

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 24 April 2015</b>	<b>Committee Room 1, County Hall, Chelmsford, Essex</b>
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**Quorum: 3**

**Membership:**

Councillor R Boyce  
Councillor J Abbott  
Councillor J Aldridge  
Councillor K Bobbin  
Councillor M Ellis  
Councillor C Guglielmi  
Councillor J Jowers  
Councillor J Lodge  
Councillor M Mackrory  
Councillor Lady P Newton  
Councillor J Reeves  
Councillor S Walsh

Chairman

**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

**Telephone:** 033301 34583

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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)

		<b>Pages</b>
<b>1</b>	<b>Apologies and Substitution Notices</b> The Clerk to report receipt (if any)	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 27 February 2015.	<b>7 - 10</b>
<b>4</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>5</b>	<b>County Council Development</b>	
<b>5a</b>	<b>Former Severalls Hospital Site, Colchester</b> To consider report DR/12/15, relating to the construction of a two-storey, two-entry Primary School with associated hard and soft play space, vehicle access and parking, hard and soft landscaping, drainage, lighting and fencing, at the former Severalls Hospital Site, Northern Approach Road (Phase 3), Colchester CO4 5HG.  Reference: CC/COL/52/14	<b>11 - 34</b>
<b>6</b>	<b>Enforcement Update</b>	
<b>6a</b>	<b>Enforcement of Planning Control</b> To update Members on enforcement matters for the period 1 January to 31 March 2015 (Quarterly Period 1). DR/13/15	<b>35 - 40</b>
<b>7</b>	<b>Information Item</b>	

- 7a Applications, Enforcement and Appeals Statistics** **41 - 42**  
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.  
DR/14/15
- 8 Date of Next Meeting**  
To note that the next meeting will be held on Friday 22 May 2015 at 10.30am.
- 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.

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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.

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**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION  
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 FEBRUARY  
2015**

**Present**

Cllr R Boyce (Chairman)  
Cllr J Aldridge  
Cllr K Bobbin  
Cllr M Ellis  
Cllr J Lodge

Cllr M Mackrory  
Cllr M Maddocks  
Cllr Lady Newton  
Cllr J Reeves

**1. Apologies and Substitution Notices**

Apologies were received from Cllr J Abbott, Cllr C Guglielmi (substituted by Cllr Maddocks), Cllr J Jowers and Cllr S Walsh.

**2. Declarations of Interest**

Cllr Lady Newton declared a personal interest in agenda item 5a, Rivenhall Airfield, as Chair of the IWMF Site Liaison Committee.

**3. Minutes**

The Minutes and Addendum of the Committee held on 23 January 2015 were agreed and signed by the Chairman.

**4. Identification of Items Involving Public Speaking**

One person was identified to speak in accordance with the procedure for the following item:

Consideration of report DR/07/15, relating to the removal of certain conditions attached to planning permission ESS/41/14/BTE, the permission being in respect of an Integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road, (A120), Braintree.

Reference: ESS/55/14/BTE

Applicant: Gent Fairhead & Co Ltd

Public Speaker: David Whipps speaking for.

**5. Rivenhall Airfield, Braintree**

The Committee considered report DR/07/15 by the Director for Operations, Environment and Economy.

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

The Committee noted that this application sought solely to remove two conditions from an existing permission.

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:

- Determination of the application and Principle of the development
- Justification for the removal of conditions restricting the source of Solid Recovered Fuel and waste paper and card
- Highway issues, Environmental impact and Impact on local amenity
- Nature of Solid Recovered Fuel
- Recycling
- Future planning applications.

In accordance with the protocol on public speaking the Committee was addressed by David Whipps, a partner at Holmes & Hills LLP, representing the applicant. Mr Whipps said:

- The actual design of the facility is being finalised, according to the latest technology, but no significant changes are envisaged. If any changes are ultimately sought, they will be submitted to the County Council in the normal fashion
- There is no intention to seek to vary either the existing number of permitted lorry movements or the total volume of waste, refuse derived fuel or paper being processed at the site
- The applicant will shortly be seeking an Environmental Permit, which will control actual operations on the site
- This is a needed and appropriate site, which has been recognised under the existing plan and which will be developed as an IWMF in accordance with existing planning approval
- The policy background has changed, since permission was first granted; the basis of county and/or regional self-sufficiency has been abolished. Now waste should be taken to appropriate facilities – of which Rivenhall could be one
- The cost of transporting waste is a crucial factor, which will restrict the geographical range of the import of material. At present, waste is transported through the county, *en route* for Harwich, and then on to be processed overseas. Lifting these conditions could mean some of this material being processed at Rivenhall, saving in transport costs.

In response to questions raised by Members, it was noted:

- The Department of Local Government & Communities had made no response to the proposal
- If these conditions are lifted, the authority will have no means of controlling or restricting the number of transport miles. However, the restrictions on the number of vehicle movements and the amount of waste will remain and the pure economics of transporting material will keep distances reasonable.
- When the conditions were originally imposed, in 2010, there was a regional policy in place, which required self-sufficiency based on geographical limits. This backed up the County's own policy along similar lines. This regional policy is no longer in place and under the European Waste Directive, waste should be treated at the "nearest appropriate



facility". If a decision not to approve this application was challenged, the case would be considered against current policy

Two further points were made by Members:

- There is concern among some local people that such changes as those proposed represented a form of "Planning Creep", which achieves major changes over time
- Local residents have still not had the opportunity to assess the facility's impact locally, as it has not yet become operational.

The resolution was proposed and seconded. Following a vote of six in favour and none against, it was

### **Resolved**

That planning permission be **granted** and conditions 28 and 30 be deleted from the planning permission subject to:

- 1) All other conditions of ESS/41/14/BTE being re-imposed
- 2) An informative to be added to the permission clarifying that references to Solid Recovered Fuel (SRF) are considered to be the same as Refuse Derived Fuel (RDF) for the purposes of the planning permission.
- 3) A deed of variation to ensure the new planning permission remains subject of the obligations of the original s106 associated with Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and ESS/41/14/BTE.

## **Village Green**

### **6. Willingale Glebe, Willingale**

The Committee considered report DR/08/15 by the Director for Essex Legal Services to consider an application made by Willingale Parish Council under the provisions of Section 15(2) of the Commons Act 2006 ("the 2006 Act") as amended, to register land at Willingale Glebe, Willingale (also known as Willingale Cricket Field) as a Town or Village Green.

The Committee noted:

- There has been no public inquiry on this application, as the landowner (The Chelmsford Diocesan Board of Finance), which initially lodged an objection, has withdrawn it, effectively leaving the application unchallenged
- The pavilion shown within the application site is not included in the application
- The support of the local member for the application, shown in the Addendum.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application was moved and seconded, and, following a unanimous vote in

favour, it was

**Resolved:**

That, in accordance with the powers set out in Section 15(2) of the Commons Act 2006:

The application as amended is accepted and the land shown on the report to the Committee be added to the Register of Town and Village Greens.

**9. Periodic Reviews of Mineral Planning Permissions**

The Committee considered report DR/09/15, by the Director of Operations: Environment and Economy, on the programme of Periodic Reviews of Old Mineral Planning Permissions.

