road used in connection with the development.

No other conditions are being varied by this application.

4. POLICIES

The following policies of the Minerals Local Plan (MLP) adopted January 1997 Chelmsford City Council Development Control Policies adopted 2008 (CCDCDP) and Maldon District Council's Adopted Replacement Local Plan (MDRLP) adopted November 2005 provide the development plan framework for this application. The Essex Replacement Minerals Local Plan is now at Pre-Submission Draft stage and is a material consideration. The following policies are of relevance to this

application:

	MLP	RMLP	CCCDP	MDRLP
Preferred Sites	MLP2			
Access	MLP3			
Development Control	MLP13			
Protecting Existing Amenity			DC4	
Amenity and Pollution			DC29	
Minimising Environmental Impact			CP13	
Pollution Prevention				CON5
Development affecting locally designated nature conservation sites.				CC3
Development Management Criteria		DM1		
Protecting and enhancing the environment and local amenity		S10		

Paragraph 214 of the National Planning Policy Framework (NPPF) states that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 (i.e. Development plan documents adopted in accordance with the Planning & Compulsory Purchase Act 2004 or published in the London Plan) even if there is a limited degree of conflict with the Framework.

It is considered that the Chelmsford City Council Development Framework 2001-2021 Core Strategy and Development Control Policies (adopted Feb 2008) fall within the meaning of paragraph 214 and should be given full weight even if there is a limited degree of conflict with the Framework.

Paragraph 215 of the NPPF states that in other cases, (and following this 12 month period), due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

It is considered that The Minerals Local plan (1997) (MLP) and Chelmsford City Council Development Control Policies Development Plan Document (CCCDPD) adopted February 2008 and Maldon District Council's Adopted Replacement Local Plan (MDRLP) adopted November 2005 the fall within the meaning of 'other cases' under paragraph 215, and therefore due weight should be given to the relevant policies according to their degree of consistency with the Framework. See appendix 1

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL – No objection.

MALDON DISTRICT COUNCIL (Adjacent District) – No objections subject to all planning conditions are re-imposed and questions the length of time for condition 7.

ENVIRONMENT AGENCY – No objection.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. Subject to re-imposition of existing or updating existing conditions for the protection of hedges and ancient woodland.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

HIGHWAY AUTHORITY – No objection

DANBURY PARISH COUNCIL – No objection but request a specific end date and would expect to see a reduction in vehicle transits included in the conditions.

WOODHAM MORTIMER & HAZELEIGH PARISH COUNCIL (adjacent Parish) – Objects on the following grounds:

- The site has been operating for many years with continued renewed applications for extension, it was this council's expectation that all works would cease by 2013 and yet again the local residents would have to endure another extension with continued significant disturbance from noise nuisance and dust deposits.
- Continued operations produce an increase in large vehicular movements through Woodham Mortimer and Danbury causing disturbance along the already heavily used A414, the current use by these vehicles appears not to be monitored.
Previous approved applications have included conditions to re-landscape used up mineral extraction areas as the site progresses, so far there has been no environment friendly reinstatement of landscaping to areas no longer subject to extraction.
- Concern is raised regarding the effect of continued extraction to the surrounding water table level with consequent effect on woodland areas.
- It is our understanding a wash facility is available at the site which does not appear to be having much effect as there is consistent deposits of sand, grit and mud being depositing on the A414. A report recently conducted by Essex Highways has shown drains and gullies already blocked causing flood issues on the carriageway, continued extraction would intensify these issues.

WOODHAM WALTER PARISH COUNCIL (More than 250 metres from the site) – Objects on the following grounds:

- The extension of time and to the development.
- The site is on good quality agricultural land.
- Increase of traffic movements on A414.
- Mud and aggregate on Herbage Park Road.

- Pollution caused by noise, dust and light.

LOCAL MEMBER – CHELMER - Any comments received will be reported

LOCAL MEMBER – MALDON – Concerns about the longer period of use and mud, grit and sand on the road.

6. REPRESENTATIONS

110 properties were directly notified of the application. 8 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Congestion on A414	See appraisal
Mud and gravel on the A 414	See appraisal
Impact from noise	See appraisal
Impact from dust	See appraisal
Health issues for the schools and residents	See appraisal
Impact on the wildlife will continue to be disrupted	See appraisal
Live next door to another proposed site.	The proposed site referred to is at Tyndales Farm which has not been selected as a preferred site in the Pre Submission Draft MLP.
Protected status of the field hedges	See appraisal
Visual impact of the site	See appraisal
Hydrology. Construction of the lagoon has caused seepage into low lying areas.	This refers to ESS/34/11/MAL which is the eastern end of the quarry and not a part of this application site. See appraisal
Footpaths. The diversion of Footpaths 4 and 5 Woodham Mortimer has caused inconvenience to the users	This refers to ESS/34/11/MAL and the footpaths 4 and 5 Woodham Mortimer at the eastern end of quarry and is not a part of this application site
An Extension of time has only just been granted.	This refers to planning permission ESS/34/11/MAL and not a part of this application site.

Concerns about the handling of the application and the display of content on the web site

The application was processed in accordance with SCI and web issues have been raised with the Council's IT support team. All correspondence sent by the council are dispatched by standard postal services and as such delivery cannot be guaranteed. The 250m notification radius is derived from the adopted Statement of Community Involvement.

Larger area should have been consulted.

7 APPRAISAL

The key issues for consideration are:

- A. Principle of the development.
- B. Residential Impact
- C. Agriculture
- D. Traffic & Highways
- E. Ecology & Hydrology
- F. Landscape

A PRINCIPLE OF THE DEVELOPMENT.

The issues for discussion are the principle of allowing a further 10 years for the commencement of development (ESS/70/12/MAL) extending it from November 2012 to November 2027 and extending the period of extraction from 3½ years to 5 years for extraction and the restoration and retention of the plant and machinery until the completion of the mineral extraction 15 years from date of any new permission (ESS/71/12/MAL).

ESS/70/12/MAL To allow a further 10 years for the commencement of the development.

The principle for mineral extraction for the lateral extension at Royal Oak Quarry has been established by planning permission ESS/27/02/MAL. The site is preferred site "W" for mineral extraction in the Essex Minerals Local Plan adopted November 1996 and the estimated 290,000 tonnes of mineral reserve form part of the Essex Sand and Gravel Land Bank. In order to protect the reserve it is necessary to allow an extension of time for commencement, subject to there being no other material considerations.

Condition 1 of planning permission ESS/12/98/MAL (Existing site) stated that the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission (November 1999). It was envisaged that the commencement of development of the Existing site of the Royal Oak would commence in 2002 with a permitted 10 year life of extraction with completion by 2012. Such that the Lateral Extension was permitted to commence upon completion of the Existing Site. However, the commencement of operations for the

Existing site did not begin until 2004, but is still required to be completed by 2014.

The applicant has stated in the submission that in relation to the Existing Site it is unlikely that the mineral will be extracted by 2014. This is stated to be due to the previous operators of Royal Oak Quarry satisfying its market from windfall sites (predominantly reservoir sites) and as a result of the economic climate extraction of mineral from the Existing Site has not progressed as originally planned. It is estimated that the Existing Site could take another 6 or 7 years and it is the operators' intention in the near future to submit an application for an extension of time for planning permission (ESS/34/11/MAL). However, the current applications have to be determined on the basis of existing planning permissions.

It is still appropriate that extraction of the Lateral Extension should not be commenced until the Existing Site is complete, to ensure progressive working and restoration.

The application is for an additional 10 years to commence the development this has been justified by the applicant on the basis that it could be at least 6 to 7 years (plus some flexibility) before the Existing Site is completed and then Lateral Extension could be commenced.

While the logic of this timescale is understood at the current time the Existing Site is required to be completed by 2014 and therefore the Lateral Extension could commence upon its completion. It is therefore felt that a 10 year period for commencement is not justified until the principle of additional time to work the Existing Site has been established through a further planning application. In addition the Existing Site requires a ROMP application prior to 26 March 2014 which will also require a review of all permissions at the Quarry including those for the Lateral Extension. It is therefore felt that while the commencement of the Lateral Extension may be some way off, a long commencement period, beyond the 5 years recommended in Circular 11/95 cannot in this instance be justified in light of the permitted timescales on existing permissions. An extension of the commencement period by a further 5 years would protect the mineral reserve and allow submission and determination of further planning applications (if acceptable) in relation to ESS/12/98/MAL and with respect to infrastructure required to serve the Lateral Extension.