The Members of the Committee noted the contents of the amended Appendix, as found in the Addendum attached to these minutes.

The Committee **NOTED** the report.

**10. Statistics**

The Committee considered report DR/10/15, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report

**11. Dates of Future Meetings**

The Committee considered report DR/11/15, listing the proposed Committee meeting dates to April 2016.

The Committee **NOTED** the report.

**12. Date and time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 27 March 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.31 am.

Chairman

**DR/12/15**

committee DEVELOPMENT &amp; REGULATION

date 24 April 2015

**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Construction of a two-storey, two-form entry Primary School with associated hard and soft play space, vehicle access and parking, hard and soft landscaping, drainage, lighting and fencing.**

Location: **Former Severalls Hospital Site, Northern Approach Road (Phase 3), Colchester, Essex, CO4 5HG.**

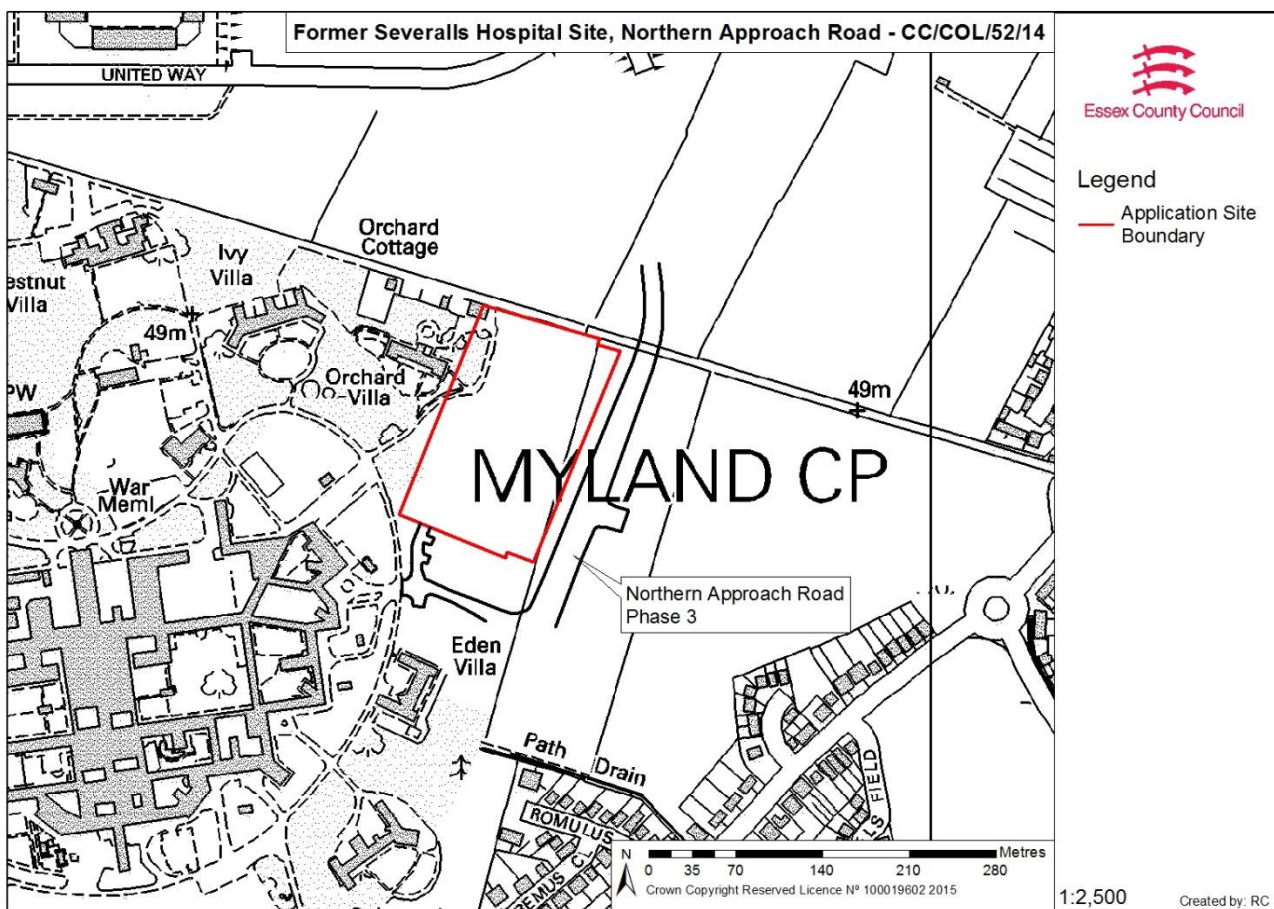
Ref: **CC/COL/52/14**

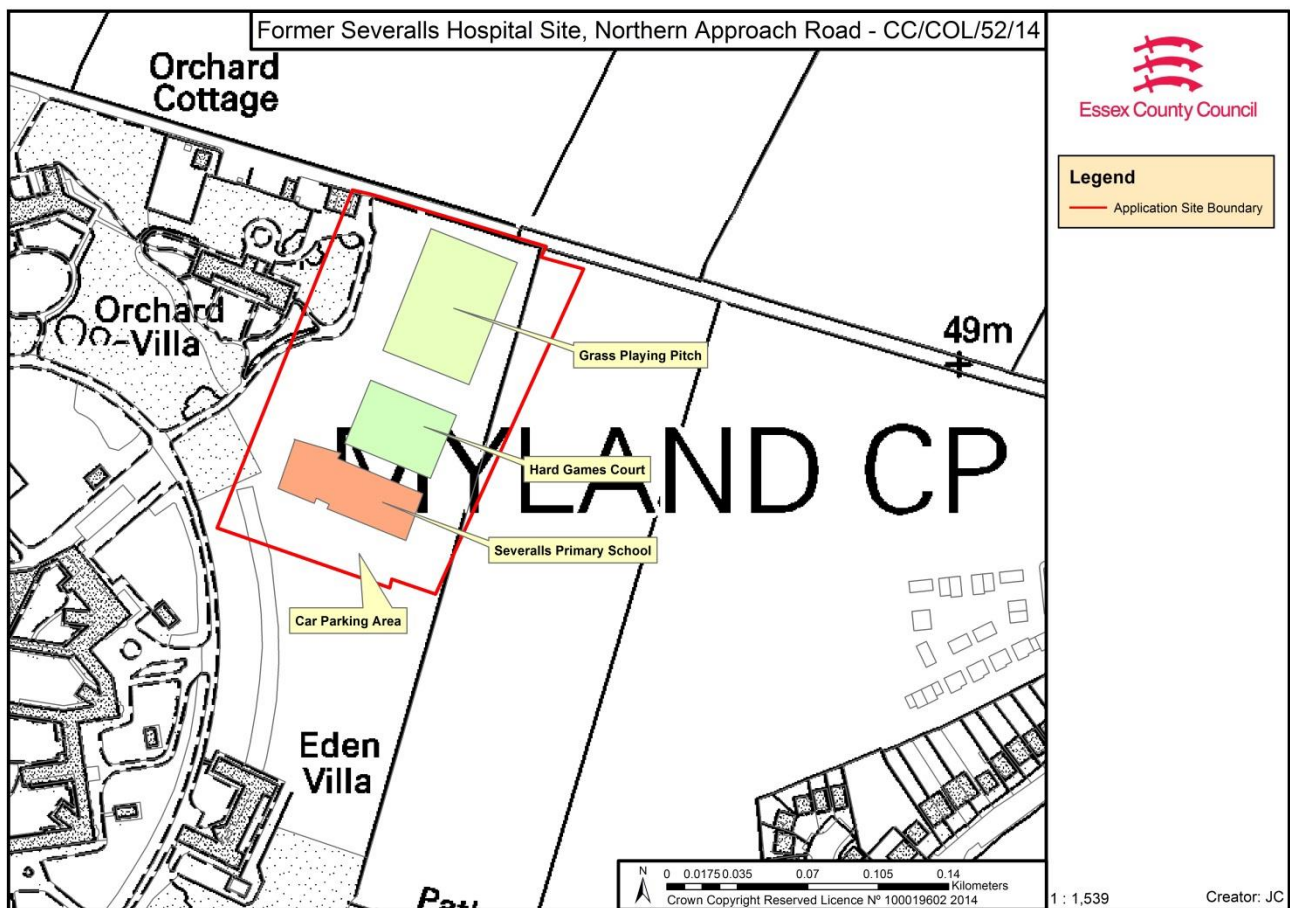
Applicant: **Essex County Council**

Report by Director of Operations, Environment and Economy

Enquiries to: Shelley Bailey Tel: 03330136824

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)





## 1. **BACKGROUND & SITE**

The 2.1ha application site is located in north Colchester, approximately 1.8 miles north of the town centre, on land which formed part of the former Severalls Hospital site. The application site specifically comprised the former orchard of the Isolation Hospital, which closed in 1998. The overall Severalls Hospital site closed in the year 2001.

The site benefits from outline planning consent for a residential and mixed use development including a maximum of 1500 dwellings and school under ref COL/01/1624, granted by Colchester Borough Council. The outline consent provides for a primary school site on the land the subject of this application.

A blanket Tree Preservation Order (TPO) covers the application site. At present, the site is unmaintained land including trees, saplings and hedgerows.

The entire Severalls Hospital site is designated Grade II on the Register of Historic Parks and Gardens.

The public highway to serve the site, namely Northern Approach Road Phase 3 (NAR3) is currently nearing completion to the east of the application site. A 2m high bund has been constructed between NAR3 and the proposal site, as required by the Masterplan. It will be topped by a 2m high fence as part of the wider development proposals.

To the east of NAR3 are approximately 250 new build homes located off Mill Road, currently under construction.

An area of land to the south benefits from outline consent for a community centre, as set out within the overall Severalls Masterplan.

Tower Lane Avenue is a public footpath running horizontally along the northern boundary of the site from Boxted Road to Mill Lane.

## 2. **PROPOSAL**

The application is for the construction of a part two-storey building containing 14 classrooms; large and small halls; specialist areas for a Learning Resource Centre and ICT; a catering kitchen; staff and administration areas. There would also be grass playing pitches located towards the north of the site and hard surfaced games courts to the adjacent north of the building. Habitat areas would be included within the landscaping proposals.

Vehicular access would be via NAR3 to the south of the site.

The development would have capacity for 420 pupils. Staff car parking is proposed for 28 cars including 2 disabled spaces. Spaces for 32 bicycles and 36 child scooters would be provided.

### 3. POLICIES

The following policies of the Colchester Core Strategy, (CCS), Adopted December 2008, the Colchester Development Policies Development Plan Document, (CDP), Adopted October 2010, the Colchester Site Allocations Development Plan Document, (CSA), Adopted October 2010, all as amended by the Colchester Local Plan Focused Review, (CFR), Adopted July 2014, provide the development plan framework for this application. The Myland Parish Plan (July 2012) and Myland Design Statement (August 2010) contain relevant adopted guidance. The following policies are of relevance to this application:

	<u>CCS</u>	<u>CDP</u>	<u>CSA</u>
Sustainable Development Locations	SD1		
Delivering Facilities and Infrastructure	SD2		
Community Facilities	SD3		
Regeneration Areas	UR1		
Built Design and Character	UR2		
Environment	ENV1		
Energy, Resources, Waste, Water and Recycling	ER1		
Appropriate Uses within the North Growth Area			SA NGA1
Design and Amenity		DP1	
Community Facilities		DP4	
Historic Environment Assets		DP14	
Accessibility and Access		DP17	
Parking Standards		DP19	
Flood Risk and Management of Surface Water Drainage		DP20	
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 also a material consideration.

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 Core Strategy, (CCS), Adopted December 2008, the Colchester Development Policies Development Plan Document, (CDP), Adopted October 2010, and the Colchester Site Allocations Development Plan Document, (CSA), Adopted October 2010, are considered to fall into paragraph 214.

Paragraph 215 of the NPPF states, in summary, that 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.

As such, Colchester Borough Council adopted the Local Plan Focused review on 16<sup>th</sup> July 2014, which ensures conformity with the NPPF.

#### 4. **CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – No objection, subject to conditions relating to:

- Cycle provision in line with the adopted standards at the time of opening of the school. Any phased expansion to 420 places also to be accompanied by cycle provision in line with the standards;
  - Landscaping to appropriately screen the noise attenuation bund and fence along NAR3;
  - The layout of the western pedestrian access to be implemented as proposed in order to connect with proposed pedestrian and cycle networks within the wider Severalls development;
  - The submission and approval of a code of construction statement prior to commencement;
  - Lighting;
  - Approval of details of the 4m high western bund to ensure no overlooking of residential development;
  - Screening of external roof plant, excluding the south facing elements of the PV panels.
- 
- Requests assurance that Essex County Council has ensured that its position in respect of the transfer of the land and funding recompense for any 'forward funding' are adequately protected. This is due to the fact that existing education obligations are linked to the S106 attached to the outline consent ref COL/01/1624, which this application is not linked to.
  - Supports the application as delivering a key piece of community infrastructure, as supported by Core Strategy Policy SD3.
  - Notes that Myland Community Council has objected to the application but considers that none of the objections are so persuasive in material planning terms to warrant refusal of permission.
  - Comments that no agreement exists with Colchester Borough Council for the use of the proposed community centre development for parking, although it may be willing to explore temporary or shared use of the site.
  - Agrees with the conclusions of the Heritage Assessment and confirms that when considering the outline application it considered that a new primary school would not significantly harm the character of the Registered Park and Garden or the listed Administration Building.

ENVIRONMENT AGENCY – No objection subject to a condition relating to adherence to the submitted Flood Risk Assessment.

ENGLISH HERITAGE – Comments as follows:

- Considers that there would be less than substantial harm to the Registered Park and Garden. The proposals would further erode the significance of the Registered Park and Garden.
- Recommends that the County Planning Authority considers whether the proposed harm to the heritage asset is outweighed by the public benefit of the development, as set out in the NPPF.
- Recommends that the County Archaeologist is consulted.

GARDEN HISTORY SOCIETY – No comments received.

ESSEX FIRE AND RESCUE – No comments received.

ESSEX POLICE CRIME PREVENTION OFFICER – No comments received.

VARIOUS UTILITY COMPANIES – No objections raised.