Maldon District Council and Chelmsford City Council have not objected to the extension of time.

Woodham Walter Parish Council has objected to an additional period of time of 10 years for the commencement of the development and to the lateral extension.

Woodham Mortimer and Hazeleigh has objected as the site has been operating for many years with continued renewed extensions of time and expected that all works would cease by 2013.

While it understood that at the time of the applications there was an expectation that Royal Oak quarry (all parts) would be completed within 14 years of commencement each application has to be considered on its individual merits. The

principle of extraction has been established unless there has been a material change in circumstances then an extension for its commencement is acceptable. Whether there has been any material changes in circumstances will be considered in sections B, C, D, E and F of this report.

The site is a preferred site in the Minerals Local Plan and the permitted reserve forms part of the Essex landbank and can contribute to the on-going demand for construction material and would be in accordance with MLP policies MLP2. It is considered that there is justifiable need for this extension of time as the principle of the development has been established by ESS/27/02/MAL, however that a only a 5 year extension be granted rather than the applied for 10 years, as this would protect the reserve, but encourage early resolution of planning issues with respect to interrelated permissions and the deliverability of the reserve within the Lateral Extension;

ESS/71/12/MAL

Condition 5 – longer period to work and restore the Lateral Extension

This application seeks to extend the time period for extraction and restoration from 3½ to a 5 year period. The applicant has submitted when this permission was granted (November 2002) the economic conditions were very favourable but if the present economic climate should persist, there may not be time to complete the extraction and restoration of the site within a window of currently permitted 3½ years.

As discussed above, the application has to be based on the current related planning permissions, which would see this extension being worked in 2 years (while in reality this is unlikely), but if worked in 2 years' time it is likely that in the current economic market sales are slower and working of the sand and gravel is likely to take more than the original 3½ years and therefore an additional extension of 18 months is not unreasonable. If markets should pick up the planning permission requires progressive restoration and the site could be worked and restored within a shorter period.

There have been no objections to additional time to work the site.

In terms of policy the Minerals Local plan and the NPPF are of relevance. In terms of National Policy the National Planning Policy Framework (The Framework) dated March 2012 an economic role requires by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure and further states in the chapter Delivering Sustainable Development should support existing business sectors, taking account of whether they are expanding or contracting and where possible, identify and plan for new or emerging sectors likely to locate in their area.

It is considered that in view of the circumstances described above a longer period for extraction and restoration is justified; however, it is necessary to consider the environmental impacts of the proposals as set out in sections B, C, D, E and F below.

Condition 7 – Retention period for supporting infrastructure

The applicant is also seeking an additional 15 years for retention of plant, machinery and internal haul road, such that it is still in place following completion of the Existing Site of the site. As mentioned in the background section, condition 7 is considered to be inappropriate and Ultra Vires in that it requires retention of the plant, haul road and access outside the Lateral Extension planning application area and required by planning permission ESS/12/98/MAL to be removed by 2014. The retention of the access onto the A414, the haul road and processing plant to serve the Lateral Extension can only be considered as part of an application to amend the planning permission (ESS/34/11/MAL) relating to the Existing Site which includes the access, haul road and permitted area for the processing plant. It is therefore not possible to amend the timescale of this condition. However, it is considered that it would be appropriate to delete this condition.

The acceptability of the retention of the internal haul road, processing plant and access on to the A414 could be considered as part of a separate application to vary the Existing Site planning permissions and/or the ROMP review of all the permissions for Royal Oak Quarry necessary in 2014.

Maldon District Council has raised queries to the length of time for the retention of the plant and machinery as it is considerably longer than originally approved. The concern is understood and the overall timescale and its acceptability for all of the Royal Oak Quarry would be considered as part of the ROMP review or application to vary the existing planning permissions of the site.

B RESIDENTIAL AMENITY

Policies of the NPPF, Chelmsford City Council and the Minerals Local Plans adopted and emerging Replacement Minerals Local Plan seek to protect residential amenity from noise, dust and visual impact.

Noise

Chelmsford City Council Policy DC29 Amenity and Pollution states:

Planning permission will be refused for development, including changes of use, which will or could potentially give rise to polluting emissions to land, air, and water by reason of noise, light, smell, fumes, vibration or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and permanently maintained.

The NPPF states a maximum of 55dB(A) LAeq, 1h (free field), mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult to not exceed the background level by more than 10dB (A) without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq, 1h (free field).

Representees and Woodham Walter Parish Council have raised objections with regard to noise issues. The applicant has responded by stating that :

A noise survey was submitted as a part of planning permission ESS/27/02/MAL. This survey was conducted at three locations. White House Farm (Site 1) approximately 300 m from the southern boundary, the Anchor Public House (Site 2) 200 metres from the south western boundary and the Royal Oak Public House (Site 3) which is over 500 metres from the site. The survey concluded that the noise levels at receptors 1 and 2 would be 53 dB LAeq (1 hr) and at receptor 3 would be 45 dB LAeq (1hr). The recommended noise level of 55 dB LAeq (1 hr) would not be exceeded. Further although no noise reduction levels were recommended by the noise survey as the working face would be below ground level, screening bunds would be constructed along the northern and western sides of the site and landscaping would be added which it was considered would reduce any impact by noise.

All the planning conditions relating to noise mitigation attached to planning permission ESS/27/02/MAL would be re-imposed. Both Chelmsford and Maldon District Councils have not objected to this proposal on noise grounds.

It is considered that subject to the re – imposition of noise conditions the development accords with MLP policy MLP13 Development Control ,RMLP DM1 Development Control, CCCDPD policy 29 Amenity and Pollution and the NPPF

Dust

CCCDPD policy CP 13 Minimising Environmental Impact states: *The Borough Council will seek to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the wider environment.*

MDRLP policy CON5 Pollution prevention states: *that development having an adverse impact on the environment by means of pollution release to land, air, water (including groundwater) etc. will be refused. All developments will be expected to minimise their impact on the environment by adopting environmental best practice and implementing the necessary pollution prevention measures.*

The National Planning Policy Framework makes it clear that unavoidable dust emissions are controlled, mitigated or removed at source.

Representees and Woodham Walter Parish Council have raised objections with regard to dust coming from the site as this would cause health issues to the local residents and schools in the area.

The applicant has responded by stating the nearest property is the Anchor Public House at approximately 200 metres away from the south western boundary. The nearest school is approximately 1 mile towards the north west of the site. Planning permission ESS/27/02/MAL acknowledged that certain site operations could have

the potential to cause dust. However the applicant has stated that the as raised material is by its very nature in a damp condition. The applicant further states that as the phasing programme is divided into 3 phases only 1 phase would be stripped at any one time. The applicant has further stated that a water bowser would be available to dampen the haul roads trafficked by vehicles and all lorries leaving the site would be sheeted.

Chelmsford City Council and Maldon District Council have not objected on dust grounds.

It is considered that subject to the re – imposition of dust control conditions the development accords with CCCDPD policy 29 Amenity and Pollution, MDRLP policy CON5 Pollution Prevention, MLP Policy MLP 13 Development Control and the NPPF

Visual Impact

CCCDPD Policy DC4 - Protecting Existing Amenity states: *All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.*

One letter of representation has been received regarding the visual impact of the site on their property.

A visual impact assessment was submitted with planning permission ESS/27/02/MAL. The visual impact assessment identified that the Zone of Visual Influence was largely confined to the site boundary, Thrift Wood and the boundary hedges. Direct views into the site were from the Runsell Green to Woodham Walter Road as there were gaps in the roadside hedge. As already stated the site would be worked in phases and the working face would be below ground level and screening bunds would be constructed along the northern and western sides of the site. Hedgerow planting would be undertaken to fill the gaps on the Runsell Green to Woodham Walter road.

Chelmsford City Council, Maldon District Council and the parish councils of Danbury, Woodham Walter and Woodham Mortimer and Hazeleigh have not objected to the proposal on visual grounds.

It is considered that subject to the re – imposition of conditions the development accords with CCCDPD policy DC4 – Protecting Existing Amenity. MDRLP policy CON5 Pollution Prevention and MLP policy, MLP13 Development Control and RMLP policy S10 Protecting and enhancing the environment and local amenity.

C AGRICULTURE.

Woodham Walter Parish Council has objected to the proposal as agricultural land would be lost. The principle for the development was approved by planning

permission ESS/27/02/MAL and on completion of extraction the site would be restored to agriculture, such that there would only be a temporary loss of agricultural land.

D HIGHWAYS.

Representees and both Woodham Mortimer and Hazeleigh and Woodham Walter Parish Councils have objected as the continuation of operations would produce large vehicle movement on the A414 leading to more congestion. The principle for the development was approved by planning permission ESS/27/02/MAL which permitted 40 lorry movements a day and the present planning permission for the Existing site (ESS/34/11/MAL) permits 40 lorry movements a day. It is considered that the permitted number of lorry movements would not adversely impact on the local road network. The Highways Authority have not objected to the application and the A414 forms part of the main distributor network.

Woodham Mortimer and Hazeleigh PC and the local member have also raised the issue of mud, sand and grit on the road which could intensify the blocked drains and gullies on the main road and Representees have raised the issue that the potential of mud and grit could cause chipped or broken windscreens. It is considered that these issues relate to the both the existing operations on site and the continuation of such by the application. However, there is a wheel cleaning facility on site and since the need for its use has been emphasised, plus improvements to the surfacing of the haul road inside the site have been made incidents of mud on the road have reduced.

Woodham Walter PC have also objected that as the site is adjacent to Herbage Park Road , mud and aggregate could have detrimental effect on highway safety. As stated above a screening bund would run parallel to Herbage Park Road and the existing hedge would be gapped up and all site traffic would use internal haul roads and the existing access onto the A414, such that there should be no significant adverse impact on the highway of Herbage Park Road

The Highway Authority has responded by stated they have not received any reports of mud on the road or gullies being blocked by material coming from the existing quarry and have not objected to the development.

It is considered that subject to the re – imposition of conditions with respect to vehicle numbers and measures to prevent being carried out onto the highway the development accords with MLP policies MLP4 Access and MLP13 Development Control.

E ECOLOGY & HYDROLOGY

Representations have been received regarding the status of the hedge and the impact on Thrift Wood (County Wildlife Site) and local wildlife. The principle of the development was approved by planning permission ESS/27/02/MAL. A scheme was submitted establishing a buffer zone of at least 10 metres between the extraction area and Thrift Wood and the hedge.

Place Services Ecology and Places Services Landscape have not objected to the development subject to the re-imposition of conditions (updated as necessary) being imposed which cover a landscaping scheme and buffer zones to protect the hedgerows and Thrift Wood during the development.

It is considered that subject to the re – imposition of conditions (updated as necessary) the development accords with MLP policy MLP13 Development Control and CCCDPD policy CP13 Minimising Environmental Impact and RMLP policy S10 Protecting and enhancing the environment and local amenity .

MDRLP policy CC3 Development affecting locally designated nature conservation sites states

Proposals for development within or affecting areas designated as Local Nature Reserves (LNR), Wildlife Sites (WS)(formerly SINC)s, or Regionally Important Geological Sites (RIGS) will not be permitted unless:

- 1. The reasons for the proposal outweigh the need to safeguard the conservation or geological value of the site, and*
- 2. The proposal does not cause loss or damage to the nature conservation or geological interest of the site in which the development is proposed, or*
- 3. Any adverse or potentially adverse effects on a LNR, WS or RIGS of a proposal will be satisfactorily mitigated, for example through the creation of habitats of equal quality and value elsewhere on the site or in the District.*

Concerns have been raised by Woodham Mortimer and Hazeleigh Parish Council and Representatives regarding continued extraction affecting the surrounding groundwater table and its subsequent potential impact on Thrift Wood.

An Environmental Statement which contained a Hydrology Statement was submitted with planning permission ESS/27/02/MAL and this was updated for this application. The applicant has stated that the material would be worked dry and no de- watering would be necessary as condition17 attached to planning permission ESS/27/02/MAL states that no extraction shall take place below the saturated level. As stated above a buffer of 10 metres would put in place between the extraction area and Thrift Wood which it is considered would protect the wood from the development.

The Environment Agency was consulted and has not objected to the development.

It is considered that subject to the re – imposition of conditions relating to extraction the development accords with MLP policy MLP 13 Development Control and MDRLP policy CC3 Development affecting locally designated nature conservation sites.

F LANDSCAPE.

Woodham Mortimer and Hazeleigh Parish Council have objected that landscaping has not been implemented on areas no longer subject to extraction. As stated above the development has not commenced. It is considered that this is referring to planting required upon restoration of the area of planning permission ESS/34/11/MAL which is at the eastern end of the Royal Oak Quarry and is not the subject of this application.

Places Services Landscape has not objected to the development.

It is considered that subject to the re – imposition of conditions the development accords with MLP policy MLP13 Development Control.

7. CONCLUSION

ESS/70/12/MAL – Condition 1

Royal Oak Quarry is a preferred mineral site within the MLP and the principle for development was approved by ES/27/02/MAL. It is considered that the applicant has demonstrated the need for an extension of time to the commencement period, in that the Lateral Extension cannot commence until the Existing Site is completed and this has been delayed due to previous operators actions and the current economic climate. However, the application is for a further 10 years for commencement which is not considered justified at this time, when the adjacent Existing Site is currently only permitted until 2014. It is considered an extension of the commencement period by a further 5 years would protect the mineral reserve and allow the operator time to submit planning applications and subject to their acceptability address the timescales issues with respect to the Existing Site (ESS/12/98/MAL).

The proposal is considered subject to the amended timescale, to be in compliance with MLP policy MLP2 Preferred Sites and the NPPF, in that it would protect a permitted reserve forming part of the County Landbank.

ESS/71/12/MAL – Condition 5 & 7

It is considered based on the current rate of extraction within the adjacent site and the current economic climate and extension of time from 3½ to 5 years is reasonable and would ensure the full working of the reserve and allow restoration of the site to agriculture.

With regard to condition 7, this condition was imposed inappropriately at the time of the original application and retention of the infrastructure can only be achieved through an application to retain this infrastructure beyond the life of the Existing Site permission. Therefore the condition should be deleted.

In terms of the impact on local amenity, it is considered that that the mitigation proposed within the original application and the current application would ensure there was no adverse impact on residential or local amenity, particularly with respect to noise, dust and ecology and therefore is in accordance with MDRLP policies CON5 Pollution prevention and CCCDPD policies DC4 Protecting Existing

Amenity , DC29 Amenity and Pollution and CP13 Minimising Environmental Impact and MLP policies MLP 3 Access and MLP13 Development control and RMLP policies DM1development Management Control and S10 Protecting and enhancing the environment and local amenity .

RECOMMENDED

That planning permission be **granted** subject to the following amended wording for Condition 1 to state:

Condition 1

The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

and that Condition 5 be varied to state:

Condition 5

This permission shall be limited to a period of 5 years from the date of commencement of the development by which time the development shall have ceased and the site shall have been restored in accordance with scheme approved under Condition 2

and:

That condition 7 is deleted and all other conditions of ESS/27/02/MAL to be re-imposed and updated as appropriate.

BACKGROUND PAPERS

Consultation replies

Representations P/DC/Glenn Shaw/ESS/27/02/MAL

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

It is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required in respect of this application.