HIGHWAY AUTHORITY – No objection subject to conditions relating to:

- Implementation of the development in accordance with the submitted details;
- Provision of a Travel Plan including Travel Plan Coordinator prior to occupation.

Notes that the area intended for turning at the easternmost end of the car park should be deleted.

Comment: A Travel Plan is considered to be most appropriately encouraged via informative.

HIGHWAY AUTHORITY (Public Rights of Way) – No comments received.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions.

COUNTY COUNCIL'S LIGHTING CONSULTANT – No objection. Confirms that the lighting should be installed as proposed with a tilt angle of 0 degrees and a height of 4.5m. Recommends that lighting switch off or dimming times are agreed prior to the opening of the school.

PLACE SERVICES (Ecology) – No objection subject to conditions relating to the submission of further surveys if development does not commence within 1 year. Considers that the proposed lighting would not have significant detrimental impact on bat roosts in Severalls Hospital. Requests that the times lighting is on is limited so that some dark periods are provided. Horizontal spill should be avoided.

PLACE SERVICES (Trees) – No objection subject to conditions relating to tree protection.

PLACE SERVICES (Urban Design) – No objection.



PLACE SERVICES (Landscape) – No comments to make.

PLACE SERVICES (Historic Environment) – No objection subject to a condition relating to a programme of archaeological work prior to commencement followed by a publication report.

PLACE SERVICES (Historic Buildings) – No objection subject to a condition relating to details of proposed perimeter fencing.

Comment: Details of fencing have now been agreed in the form of green mesh.

SUSTAINABLE DRAINAGE TEAM – Supports the application subject to a condition requiring the development to be carried out in accordance with the submitted FRA and drainage layout drawing.

MYLAND COMMUNITY COUNCIL –

- Comments overall that the site identified for a school is no longer fit for purpose.
- Considers that under 5's provision across Mile End is not adequately catered for and that the proposed development should include 2 x 30 place reception classes and reduce the primary places to 330.
- Despite assurance to the contrary from the applicant, considers that the school would attract pupils (240) from other areas (Chesterwell, Severalls Phase 1 and Northfields and northern villages) by September 2016, with the resultant possibility of more car journeys to the site. Only 250 of 1500 properties in the wider Severalls development are close to completion.
- Considers that ECC should support MCC in its attempt to relocate the Community Centre site, and that ECC should acquire the land for possible under 5's provision and service access.
- Raises concerns that the baseline traffic movement figures do not acknowledge the Vectos & Royal Haskoning studies/transport assessments of 2013. The road to the school serves the Severalls site and a commercial/community facility, is the preferred future bus route and the possibility of the Boulevard being a private vehicle "rat run" from the A134 has been previously acknowledged by ECC Highways.
- Objects to the erection of the timber fence for acoustic/pollution control. Requests a planning condition to ensure monitoring and remedial action on any underperforming highway matters.
- Pollution issues mean that the site is not fit for purpose. Consider that the school site was not constrained by the location set out in the masterplan. Requests a condition to monitor and take remedial action on noise and fumes in classrooms and the hard play area at 3 monthly intervals.
- Confirms its view that the pre-application engagement process was ineffective and that Myland Community Council was not consulted prior to one week before the September meeting.
- Comments that it is not within the gift of ECC to make assumptions on the future management of the Community Centre car parking.
- Considers that the modern, low rise, rectangular reflects neither the historic nor future Victorian Park ethos of the Severalls development and major east

- elevation. Reluctantly accepts the design.
- Requests that the full response is shown to Members.

LOCAL MEMBER – COLCHESTER – Mile End and Highwoods – Any comments received will be reported.

## 5. REPRESENTATIONS

No properties were directly notified of the application since there are none adjacent to the site and there is therefore no requirement according to Essex County Council's Adopted Statement of Community Involvement (SCI). No letters of representation have been received.

Pre-application consultation has been undertaken by the applicant in accordance with the SCI. It took the form of direct consultation with statutory and non-statutory bodies and a public exhibition. It is understood that Myland Community Council (MCC) does not consider that it was engaged with appropriately. The applicant has sought to remedy this through several meetings with MCC during the formal application process.

## 6. APPRAISAL

The key issues for consideration are:

- A. Need and Principle
- B. Policy considerations
- C. Landscape and visual Impact
- D. Noise and Pollution
- E. Traffic and highways
- F. Heritage impact and design

### A NEED AND PRINCIPLE

#### Principle

The application is for the development of a 420 place primary school.

The provision of such an education facility is a requirement of the S106 Agreement which accompanies the wider outline planning consent for the Severalls Development (ref COL/01/1624). The S106 Agreement requires that the school site is transferred to Essex County Council for development as a school. It also requires that the vehicular access to the south is constructed, adopted as public highway and fully serviced with utilities.

It is noted here that Colchester Borough Council (CBC) has raised concerns about funding recompense for Essex County Council, due to the fact that the current application has been made in full and not as a reserved matters application in relation to outline consent ref COL/01/1624.

ECC as Local Education Authority has confirmed that it has 'forwarded funded' the land transfer for a nominal fee.

The funding of the school build itself, at the time of writing is likely to be forward funded.

This is due to the delay in the implementation of the main phase of the wider Severalls development.

ECC has identified a need for the proposed development to meet the demand for school places in the area (explained further in the report). The proposals are for the full capacity to be built at the outset; rather than the phased approach set out within the S106. The applicant has confirmed that there is a need to forward fund the development to ensure the statutory child school places are not at risk.

A statement to this effect has been sent to CBC.

The school is supported by CCS Policies SD2 (Delivering Facilities and Infrastructure) and SD3 (Community Facilities), which in summary require contributions from developers for the provision of community facilities. Colchester Borough Council has confirmed that the development would provide a key piece of community infrastructure in accordance with CCS Policy SD3.

The provision of a school is also fully supported by CCS Policy UR1 (Regeneration Areas), which, in summary, seeks to focus regeneration in North Colchester and the Severalls site in particular, among other areas.

CSA Policy SA NGA1 (Appropriate Uses Within the North Growth Area) promotes the development of a primary school as a use which could be appropriate within the Severalls Hospital redevelopment.

CDP Policy DP4 (Community Facilities) supports the provision of new community facilities where they positively contribute to the quality of local life and the maintenance of sustainable communities.

It is therefore considered that the principle of the development of a school in the proposed location is fully established.

### Need

The NPPF states:

‘The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with schools promoters to identify and resolve key planning issues before applications are submitted.’

Furthermore, Essex County Council (ECC) has a duty to provide a school place every year for each child in Essex. A document ‘Primary School Places in Colchester’ was published by ECC in November 2013. It sets out the predicted need for up to 8 additional forms of entry (fe) over the next 4 years (from 2014/15). The deficit is based on data provided by Health Authorities showing the number of children registered with a GP.

In order to meet the demand, a new 420 place (2 fe) primary school is being built in the Braiswick area of Colchester and a further 2 fe primary school is proposed at the application site. It is anticipated that the school would initially have an intake of 60 reception age pupils and a smaller intake in Years 1 and 2.

Three other existing schools in Colchester have been identified for expansion.