EQUALITIES IMPACT ASSESSMENT: The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority had pre-application discussions with the applicant and has worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This has been particularly necessary as the authority has had need to approve variations different to that applied for. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

LOCAL MEMBER NOTIFICATION

CHELMSFORD - Chelmer

MALDON - Maldon

Consideration of Consistency of Policies

Minerals Local Plan Adopted January 1997

REF	Policy	Consistency with NPPF.
MLP2	<p>Mineral working will be permitted only where there is an identified national, regional or local need for the mineral concerned.</p> <p>In the case of preferred sites the principle of extraction has been accepted and the need for the release of the mineral proven. Applications would be allowed unless the proposal fails to meet a pre-condition or requirement in Schedule 1 or there are unforeseen unacceptable environmental or other problems.</p>	<p>Paragraph 145 of the NPPF places an obligation on MPAs to take account of National and Sub National guidelines when planning for the future demand for and supply of aggregates.</p> <p>Landbanks are stated as being “principally an indicator of the security of supply” in paragraph 145 of the Framework, whereas policy MLP2 treats it as the only indicator.</p> <p>At paragraph 11 & 12 the NPPF states that “the development plan as the starting point for decision making...unless other material considerations indicate otherwise.</p> <p>The NPPF leaves the MPA to identify sites.</p> <p>It is considered that MLP2 is in conformity with the NPPF</p>
MLP3	<p>Access from a mineral working will preferably be by a short length of existing road to the main highway network</p>	<p>Paragraph 32 of the NPPF requires LPAs decisions to take account inter alia that “...safe and suitable access to the site can be achieved for all people...” and in Paragraph 35 developments should be located and designed where practical to...” inter alia “...create safe and secure layouts”</p> <p>It is therefore considered that MLP3 is in conformity with NPPF as it seeks to provide safe and suitable accesses.</p>
MLP13	<p>Planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on any of the following:</p> <p>The visual and aural environment; Local residents’ (or others’) amenity; Landscape and the countryside; The highway network; Water resources; Nature conservation</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia “...unacceptable adverse impacts on the natural and historic environment, human health...” and</p> <p>In addition in paragraph 144 “...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits...”</p>

		The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)
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Chelmsford City Council Development Control Policies adopted 2008 (CCCDCP)

DC4	<p>Protecting Existing Amenity</p> <p>All development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>
DC29	<p>Amenity and Pollution</p> <p>Planning permission will be refused for development, including changes of use, which will or could potentially give rise to polluting emissions to land, air and water by reason of noise, light, smell, fumes, vibration or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and permanently maintained.</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>
CP13	<p>Minimising Environmental Impact</p> <p>The Borough Council will seek to ensure that development proposals minimise their impact on the</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the</p>

	environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the wider environment.	<p>natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>
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Maldon District Council's Adopted Replacement Local Plan (MDRLP) adopted November

CON5	Pollution Prevention that development having an adverse impact on the environment by means of pollution release to land, air, water (including groundwater) etc. will be refused. All developments will be expected to minimise their impact on the environment by adopting environmental best practice and implementing the necessary pollution prevention measures.	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>
CC3	Development affecting locally designated nature conservation sites Proposals for development within or affecting areas designated as Local Nature Reserves (LNR), Wildlife Sites (WS)(formerly SINC)s, or Regionally Important Geological Sites (RIGS) will not be permitted unless:	The NPPF at Paragraph 109 requires the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued Landscapes, geological conservation interests and soil.

The Pre Submission Replacement Local Minerals Local Plan January 2013

DM1	Development Management Control Proposals for minerals development will be permitted subject to it being	The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter
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	<p>demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:</p> <ol style="list-style-type: none"> 1. Local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable), 2. The health of local residents adjoining the site, 3. The quality and quantity of water within water courses, groundwater and surface water, 4. Drainage systems, 5. The soil resource from the best and most versatile agricultural land, 6. Farming, horticulture and forestry, 7. Aircraft safety due to the risk of bird strike, 8. The safety and capacity of the highway network, 9. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities, 10. The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness, 11. Land stability, 12. The natural and geological environment (including biodiversity and ecological conditions for habitats and species), 13. The historic environment including heritage and archaeological assets. 	<p>alia“...unacceptable adverse impacts on the natural and historic environment, human health...” and</p> <p>In addition in paragraph 144 “...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits...”</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to “...accommodate the efficient delivery of good and supplies...” (Paragraph 35)</p>
S10	<p>Protecting and enhancing the environment and local amenity. Applications for minerals development shall demonstrate that :</p> <p>a) Appropriate consideration has been given to public health and safety, amenity, quality of life of</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia“...unacceptable adverse impacts on the natural and historic environment, human health...” and</p> <p>In addition in paragraph 144 “...that any</p>

	<p>nearby communities, and the natural, built, and historic environment,</p> <p>b) Appropriate mitigation measures shall be included in the proposed scheme of development and</p> <p>c) No unacceptable adverse impacts would arise and;</p> <p>d) Opportunities have been taken to improve/ enhance the environment and amenity.</p>	<p>unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits...”</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to “...accommodate the efficient delivery of good and supplies...” (Paragraph 35)</p>
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DR/12/13

committee DEVELOPMENT & REGULATION

date 22 March 2013

COUNTY COUNCIL DEVELOPMENT

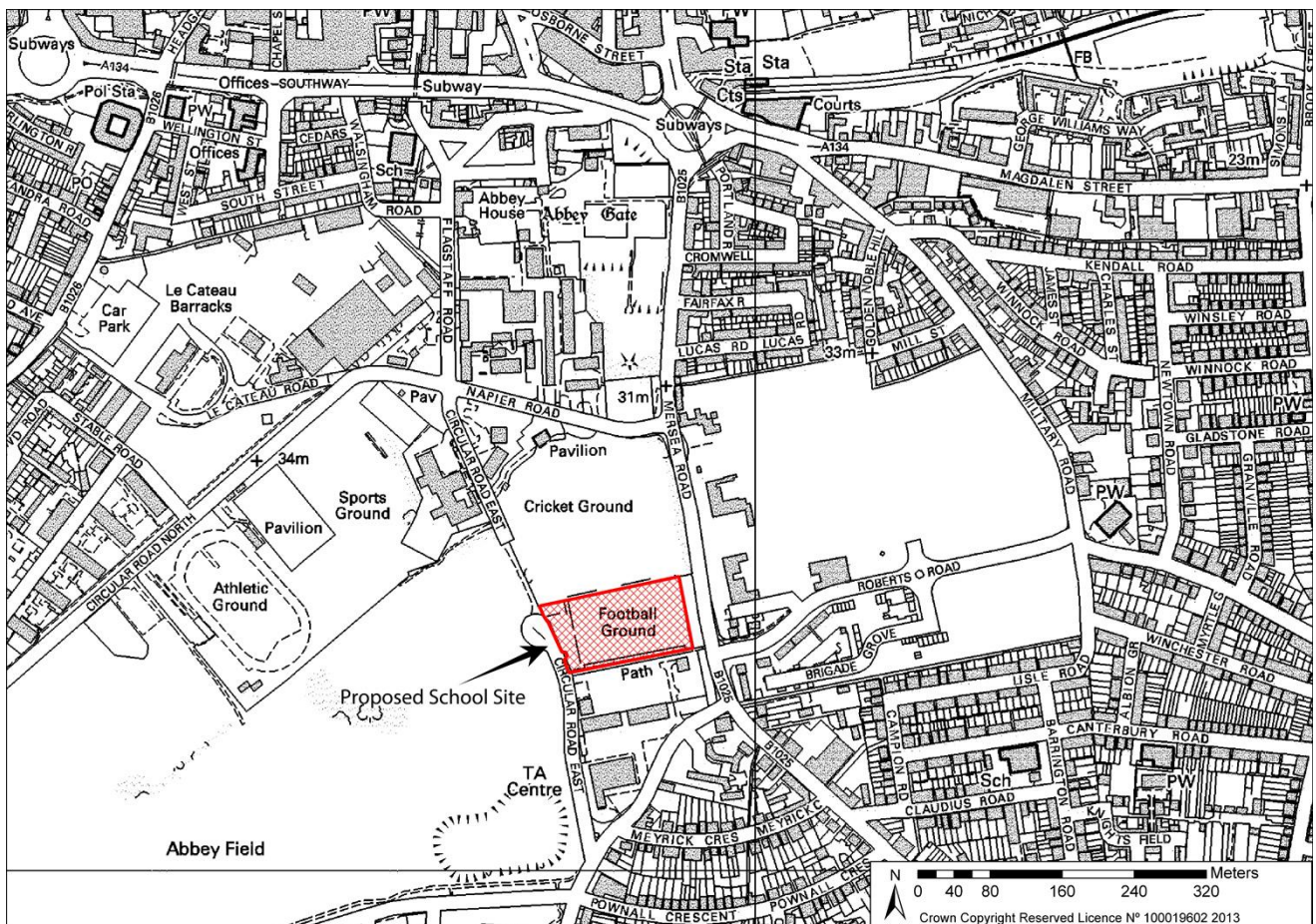
Proposal: **Construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.**

Location: **Vacant Land, Circular Road East, Colchester, Essex.**

Ref: **CC/COL/34/12**

Report by Assistant Director of Sustainable Environment and Enterprise

Enquiries to: Shelley Bailey Tel: 01245 437577





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All dimensions are to be checked on site and the Architect notified of any discrepancies.