The applicant has explored options for expanding the two closest schools to the catchment area of the Severalls Hospital site (the Myland Community Primary School and the Queen Boudica Primary School), however neither has capacity.

Taking all of the above into account, it is therefore considered that the need for the development is unchallenged.

It is noted here that Myland Community Council (MCC) has raised concerns regarding the provision of places for children aged under 5 years. It suggests that the number of primary places should be reduced and replaced with additional capacity for under 5's. It also suggests that the land proposed for a Community Centre should be acquired by the applicant to provide for under 5's capacity.

The applicant has expressed sympathy with MCC's desire to relocate the Community Centre. However, the area is outside of the application site and is not required for the development proposed.

The applicant has recognised that there is an overall shortage of Early Years places available within the North of Colchester, which includes the Myland Parish. Following a meeting with Myland Community Council the ECC Early Years team has agreed to work with the Community Council to build additional capacity within the area and to assist with developing the market of private, voluntary and independent sector childcare providers to deliver additional under 5's provision. However, this provision does not form part of the current planning application.

## **B POLICY CONSIDERATIONS**

The development is proposed in a sustainable location according to CCS Policy SD1 (Sustainable Development Locations).

The NPPF contains a presumption in favour of sustainable development. It states that there are 3 dimensions to sustainable development: Economic, social and environmental. Gains in each of these areas should be sought jointly and simultaneously through the planning system.

Additionally, CDP Policy DP1 (Design and Amenity) requires demonstration of social, economic and environmental sustainability.

In terms of socio-economics, it has been considered previously in the report that there is a demonstrable need for the proposed school places, thereby achieving social benefits. The development would be located within approximately 800m of significant existing and proposed residential areas, providing accessibility on foot or by bicycle.

The applicant has suggested that the development would create approximately 56

fulltime equivalent new jobs.

It is therefore considered that the social and economic strands of sustainable development would be achieved through the proposed development. The environmental aspect, and the full appraisal of CDP Policy DP1, will be considered further in the report.

## C LANDSCAPE AND VISUAL IMPACT

CSA Policy SA NGA1 (Appropriate Uses Within the North Growth Area) requires that all development seeks to draw on the character of the existing landscape, within and adjacent to individual sites.

CDP Policy DP21 (Nature Conservation and Protected Lanes), in summary, supports development only where appropriate ecological surveys have been provided; biodiversity value has been conserved or enhanced; opportunities for the restoration, enhancement and connection of natural habitats have been maximised; appropriate biodiversity and habitat creation has been incorporated.

CDP Policy DP20 (Flood Risk and Management of Surface Water Drainage), in summary, supports development only where it has demonstrated compliance with national flood risk requirements and includes satisfactory flood mitigation measures, such as SUDs.

CCS Policy ENV1 (Environment), in summary, supports development at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment. This policy seeks to conserve and enhance the natural and historic environment, countryside and coastline. It also seeks to direct development away from land at risk from flooding.

CDP Policy DP1 (Design and Amenity), in summary and among other requirements, directs all development proposals to respect and enhance the character of the site, including its landscape setting. It also requires the incorporation of SUDs, where appropriate.

The height of the school building and roof design has been carefully considered to reduce visual impact. It would be seen from the upper levels of the development to the east, from the Severalls development to the west (although it would be screened by planting), and from the south but in the context of the access point and proposed planting.

The application proposes the removal of trees and hedgerows in the centre of the site, but where possible trees along the western and eastern edges are proposed to be retained. Tree protection measures during construction have been proposed and the Tree Officer has raised no objection.

No habitats of ecological significance have been recorded within the site. Although bats and badgers have been found to be present in the wider area, none have been recorded on site.

A comprehensive scheme of external lighting has been included with the application. Neither the Lighting Consultant nor the County Ecologist have raised objection to the

scheme, although both require that exact timings are agreed prior to the opening of the school in order to reduce visual/ecological impact. It is considered that such a condition could be imposed in the event that permission is granted.

Colchester Borough Council has requested that a condition is imposed requiring the approval of details of the 4m high western bund to ensure no overlooking of residential development. It is considered that such a condition could be imposed in the event that permission is granted.

With regard to flooding and drainage, the site is located within Flood Zone 1 – the low probability flood zone.

Incorporated into the landscaping of the site are a variety of sustainable urban drainage (SuDS) schemes. These include an infiltrating sports pitch, porous car parks, swale, filter drain and bio-retention area.

The Environment Agency has raised no objection to the proposals.

It is therefore considered that the proposed development would comply with CSA Policy SA NGA1, CDP Policies DP1, DP20 and DP21 and CCS Policy ENV1.

## D NOISE AND POLLUTION

CDP Policy DP1 (Design and Amenity), in summary, requires all development to be designed to a high standard, avoiding unacceptable impacts on amenity. It requires the protection of existing residential and public amenity, including privacy, overlooking, security, noise, pollution, daylight and sunlight.

The application includes information to suggest that noise from the school use would not unduly impact on future noise sensitive receptors. This is particularly true when considered against background levels associated with the operational NAR3. However, the Noise Consultant has recommended conditions relating to the protection of surrounding amenity, which it is considered could be imposed in the event that permission is granted.

It is noted that Myland Community Council has raised concerns about the location of the school due to proximity to NAR3 and potential pollution for school users. In response, it is noted that an alternative location is not before the County Planning Authority for consideration. The proposed school site already has outline planning permission and its location is enshrined in Colchester Borough Council's Local Development Framework. In this respect, the principle of the location has already been accepted, as discussed previously in the report.

The building would be mechanically ventilated to ensure that noise impact is not an issue; however opening windows would be incorporated to ensure flexibility of environmental control. Additionally, the eastern 2m high bund and 2m high fence (required by the wider Severalls scheme) would provide screening from NAR3.

In light of the existing acceptance of the proposed site, it is considered that the imposition of conditions relating to acoustic/pollution control and remedial control would be an unreasonable burden on the developer, not meeting the tests for conditions set out

in the NPPF.

It is considered that the proposed development would comply with the amenity provisions of CDP Policy DP1.

## E TRAFFIC AND HIGHWAYS

CDP Policy DP19 (Parking Standards) refers developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards and requires cycle parking in all developments.

CDP Policy DP1 (Design and Amenity), in summary and among other requirements, directs that pedestrian, cycling and public transport access is given priority, as well as provision for disabled people.

CDP Policy DP17 (Accessibility and Access), in summary, encourages all development to incorporate pedestrian, cycling and public transport access. The access and traffic generated should not unreasonably harm the surroundings and a Transport Assessment/Statement and Travel Plan should be included.

A Travel Plan and Transport Statement have been submitted with the application.

As stated, vehicular access would be via the Northern Approach Road – Phase 3 (NAR3) to the south of the site. At the time of writing, NAR3 is scheduled to be open on 10<sup>th</sup> April 2015. The access road from NAR3 would also serve a community centre and the residential development to the west.

There are no bus stops on NAR3, but it is a bus route and the redevelopment of the wider Severalls Hospital site is expected to provide opportunities to enhance public transport in the area.

Pedestrian and cycle access would be available from the west as well as from the south. NAR3 will have a shared 3m footway/cycleway on both sides of the road. It is subject to a speed limit of 40mph and has three Toucan crossings and a single Pegasus crossing at the Tower Lane Avenue bridleway.