Do not scale from this drawing for Constructional purposes

Drawing and measurements based on survey and OS data received to date from ECC

Levels indicative and subject to further clarification

D	RM	31.01.13	Issued for Planning: amendments made to entrance landscape and north end of building form.
C	RM	31.10.12	Issued for Discussion: amendments made to trees, hard landscaping, plan form and entrance.
B	RM	18.10.12	Issued for Planning - Areas revised
A	RM	17.10.12	Issued for Planning - Revisions to Planner/ECC recommendations
	DB	03.09.12	Issued for Planning
Rev	Inst.	Date	Revision Notes



			
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www.lsaiaffiliates.co.uk			
Client Exeter County Council Smart East with Farns			
Project St John's Green Primary School			
Drawing Title Proposed Site Plan			
Date	1:200 @ A1	Date	03.09.12
Drawing No.	T2023 / 105	Drawn By	DB
Checking No.		Rev	D

1. BACKGROUND

The Colchester Garrison is the subject of a large re-development which includes an area identified as a Primary School site.

This area was formerly used as a football pitch for the Army barracks but has been vacant for several years.

The existing Garrison buildings are 19th Century ceremonial buildings which overlook the eastern part of the site.

The existing St John's Green School is located close to the A134 Southway approximately 0.5 miles to the north of the application site.

2. SITE

The 11.9ha proposal site is located in central Colchester. It is within the Garrison Conservation Area.

Abbey Field (open space) lies to the west across Circular Road East, with a cricket pitch located to the north, Mersea Road and the Garrison to the east and the Territorial Army to the south.

There are a number of mature trees along the southern, eastern and western boundaries and the site has some Roman archaeological significance. World War II bunkers help to define the Mersea Road boundary.

Circular Road East has been previously adapted to include an 'end loop' and pedestrianised section. There is no through-route for vehicular traffic.

A public footpath runs parallel with the southern boundary.

3. PROPOSAL

The application is for the development of a new two-storey 300 place primary school which would operate as part of the existing St John's Green Primary School, located approximately 0.5 miles to the north.

The total capacity of St John's Green Primary School would be expanded to 540 pupils over the two school sites. Foundation stage and Years 1, 5 and 6 children would be located within the new building and Years 2, 3 and 4 would use the existing school.

The new school would include 10 classrooms centred around a learning 'bubble', as well as a multi-purpose hall. A Foundation stage play area with canopy is proposed to the western elevation and a hard play area and grassed sports pitch would be located to the east.

It is proposed that improvements would be made to the pedestrian routes between the two school sites as part of the existing Master Plan for the site. These

improvements do not form part of this planning application.

Vehicular access would be from Circular Road East to the west of the site. Pedestrian access for visitors would be from Circular Road East direct to the main building entrance, whilst pedestrian and cycle access for pupils would be via a separate access off Circular Road East and via the public footpath located to the south of the site.

4. POLICIES

The following policies of the Colchester Borough Council Local Development Policies (CBCDP), Adopted October 2010, and the Core Strategy (CBCCS), Adopted December 2008, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>CBCDP</u>	<u>CBCCS</u>
Sustainable Development Locations		SD1
Community Facilities		SD3
Regeneration Areas		UR1
Built Design and Character		UR2
Accessibility and Changing Travel Behaviour		TA1
Design and Amenity	DP1	
Historic Environment Assets	DP14	
Accessibility and Access	DP17	
Parking Standards	DP19	
Nature Conservation and Protected Lanes	DP21	

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is a material consideration in taking decisions.

Paragraph 214 of the NPPF states that, for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

The Colchester Borough Council Local Development Policies (CBCDP), Adopted October 2010, and the Core Strategy (CBCCS), Adopted December 2008, are considered to fall into paragraph 214.

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – No objection subject to conditions covering the following matters:

- High quality materials and architectural detailing.
- A Travel Plan.
- Cycle parking in accordance with the adopted parking standards.

- Landscaping.
- Tree protection.
- Land contamination.
- Limits to hours of work.
- Site boundary noise levels not exceeding 0dBA above background.
- External noise levels.
- Noise insulation on the building.
- Control of fumes and odours (from food).
- Light pollution.
- No floodlighting.
- The proposed 1.8m high close-boarded fence should be conditioned.

Also opposed to the relaxation of traffic regulations on Circular Road East; recommends that existing trees are inspected and remediated due to commencement of construction works; asks that the County Council is satisfied that there would be no adverse impact on the Air Quality Management Area; asks for advisory notes relating to pollution control during construction; and asks that the use of the school for additional social and community uses is secured.

Comment: CBC has commented that the 'Wynne-Williams' report accompanying the application has been produced to assess the current condition of the unmanaged playing field and to provide recommendations for returning the field into a useable condition. CBC considers it is therefore not a contaminated land risk assessment for the development as a whole.

It is noted that a further report accompanies the application relating to the entire development site. The report observes that the site was undeveloped until the early 1950's when it became a football ground. The site has remained unchanged until the present day. The report concludes that the use of the site as playing fields does not appear to have significantly impacted the soils, and no requirements for remedial measures in respect of land contamination are indicated.

It is therefore considered unnecessary to require further work via condition, which may in itself require planning permission in any event.

ENGLISH HERITAGE – Considers the revised proposals to be acceptable but recommends the use of high quality materials via planning condition.

ENVIRONMENT AGENCY – No objection. Provides advice relating to surface water drainage and recommends that Anglian Water is consulted with regard to foul water disposal.

SPORT ENGLAND – No objection as a statutory consultee. As a non-statutory consultee, recommends a condition requiring a community use agreement. Recommends that the development achieves the maximum BREEAM credits for water efficiency and the 'Good Practice' level of the AECB Water Standards.

NATURAL ENGLAND – No objection. Encourages the incorporation of Green Infrastructure in to the development. Refers to standing advice in respect of protected species.

ESSEX WILDLIFE TRUST – No comments received.

ESSEX FIRE AND RESCUE SERVICE – No comments received.

ESSEX POLICE AUTHORITY – No comments received.

COUNTY COUNCIL'S NOISE CONSULTANT – Comments that there is no acoustic report to confirm the suitability of the site for a school when it is located next to Mersea Road.

It is highly unlikely that fixed plant associated with the heating system, the proposed games court or car parking area would result in adverse impact on residential properties.

ANGLIAN WATER – No comments received.

NATIONAL GRID – No comments received.

HIGHWAY AUTHORITY – No objection subject to conditions requiring:

1. A traffic management plan.
2. Details of wheel cleaning facilities.
3. The widening of the St John's Green/Walsingham Road footway to a minimum 2.2m.
4. A zebra crossing in Circular Road North.
5. A Traffic Regulation Order and provision of signs and lines along Circular Road East to restrict waiting between 10am-11am and between 1pm-2pm.
6. A pedestrian barrier across the footpath which runs along the southern boundary of the site.
7. All footpaths within the proposal site to be constructed to a minimum 2m in width.

1-2 to be required prior to commencement of development.

3-6 to be required prior to beneficial occupation.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to:

- Adherence to the submitted information including the Ecological Mitigation Report dated 21st December 2012 and comments from the applicant's ecologist.
- Grassland seeding in the autumn followed by temporary fencing off of the area to allow establishment.
- Retention of existing semi-improved grassland.
- A condition requiring a Landscape and Biodiversity Management Plan to include: mitigation for loss of grassland and incorporation of hornbeam rather than beech; omission of ash and elm due to disease; long term

management, monitoring and funding of existing and proposed habitats by the school managers.

- A condition requiring proposals for bird impact mitigation.
- A condition requiring mitigation and recommendations in the Phase 1 Habitat and Ecological Scoping Survey.
- A condition requiring protection of existing habitats during construction.
- A condition requiring a lighting scheme to ensure protection of bats.
- A condition requiring no removal of vegetation during the bird nesting season (mid-Feb – August).
- A condition requiring the submission of revised ecological assessments/surveys should the development not be commenced within 2 years.
- Recommends an informative with regard to badgers and reptiles if encountered following commencement of development.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to adherence to the tree work, construction works, protection etc. proposed in the Arboricultural Method Statement Rev B.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Initially raised concerns regarding the relationship of the building with Circular Road East. Considered that the Foundation classrooms and play area would be ideally located to the rear, or alternatively the security and screening could be amended to provide a more welcoming view to the main entrance. Car parking should be relocated to the side and replaced with a forecourt at the front of the school.

Following revised proposals, raises no objection and considers that concerns have been adequately addressed, with the revised details representing a moderate improvement in design quality. Recommends conditions relating to external materials and signage (ideally animated/public art) on the front of the building.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS –No comments to make.

PLACE SERVICES (Historic Buildings) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Initially commented that the design would succeed in reflecting the structured formality and scale of the existing buildings in the conservation area. The roof and vertical emphasis of the elevations make reference to the garrison buildings. The development would have a human scale. The use of colour retains formality while expressing the use as a primary school.

- Red brick is sensitive to the character of the area but the proposed 'gault' is too grey.
- No objection subject to a condition requiring an alternative 'gault' brick colour and a sample panel.

Following re-consultation, comments that the increase entrance glazing makes a significant improvement to the appearance. The large mass is broken down by recessing, brick detailing and fenestration. The side elevations have been

improved through increased symmetry and brick detailing. The roof form helps break up the mass and the clopping roof will reflect the traditional roofs of the Conservation Area in a contemporary form. The application now shows careful detailing at the eaves and around the openings which will ensure contemporary high quality as opposed to a historic pastiche. No objection subject to conditions covering the following:

- A sample panel on site showing brick bond, mortar mix and pointing profile;
- External materials;
- Drawings showing windows, doors, eaves, copings and sills detailing;
- Boundary treatments.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No further requirement for archaeological work. The site has been cleared of archaeology by Taylor Wimpey’s archaeological contractors, prior to hand over to ECC, with monitoring taking place as appropriate.

LOCAL MEMBER – COLCHESTER – Abbey – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – Drury – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – Maypole – Supports the development but requests a crossing point by Napier Road and considers 20 car parking spaces would be too few.

6. REPRESENTATIONS

2 properties were directly notified of the application. 1 letter of representation has been received. This relates to planning issues covering the following matters:

Traffic noise during construction and operation of the school.	See appraisal.
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Retention of bollards in Circular Road East is not necessary.	See appraisal.
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Lack of parking provision means parents will park on double yellow lines.	See appraisal.
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7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Design and the Conservation Area
- C. Archaeology
- D. Impact on Amenity

- E. Landscape and Visual Impact
- F. Impact on Ecology
- G. Traffic & Highways
- H. Community Facilities

A NEED

The applicant has stated that significant housing development on the former Garrison site in Colchester has resulted in significant growth in pupil numbers in the centre of the town. The existing St John's School is popular but on a small site with no playing field. By the year 2013/14 there will be a predicted 332 pupils on the role of a school which has 210 places. This is predicted to rise significantly year on year.

It is noted that the NPPF requires planning policies and decisions to address the connections between people and places and the integration of new development into the natural, built and historic environment.

The connections and integration of the development will be considered further in the report, but in principle, due to the proximity to the existing St John's School, it is considered that there is a need for a new primary school in the proposed location.

It is additionally noted that the NPPF presents a presumption in favour of sustainable development. There are three dimensions to sustainable development – economic, social and environmental. Each of these roles should be sought jointly and simultaneously through the planning system. The extent to which the proposed development constitutes 'sustainable development' is considered throughout the report.

B DESIGN AND THE CONSERVATION AREA

CBCDP Policy DP1 (Design and Amenity) requires, in summary, all development to be of a high standard, to avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability.

CBCDP Policy DP14 (Historic Environment Assets) requires refusal of development which would adversely affect a conservation area. New development should enhance the historic environment in the first instance.

CBCCS Policy UR2 (Built Design and Character), in summary, promotes high quality and inclusive design in all developments to make better places for both residents and visitors.

CBCCS Policy UR1 (Regeneration Areas), in summary, cites 'The Garrison' as a regeneration area, new development within which is encouraged to be within walking distance of Centres and Transit Corridors, of a design and scale which is sympathetic to the area, and to address local constraints.

CBCCS Policy SD1 (Sustainable Development Locations) promotes sustainable development in locations including regeneration areas (such as The Garrison).

The design of the proposed school building has been through several iterations during the course of the planning application process. The location with the Conservation Area means that the design approach is particularly sensitive.

The applicant engaged in pre-application discussions beginning in March 2012. Although the ECC Historic Buildings advisor was fully supportive of the scheme, an initial objection was received from Colchester Borough Council (CBC). The scheme was therefore amended but CBC remained opposed. The scheme was therefore taken to the Essex Design Review Panel for an independent assessment of the design merits.

The Panel commented as follows:

- The use of brick was sound,
- A more uniform façade would be preferable on the western elevation,
- The use of one (as opposed to two) type of brick was recommended without the use of step-backs,
- Further detailing of the landscape design was advised,
- Re-consideration of the 'blank' southern façade was advised,
- The lack of prominence of the entrance was considered to be an issue,
- The roof form was not considered to be an issue but the ventilation grilles were considered to be of no benefit.

Accordingly, the applicant revised the scheme to include:

- Amended landscaping to produce a more defined entrance and the introduction of new acid grass areas,
- A widened visitor entrance,
- Omission of soldier courses and addition of brick detailing and enclosed rainwater pipes,
- Additional detailing beneath the roof profile,
- Improved symmetry to the northern elevation,
- Use of single red brick,
- Omission of setbacks on the western façade,
- Reduction in size of the roof mounted ventilation grilles.

The NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The scheme as now proposed is considered to be significantly improved.

The southern elevation is more symmetrical in terms of the positioning of doors and windows and vertical brickwork detailing has been added. The plant room louvers are also proposed as coloured to blend with the brickwork.

The north elevation now has an additional first floor classroom, with a stepped back north west and north east edge, to create symmetry. This is also achieved through the incorporation of a central seam of doors, glazing and a clerestory roof light. Additional brickwork detail emphasises verticality to reflect the surrounding Conservation Area. A protruding window has been added to the first floor group room. These amendments allow a visual link to the adjacent cricket ground and reflect the glazed main entrance and protruding staff room window on the western elevation.

The eastern elevation would face the playing field. The 'saw tooth' roof remains proposed but the ventilation grilles have been reduced in size and inset to appear less dominant. Rainwater detailing has been inset into the façade and vertical brickwork detailing emphasises verticality without the need for different coloured bricks.

The western elevation would face circular road east and provide the main entrance to the building. The roof grilles would, again, be less dominant than previously proposed. The classroom gables would include recessed areas and vertical brick detailing would emphasise verticality. The main entrance itself would be doubled in width with full height glazing and an elegant full width canopy.

It is noted that English Heritage, ECC Place Services and CBC have no objections on design grounds, subject to conditions, which it is considered could be imposed in the event that permission is granted.

It is therefore considered that the development would be of a high standard which would contribute to the Conservation Area, in accordance with CBCDP Policies DP1 and DP14, CBCCS Policies UR2, UR1 and SD1 and the design elements of the NPPF.

C ARCHAEOLOGY

CBCDP Policy DP14 (Historic Environment Assets) does not permit development which would adversely affect important archaeological remains.

Archaeological surveys have been carried out in the years 2004 and 2011. Roman features and a post-medieval ditch were discovered. Among the finds were a Roman ditch enclosure and a Roman quarry pit.

There are also 6 military air raid shelters located along the eastern boundary by Mersea Road. They are outside of the application site boundary.

The proposed building has been positioned to avoid the finds where possible. It is proposed that a watching brief would be maintained throughout the construction phase.