In terms of transport linkages, NAR3 will connect Junction 28 of the A12 to the existing Northern Approach Road at its junction with Mill Road. To the south of the Mill Road junction, the Northern Approach Road provides a direct link to the town centre.

NAR3 will connect Junction 28 of the A12, Axial Way and United Way to the existing Northern Approach Road to create a transport corridor between the town centre, the railway station, the Colchester North Growth Area (including the Severalls Hospital site) and the strategic highway network at the A12. It will also provide a priority route for future Colchester park and ride services operating from Cuckoo Farm to the north of Junction 28 of the A12.

The Essex Parking Standards: Design and Good Practice, dated September 2009, require a maximum of 1 car parking space per 15 pupils. Cycling provision is required to be a minimum of 1 space per 5 staff plus 1 space per 3 pupils and disabled parking is required to be a minimum of 1 bay or 5% of total capacity.

The development would have capacity for 420 pupils and 56 employees are anticipated. Staff car parking is proposed for 28 cars including 2 disabled spaces, which accords with the Standards. Spaces for 32 bicycles and 36 child scooters would be provided. This is below the standards, which would require 152 spaces. It is noted that Colchester Borough Council has requested that the standards are met at the time of the school opening. However, the applicant has justified the level of cycle parking on the basis that it is appropriate for the age group (4 – 11 years) and cycle proficiency. It is proposed that the Travel Plan is monitored and that cycle spaces are increased if demand arises.

Additionally, the proposed Community Centre is anticipated to have a 32 space car park. The applicant has suggested that this has potential to be used for drop-off/pick-up of school pupils; however it is noted that there is currently no formal agreement between the applicant and Colchester Borough Council. Whilst the use of the Community Centre parking would be desirable, the lack of formal agreement is not considered to be a material consideration warranting refusal of this planning application.

The Highway Authority's request for the provision of a Travel Plan is considered most appropriately requested as an informative, left to be controlled outside of the Planning realm. The Travel Plan would also provide a way of monitoring highway impacts, as per Mayland Community Council's request, albeit outside of the control of the planning permission.

The development overall is therefore considered to comply with CDP Policies DP1, DP17 and DP19.

## F HERITAGE IMPACT AND DESIGN

CDP Policy DP14 (Historic Environment Assets), in summary, does not permit development that would adversely affect a listed building, historic park or garden or important archaeological remains. It requires development to seek to preserve or enhance the heritage asset and Heritage Statements and/or Archaeological Evaluations are required to accompany applications.

CCS Policy UR2 (Built Design and Character) is relevant in that it requires, in summary, high quality design in all developments. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported. The Council is committed to enhancing Colchester's unique historic character and archaeological assessments will be required where necessary.

The application site is located within the Grade II Registered Park and Garden known as 'Severalls Hospital', which is a former Asylum constructed in 1910. It was subsequently listed in the year 2003.

The site is also located approximately 500m to the east of the Grade II Listed 'Administration Building at Severalls Hospital', which is a building located at the heart of the hospital complex. The surrounding hospital buildings are not listed, but are considered to form part of the curtilage of the Administration Building. The proposal site is shielded from the listed building by the hospital buildings and planting.

A Heritage Assessment has been submitted with the application in accordance with the



requirements of the NPPF and CDP Policy DP14.

Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 (LBA) states, inter-alia that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF states in paragraphs 128 to 134 that heritage assets are an irreplaceable (and therefore finite) resource and should be conserved in a manner appropriate to their significance and notes that any harm or loss should require clear and convincing justification. It requires applicants to describe the significance of heritage assets including any contribution made by their setting.

The NPPF defines the “*Setting of a heritage asset*” as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”

The NPPF defines “Significance (for heritage policy)” as “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

At paragraph 134 of the NPPF is stated:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

English Heritage (now Historic England) considers that the proposals would cause less than substantial harm to the Registered Park and Garden. It considers, however, that the proposals would further erode the significance of the Registered Park and Garden. Accordingly, English Heritage recommends that the County Planning Authority considers whether the proposed harm to the heritage asset is outweighed by the public benefit of the development, as set out in the NPPF.

English Heritage has not commented further on the potential impact on the Grade II Listed Building.

Place Services (Historic Buildings) agree that there would be less than substantial harm to the setting of the Listed Building and the Registered Park and Garden.

The advisor also considers that there would be significant public benefit associated with the proposals. The advisor raises no objection to the flat-roofed design and comments that the timber cladding would result in a relatively low impact development. In accordance with the Listed Buildings and Conservation Area Act, planning permission should normally be refused unless there are any material considerations (when balanced against the harm caused by the development upon the setting of the Listed Building) to rebut that presumption. In other words, there is statutory presumption in favour of

preserving the setting of the Listed Building.

In considering whether there are any material considerations powerful enough to overcome the harm to the heritage assets, the following considerations should be taken into account:

- The development already benefits from outline planning permission;
- The provision of a school on the proposal site is protected by several policies within the Colchester Development Plan; and,
- There is considered to be a pressing need for school places in this area of Colchester.

Accordingly, it is considered that the public benefits arising from the proposal are significant and are therefore considered powerful enough to overcome the less than substantial harm caused to the designated heritage assets - both the Listed Building and Registered Park and Garden. The proposal is considered to comply with the NPPF in this respect and, whilst planning permission should normally be refused if any harm exists to the setting of the Listed Building (to comply with the Listed Buildings and Conservation Area Act) on this occasion it is considered that the public benefit of providing a school to meet a demonstrable need is a significant material consideration to override this presumption.

It is noted that the Historic Buildings advisor has suggested that alternative sites should be considered in order to assess whether or not the impact is justified. However, there is considered to be no requirement for an assessment of alternative sites in this case, given that outline planning permission is already in place and that the development plan, as referred to earlier, is supportive of the school in the proposed location.

Overall, it is therefore considered that the proposed development would comply with CDP Policy DP14 and CCS Policy UR2 with regard to consideration of the historic environment.

With regard to archaeology, an archaeological desk-based assessment has been submitted with the application, in accordance with CDP Policy DP14 and CCS Policy UR2. It indicates that there is some potential for surviving, previously undiscovered, deposits of local importance in the surrounding area. Trial trenching to the south east of the site along the line of NAR3 did not identify any significant deposits and there is considered to be low potential for deposits within the application site.

Place Services (Historic Environment) has raised no objection subject to the imposition of a condition relating to the provision of a programme of archaeological work prior to commencement followed by a publication report. It is considered that a suitably worded condition could be imposed to require this, in the event that permission is granted.

### Design

CDP Policy DP1 (Design and Amenity), in summary and among other requirements, directs that the character of the site is respected in terms of its architectural approach, height, size, scale, form, massing, density, proportions and detailed design features. Development should create a safe and secure environment, minimise energy consumption and incorporate recycling and waste facilities.

CCS Policy ER1 (Energy, Resources, Waste, Water and Recycling), in summary, promotes the efficient use of energy and resources, waste minimisation and recycling. It supports sustainable construction and high quality design.

The location of the building towards the south of the site would result in an obvious main entrance for visitors to the school.