The ECC Archaeologist is satisfied that there is no further requirement for archaeological work. It is therefore considered that the development would comply with CBCDP Policy DP14.

D IMPACT ON AMENITY

CBCDP Policy DP1 (Design and Amenity) requires the protection of existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour), daylight and sunlight.

The areas immediately surrounding the application site consist of the cricket ground to the north, Abbey Fields to the west, Mersea Road to the west and the TA Centre to the south. The nearest residential properties are located approximately 100m from the site boundary beyond the TA Centre in Nancy Smith Close and approximately 40m to the east across Mersea Road in Roberts Road.

The distance and separation of the residential properties from the site is considered to be sufficient to ensure no significant impact on residential amenity.

The site has already been allocated as an appropriate location for a school through the Colchester Borough Council Local Development Framework. However, CBC has sought the imposition of conditions relating to noise, odour and lighting.

In terms of noise, it is considered appropriate that hours of construction working could be conditioned should planning permission be granted. Standard construction hours are 07:00 to 18:30 hours Monday to Friday, 07:00 to 13:00 hours Saturdays and at no other times. It is considered that such hours would assist in protecting surrounding amenity.

CBC has requested conditions relating to noise levels at the site boundary, external noise levels, and noise insulation on the building.

It is considered that a noise limitation condition would not meet the tests for conditions, as it is not known which noise levels would be achievable. Further, the applicant has confirmed that the building would be fully insulated in accordance with Building Bulletin 93 acoustic standards plus ECC's acoustic standards.

CBC has also requested that the proposed 1.8m high close boarded fence should be conditioned. The fence around the playing field is proposed as green weldmesh, not close-boarded. As with most schools, close-boarded fencing is not desirable as it restricts pupils' views beyond the site and reduces the relationship of the school with its surroundings.

A representation has been received relating to construction traffic and operational traffic noise. It is considered that the condition proposed previously in the report relating to construction hours would assist in controlling construction traffic noise. With regard to operational traffic noise, the application proposes the measures outlined previously in the report to encourage alternative methods of transport and to keep disruption to a minimum. In the knowledge that the site has been allocated as appropriate for a school site within the Colchester Borough Local Development Framework, it is considered that operational traffic noise would not

be so significant as to impact on the amenity of surrounding residents.

The County Council's noise consultant has commented that it is highly unlikely that there would be any adverse impact on residential properties and it is therefore considered that any further noise-related conditions would not be appropriate.

The applicant has also confirmed that fumes and odours from the kitchen would be extracted and vented to the atmosphere at high level, thus not causing any significant impact on amenity.

With regard to lighting, it is considered that a condition could be imposed, in the event that permission is granted, to restrict the addition of any lighting without the prior approval of the County Planning Authority.

It is therefore considered that existing amenity would be protected, in accordance with CBCDP Policy DP1.

E LANDSCAPE AND VISUAL IMPACT

CBCDP Policy DP1 (Design and Amenity), in summary, requires all development to respect and enhance the landscape.

The application details include comprehensive landscaping proposals. A new hedge is proposed along the northern boundary of the site and trees and hedges are proposed to be retained where possible along the southern and western boundaries. New semi-mature trees are also proposed along the southern and western boundaries, together with shrubs and grass seeding within the site.

However, Taylor Wimpey - the developer for the surrounding housing - has commenced preparation works on the school site prior to handing over the land to ECC ownership. These works have involved some tree removal and some compaction has occurred around the roots of trees which are proposed to be retained.

The ECC Tree Officer has visited the site and recommended that de-compaction works take place. It is considered that this could be required by condition, in the event that permission is granted. Tree protection fencing has also now been erected in accordance with the method statement included with the planning application.

Given that works did commence on site prior to installing the tree protection measures, it is considered that a landscaping scheme could be conditioned, in the event that permission is granted, to ensure appropriate screening for the site. This would be in addition to a condition requiring tree protection as proposed in the application.

It is noted that the responsibility for any action relating to the commencement of works prior to the installation of tree protection would fall to CBC, should they consider it appropriate. This is because the site is not currently owned by ECC.

It is therefore considered that the development would respect and enhance the landscape in accordance with CBCDP Policy DP1.

F IMPACT ON ECOLOGY

CBCDP Policy DP1 (Nature Conservation and Protected Lanes), in summary, requires all development to: include appropriate ecological surveys and make provision for the needs of protected species if identified; conserve or enhance the biodiversity value of greenfield and brownfield sites; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features and habitat creation where appropriate.

The application details include a Phase 1 Habitat and Ecological Scoping Survey, as well as an Ecological Mitigation Report.

The Phase 1 survey identifies an area of acid grassland, which should be retained or recreated elsewhere on site.

The Ecological Mitigation Report states that the grassland has been stored off-site with a view to relocate it on site. As the likelihood of survival is low, the Report recommends that the acid grassland is recreated, and this has been included in the proposed landscaping plan. The plan also takes into account seeding of clustered clover, a nationally scarce species found on site. The ECC Ecologist has requested a condition requiring the area to be fenced off to allow it to establish. It is considered that this could be conditioned should planning permission be granted.

Subject to the imposition of conditions as suggested by the ECC Ecologist, it is considered that the development proposals include sufficient habitat creation and ecological mitigation to comply with CBCDP Policy DP1.

G TRAFFIC AND HIGHWAYS

CBCDP Policy DP17 (Accessibility and Access) requires all development to enhance accessibility to sustainable modes of transport and incorporate appropriate provision for pedestrians, cyclists, public transport, linkages to networks and servicing and emergency vehicles.

CBCDP Policy DP19 (Parking Standards) endorses the Essex Vehicle Parking Standards and recognises it as an adopted Supplementary Planning Document.

CBCCS Policy TA1 (Accessibility and Changing Travel Behaviour), in summary, seeks to improve accessibility by enhancing sustainable transport links and encouraging development that reduces the need to travel.

Vehicular access to the proposed site would be via Circular Road East from Berechurch Road. Circular Road East is a no-through road with a turning loop positioned to the north of the proposed school access point. The Highway

Authority has raised no objection to this road layout.

The application includes a commitment to make improvements to the pedestrian routes and highways in the vicinity of the site.

The following improvements are to be undertaken by the housing developer for the overall master plan for the area and are outside of the requirements of the current planning application:

- Widening of the public footpath along the southern boundary to 3.5m and inclusion of lighting columns.
- Addition of a ramp at the eastern end (Mersea Road end) of the public footpath along the southern boundary.
- Signalised pedestrian crossings from the new housing development on the former army barracks site at the junction between Mersea Road/Roberts Road and Mersea Road/Berechurch Road.

The following improvements are proposed by the applicant for the current application:

- Widening of the St John's Green/Walsingham Road footpath from the existing St. John's Green Primary School to Flagstaff Road to 2.2m.
- Provision of a new zebra crossing across Circular Road North immediately west of Flagstaff Road/Circular Road East.
- Implementation of a Traffic Regulation Order to amend the existing 'No Waiting At Any Time' restrictions and signs on Circular Road East in the vicinity of the proposed site (from 9.00am – 10.00am to 10.00am – 11.00am and from 2.00pm – 3.00pm to 1.00pm – 2.00pm).
- Provision of a pedestrian barrier in the footway at the Mersea Road end of the footpath along the southern boundary of the site if the Garrison development is delayed beyond the opening of the new school building.

The Highway Authority has raised no objection subject to conditions relating to the above four points as well as minimum widths for the pathways within the proposed site. Aside from the pathway provisions within the school site, it is considered that conditions would not be appropriate in this instance due to the proposed works being off-site. However, there is a commitment from the applicant that these works would be implemented prior to the opening of the proposed school, which is considered to be sufficient for the purposes of this planning application.

The development itself proposes the provision of 20 parking spaces including 1 disabled bay. There would also be a layby for deliveries located alongside the kitchen access within the school site.

Covered cycle storage is also proposed in two locations, together with an area allocated for future expansion of cycle storage should the need arise.

CBC has commented that the total allocation of cycle parking should be required from the outset. In response, it is noted that this would amount to over 100 cycle parking spaces. The proposed school would accommodate pupils in years

Reception, 1, 5 and 6. Given that only pupils in year 6 take cycling proficiency tests, and the number of year 6 pupils would be 75 at the maximum once surrounding housing has been built and occupied, it is considered reasonable to allow the initial provision of cycle spaces together with space for future expansion, if required.

The Highway Authority has no objection to this approach which has been used on several new primary schools in the past.

The Essex Parking Standards: Design and Good Practice require a maximum of 1 space per 15 pupils for school sites plus a minimum of 1 disabled parking bay. The proposals therefore comply with the standards.

CBC has requested that a Travel Plan is required by condition.

A School Travel Plan has been included with the application. It highlights the fact that there would be travel between the two sites throughout the school day by pupils and staff to enable use of facilities and information sharing.

It is considered that the proposed improvements to the pedestrian route between the two sites would help to facilitate this movement.

In addition, parents may be likely to drop off and pick up children to and from both sites at the beginning and end of the school day.

The school has primarily chosen to promote walking and cycling to and from school in the interests of health and the environment. To facilitate this, the school proposes a walking bus at the beginning and end of the school day to transport children between the two sites.

However, in the event that parents choose to travel by car the proposed Traffic Regulation Order would enable parents to park in Circular Road East at the beginning and end of the school day. As this is a no-through road there would be minimum disruption to the surrounding area.

In addition, there is a car park in Napier Road which Colchester Borough Council has confirmed could potentially be used by parents dropping off/picking up children through the use of a reduced-rate permit.

The applicant has also committed to updating the Travel Plan once the school is occupied. As is the usual approach of the County Planning Authority, it is considered that the devising of a Travel Plan should be left for the applicant to negotiate with the ECC Travel Planning team, outside of the Planning realm. It is considered that the Travel Plan is appropriately requested through informative and not required through condition.

With regard to CBC's comment that ECC should satisfy itself that traffic would have no impact on the Air Quality Management Area, it is noted that the site has already been allocated as appropriate for a school within the Colchester Borough Council Local Development Framework. It is therefore not considered necessary to carry out further assessment of air quality.

The proposed development is therefore considered to comply with CBCDP Policies DP17 and DP19 and CBCCS Policy TA1.

H COMMUNITY FACILITIES

CBCCS Policy SD3 (Community Facilities), in summary, seeks the provision of community facilities.

Sport England has recommended, as a non-statutory consultee, that a Community Use condition should be imposed on the planning permission, should it be granted.

Colchester Borough Council has also commented that the school has potential to form a key community asset within the Garrison Urban Village development. Therefore the Borough Council considers that additional social and community uses should be secured through the planning permission.

This type of requirement could not be imposed via planning condition as it is considered it would not meet the tests of Circular 11/95.

Furthermore, the application is for use as a school and any other proposal may present planning issues which require consideration in their own right. However, the applicant has confirmed that the governing body would be at liberty to let out the playing field should they so wish.

It is therefore considered that it would not be appropriate to impose planning conditions relating to community use in the event that permission is granted.

8. CONCLUSION

In conclusion, it is considered that there is a need for a new school in the proposed location.

The impact on the Conservation Area has been carefully considered throughout a lengthy design process which has resulted in all consultees raising no objection to the development. The design is considered to be of a high quality which would function well as a primary school whilst contributing to the aesthetics of the area, in accordance with CBCDP Policies DP1 and DP14, CBCCS Policies UR2, UR1 and SD1 and the NPPF.

The proposed building has been positioned to avoid archaeological finds where possible. With a watching brief throughout the construction phase it is considered that there would be detriment to archaeology in compliance with CBCDP Policy DP14.

The site has been allocated as an appropriate location for a school through the Colchester Borough Council Local Development Framework. As such, it is considered that there would be no significant impact on amenity, subject to conditions, in compliance with CBCDP Policy DP1.

The application includes comprehensive landscaping proposals, however to address compaction issues which have occurred due to commencement of ground preparation works on site, it is proposed that conditions relating to landscaping, tree protection and ecology are imposed. This would ensure the development would respect and enhance the landscape and incorporate beneficial biodiversity conservation features and habitat creation in accordance with CBCDP Policy DP1.

The proposed school is considered to be ideally proposed on a 'no-through' road with a turning loop. The applicant has committed to several highway-related improvements in the surrounding area, as well as the provision of adequate car parking and cycle parking spaces within the site. The applicant also encourages sustainable means of travel, in compliance with CBCDP Policies DP17 and DP19 and CBCCS Policy TA1.

The specific use of the school for community use has not been presented as part of this planning application, and is therefore considered to be outside the scope of the application.

Overall, the proposed development is considered to meet the economic, social and environmental strands of the NPPF and to constitute 'sustainable development', for which there is a presumption in favour.

9. RECOMMENDED

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

1. COM1 – Commencement within 5 years.
2. COM3 – Compliance with submitted details.
3. LGHT1 – Fixed lighting restriction.
4. Traffic Management Plan.
5. All footpaths within the proposal site shall be constructed to not less than 2m in width.
6. Grassland seeding to be implemented in the autumn and fenced off for 1 year.
7. Landscape and Biodiversity Management Plan.
8. ECO3 – Protection of breeding birds.
9. ECO7 – Update of survey before commencement of development.
10. DET1 – Details of external appearance.
11. Materials sample panel.
12. DET2 – Design detail.
13. Details of signage on west elevation.
14. LAND1 – Landscape scheme.
15. LAND2 – Replacement Landscaping.
16. Adherence to the tree work, construction works and protection proposed in the Arboricultural Method Statement Rev B dated 28/04/12.
17. Details of method of de-compaction around root protection zone prior to

- commencement of development.
18. HIGH8 – Cycle parking areas.
19. HOUR1 – Construction hours: 07:00 to 18:30 hours Monday to Friday, 07:00 to 13:00 hours Saturdays and at no other times, including no other times on Sundays, Bank or Public Holidays.

BACKGROUND PAPERS

Consultation replies.
Representation.

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

The proposed development would not be located adjacent to or within the appropriate screening distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

The planning application was submitted following several months of pre-application engagement between the applicant and the County Planning Authority.

During the determination process, objections were raised from consultees relating to design and impact on the Conservation Area. The County Planning Authority therefore liaised with the applicant and Colchester Borough Council to allow an altered scheme to be devised.

In addition, the County Planning Authority worked with the applicant to engage an independent design panel, and then to work amended proposals into the application process.

Following the final round of consultation, it is considered that all objections from consultees have been resolved.

LOCAL MEMBER NOTIFICATION

COLCHESTER – Abbey
COLCHESTER – Drury
COLCHESTER – Maypole

DR/13/13

Committee DEVELOPMENT & REGULATION

date 22nd March 2013**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Assistant Director for Sustainable Environment & Enterprise

Enquiries to Tim Simpson – tel: 01245 437031

or email: tim.simpson2@essex.gov.uk**1. PURPOSE OF THE ITEM**

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Tim Simpson/

MEMBER NOTIFICATION

Countywide.

SCHEDULE**Minerals and Waste Planning Applications**

No. Pending at the end of previous month

23

No. Decisions issued in the month

3

No. Decisions issued this financial year

49

Overall % age in 13 weeks this financial year

73%

% age in 13 weeks this financial year (NI 157a criteria, Target 60%)	73%
Nº Delegated Decisions issued in the month	2
Nº Section 106 Agreements Pending	2
<u>County Council Applications</u>	
Nº. Pending at the end of previous month	7
Nº. Decisions issued in the month	1
Nº. Decisions issued this financial year	44
Nº of Major Applications determined (13 weeks allowed)	0
Nº of Major Applications determined within the 13 weeks allowed	0
Nº Delegated Decisions issued in the month	0
% age in 8 weeks this financial year (Target 70%)	84%
<u>All Applications</u>	
Nº. Delegated Decisions issued last month	13
Nº. Committee determined applications issued last month	2
Nº. of Submission of Details dealt with this financial year	172
Nº. of Submission of Details Pending	135
Nº. of referrals to Secretary of State under delegated powers	2
<u>Appeals</u>	
Nº. of appeals outstanding at end of last month	3
<u>Enforcement</u>	
Nº. of active cases at end of last quarter	19
Nº. of cases cleared last quarter	21

Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	0
Nº. of Temporary Stop Notices Issued last month	0
Nº. of Stop Notices Issued last month	0