The proposed design is contemporary, including a level roof. Generous eaves overhangs would aid shading and the vertical window layout balances the overall horizontal scheme. Larch timber cladding with coloured and white render complements the modern design. The timber cladding identifies the halls and kitchen as distinct from the main academic areas. The reception classrooms contain a secure external zone with brightly coloured feature fencing.

80m<sup>2</sup> of photovoltaic (PV) panels are proposed on the roof. It is noted that Colchester Borough Council has requested a condition requiring details of roof plant screening, excluding the southern facing PV panels. It is considered that a condition could be imposed to this effect in the event that permission is granted.

In terms of materials, an aluminium standing seam roof is proposed and the window and door frames would be grey aluminium.

The building would be designed to meet the requirements of the Equality Act 2010 and Building Regulations Part M.

With regard to sustainability, the scheme aims to achieve a BREEAM 'very good' rating. The proposed refuse enclosure would include bins for the separation of all types of waste.

It is noted that the Urban Design consultant has raised no objection to the proposals.

It is therefore considered that the proposed development would comply with CDP Policy DP1 and CCS Policy ER1.

## **7. CONCLUSION**

In conclusion, it is considered that the principle of a primary school in the proposed location is well established and in accordance with CCS Policies SD2 (Delivering Facilities and Infrastructure), SD3 (Community Facilities) and UR1 (Regeneration Areas), CSA Policy SA NGA1 (Appropriate Uses Within the North Growth Area) and CDP Policy DP4 (Community Facilities).

The need for the school is considered to have been proven and the requirement within the NPPF for great weight to be given to the need to create, expand or alter schools has been taken into account.

The design of the school is considered to be well thought-out with a level roof and planting to complement the landscape and reduce visual impact. No ecological issues have been identified and the scheme incorporates sustainable drainage. Further, the scheme has been designed with several sustainable measures included. It is therefore

considered that the proposed development would comply with CSA Policy SA NGA1 (Appropriate Uses Within the North Growth Area), CDP Policies DP1 (Design and Amenity), DP20 (Flood Risk and Management of Surface Water Drainage) and DP21 (Nature Conservation and Protected Lanes) and CCS Policies ENV1 (Environment) and ER1 (Energy, Resources, Waste, Water and Recycling).

Providing that conditions can be imposed relating to noise impact, it is considered that the development would not have unacceptable detrimental impact on surrounding amenity, in accordance with the provisions of CDP Policy DP1 (Design and Amenity).

In terms of highway impact, the application proposes parking provision in accordance with the Adopted Parking Standards and it is noted that the Highway Authority has raised no objection. In this respect, the development is considered to comply with CDP Policies DP1 (Design and Amenity), DP17 (Accessibility and Access) and DP19 (Parking Standards).

Despite being a contemporary design, it is considered appropriate within the context of the Registered Park and Garden taking account of the wider re-development of the area. Importantly, there are considered to be public benefits arising from the proposal which are powerful enough to overcome the less than substantial harm caused to the designated heritage assets as well as overriding the presumption to refuse permission as set out in the Listed Buildings and Conservation Areas Act. Archaeological impact is considered to be sufficiently mitigated through the imposition of conditions, in compliance with CDP Policy DP14 (Historic Environment Assets) and CCS Policy UR2 (Built Design and Character).

The development is proposed in a sustainable location according to CCS Policy SD1 (Sustainable Development Locations).

Finally, it is considered that gains would be made in the 3 dimensions of sustainable development: economic, social and environmental and that the development would fully comply with CDP Policy DP1 (Design and Amenity). There is therefore a presumption in favour of the development according to the NPPF.

## 8. **RECOMMENDED**

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

1. The development hereby permitted shall be 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 County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 28/11/14, together with:
  - Utility Services Statement by Silcock Dawson & Partners;
  - URS Travel Plan 47072325 Rev 1 dated November 2014;
  - URS Transport Statement 47072325Rev 1 dated November 2014;
  - Sustainability Report by Silcock Dawson & Partners dated November 2014;

- Archaeological Desk-Based Assessment dated October 2014;
- Statement of Community Involvement by Dalton Warner Davis dated 24 November 2014;
- Planning and Heritage Statement by Dalton Warner Davis dated 24/11/14, as amended by Heritage Assessment by Dalton Warner Davis Rev B dated 03/03/15;
- Arboricultural Impact Assessment by Arboricultural Solutions LLP Rev November 2014;
- External Lighting Analysis by Silcock Dawson & Partners dated October 2014;
- Landscape and Ecological Management Plan ref SS-HED-DOC-LA-108 version 3 dated 19/11/14;
- Primary School Places in Colchester dated November 2013;
- Site Investigation Report dated 13/11/14;
- Baseline Ecology Report and Assessment by Richard Graves Associates dated November 2014;
- URS Land Drainage Schedule;
- Construction Environment and Management Plan dated 06/02/15;
- External Lighting Analysis dated October 2014;
- External Lighting Calculation by Silcock Dawson & Partners dated 15/02/15
- Flood Risk Assessment and Drainage Strategy Report ref SS-STL-D-REP-0061 rev P02 dated 21/11/14;
- Arboricultural Scheme of Supervision dated 10 March 2015;
- Written Scheme of Investigation for archaeological trial trenching and excavation dated 10/03/15.

together with drawing numbers:

- SS-KSS-DWG-A-P003 Rev E dated 20/11/14;
- SS-KSS-DWG-A-P4600 Rev A dated 20/11/14;
- SS-KSS-DWG-A-P301 Rev D dated 20/11/14;
- SS-KSS-DWG-A-P300 Rev D dated 20/11/14;
- SS-KSS-DWG-A-P201 Rev A dated 20/11/14;
- SS-KSS-DWG-A-P200 Rev D dated 20/11/14;
- SS-KSS-DWG-A-P102 Rev D dated 20/11/14;
- SS-KSS-DWG-A-P101 Rev C dated 20/11/14;
- SS-KSS-DWG-A-P100 Rev C dated 20/11/14;
- SS-KSS-DWG-A-P004 Rev B dated 20/11/14;
- SS-KSS-DWG-A-P002 Rev A dated 20/11/14;
- SS-KSS-DWG-A-P001 Rev A dated 20/11/14;
- TCP\_SEVERALLS\_1 Rev A dated October 2013;
- SS-HED-DWG-LA-105 Rev B dated 19/11/14;
- SS-HED-DWG-LA-104 Rev D dated 19/11/14;
- SS-HED-DWG-LA-103 Rev C dated 19/11/14;
- SS-HED-DWG-LA-101 Rev F dated 18/11/14;
- SS-HED-DOC-LA-109 Rev A dated 19/11/14;
- SS-HED-DWG-LA-100 Rev C dated 19/11/14;
- SS-KSS-PRES-A-P001 Rev A dated 20/11/14 (Materials Sample Board)
- SS-STL-D-DWG-3000-01 rev P01 dated 21/11/14;
- 46384669/C/0516 Rev F dated August 2014;
- 46384669/C/0515 Rev E dated August 2014;
- 46384669/C/0525 Rev D dated September 2014;
- SS-SDP-DWG-E-600 rev P7 dated 27/02/15;

- SS SKC SPC C FEN1 dated 09<sup>th</sup> March 2015;

together with:

- Covering Letter by Dalton Warner Davis dated 28/11/14, letter from DWD dated 06/02/15, letter from DWD dated 27/02/15, letter from DWD dated 18/03/15, letter from Richard Graves Associates dated 09 March 2015 and letter from ECC Infrastructure Delivery dated 02/04/15;
- Emails from Skanska dated 09/01/15 and 16/01/15, emails from DWD dated 06/02/15 and 10/02/15, email from ECC Infrastructure Delivery dated 07/04/15

and the contents of the Design and Access Statement ref SS-KSS-REP-A-P001 Rev D

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

3. The development hereby permitted shall not take place unless in accordance with the Flood Risk Assessment and Drainage Strategy Report ref SS-STL-D-REP-0061 Rev P02 dated 12/01/15 and drawing ref SS-STL-D-DWG-3000-01 Rev P01 dated 21/11/14.
4. The noise rating value of the fixed plant associated with the expansion of the school, derived in accordance with the methodology of BS 4142:2014, shall not exceed the representative background noise level (LA90,T) at any existing or permitted noise sensitive property, the locations of which shall have been approved in advance in writing by the County Planning Authority.
5. Noise emanating from any activities associated with the school, including the use of the access road, playground and sporting activities, shall not result in an increase in ambient noise level (LAeq,1hr) at any nearby sensitive receptor by more than 3 dB LAeq,1hr.
6. No development or preliminary ground-works shall commence until a programme of archaeological work has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the County Planning Authority.
7. Following the completion of the archaeological work approved under Condition 6 of this permission (within six months of the completion date, unless otherwise agreed in advance with the planning authority) a full site archive and report for deposition at the local museum, and publication report to an appropriate level (to be agreed by the County Planning Authority) shall be submitted by the applicant.
8. No development or any preliminary groundworks shall take place until:
  - a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type or similar. The fencing shall be erected around the trees and positioned in accordance with British Standard 5837:2012, and;
  - b. All weather notices prohibiting accesses have been erected on the fencing

demarcating a construction exclusion zone as detailed in BS5837:2012 section 6.

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

9. Unless otherwise approved in writing by the County Planning Authority, no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree's branches, stems or roots be pruned.
10. If the development hereby approved does not commence within 1 year of the date of the planning consent, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

11. No development shall take place beyond the installation of a damp proof membrane unless full details of the screening of all external roof plant excluding the south facing photovoltaic panels have been submitted to and approved in writing by the County Planning Authority. The details shall include the location of the proposed screening on the roof, height, materials and colours of the proposed screening. The screening shall thereafter be implemented in accordance with the approved details prior to the beneficial occupation of the school.
12. No fixed lighting (as approved under Condition 2 of this permission) shall be illuminated on site until precise details of the hours of use, automatic sensors and use of dimmer switches have been submitted to and approved in writing by the County Planning Authority. The fixed lighting shall thereafter be illuminated only in accordance with the approved details.
13. The western 4m high grassed earth mound, as indicated on drawing ref SS-HED-DWG-LA-101 Rev F dated 18/11/14, shall be constructed in accordance with the details shown on drawing ref SS-HED-DWG-LA-101 Rev F dated 18/11/14, unless otherwise approved in writing by the County Planning Authority.
14. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref SS-KSS-DWG-A-P003 Rev E dated 20/11/14, have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted and details of additional cycle spaces including

the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

15. The planting shown along the eastern boundary of the site adjacent to the acoustic bund shall be implemented in accordance with the details shown on drawing ref SS-HED-DWG-LA-101 Rev F dated 18/11/14. The planting shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted and maintained thereafter in accordance with Condition 16 of this permission.
16. Any tree or shrub forming part of a landscaping requirement approved in connection with the development under Condition 15 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.
17. The western pedestrian access shall be implemented as shown on drawing ref SS-KSS-DWG-A-P003 Rev E dated 20/11/14 in order to connect with proposed pedestrian and cycle networks within the wider Severalls development.
18. The development hereby permitted shall not be constructed unless in accordance with the Construction Environment and Management Plan dated 06/02/15.
19. No construction of the 'staff parking' area, as shown on drawing ref SS-HED-DWG-LA-101 Rev F dated 18/11/14, shall take place unless a drawing showing the removal of the eastern turning head within the 'staff parking' area has been submitted to and approved in writing by the County Planning Authority. The car park shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

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## **BACKGROUND PAPERS**

Consultation replies

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### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent 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.

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### **EQUALITIES IMPACT ASSESSMENT**

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



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

The County Planning Authority has engaged with pre-application discussions with the applicant to establish the content of the planning application and to provide advice. Throughout consideration of the application, the applicant has been informed of consultation responses. The opportunity has been given for issues to be addressed through the submission of additional supporting information, with the result of a timely decision.

### **LOCAL MEMBER NOTIFICATION**

COLCHESTER – Mile End and Highwoods.



# DR/13/15

committee                      DEVELOPMENT & REGULATION

date                              24 April 2015

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## **ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM**

### **Enforcement update.**

Report by Head of Planning, Environment and Economic Growth  
Enquiries to Suzanne Armstrong – Tel: 03330 136 823

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#### **1.        PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 1 January to 31 March 2015 (Quarterly Period 1).

#### **2.        DISCUSSION**

##### **A.       Outstanding Cases**

As at 31 March 2015 there are 22 outstanding cases. Appendix 1 shows the details of sites (16) where, after investigation, a breach of planning control is considered to have occurred.

##### **B.       Closed Cases**

15 cases were resolved during the period 1 January to 31 March 2015.

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## **LOCAL MEMBER NOTIFICATION**

Countywide

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
<b>Basildon Borough</b> Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, Basildon, Essex, SS16 4UH	Unauthorised building		Suzanne Armstrong 01-apr-15 12:55:59  Enforcement notice served for the removal of the building. An appeal has been made to the Planning Inspectorate against the enforcement notice and refusal of planning permission. Await outcome.
<b>Braintree District</b> Land at Lamb Lane, Sible Hedingham, Halstead, Essex, CO9 3RS	Extraction of mineral		Suzanne Armstrong 07-apr-15 11:46:52  Extraction of sand and gravel from the land to accommodate the laying of the hard standing on a neighboring agricultural unit. Part 6 of the GPDO permits the wining and working on land held or occupied with land used for agr purposes within the agr unit of which it forms. A Planning Contravention Notice has been served to establish land ownership. Works have currently ceased on site at the request of the Waste Planning Authority.
Little Warley Hall Farm, Ranks Green, Fairstead, Chelmsford, Essex, CM3 2BG	Dirty water (waste) from abattoir and storage tank		Suzanne Armstrong 01-apr-15 13:00:23  Members resolved to refuse retrospective planning permission for the retention of a circular concrete tank for storing abattoir wash water and to serve an enforcement notice requiring the removal of the tank. Two appeals have been lodged with the Secretary of State against Essex County Councils decision to refuse permission for the development and subsequently serve an enforcement notice in respect of the unauthorised development. The appeal is currently in progress.
Batemans Farm, Great Leighs, Chelmsford, CM3 1PU	Lorry movements and activity on site		Suzanne Armstrong 07-apr-15 13:42:30  An application for the retention of the concrete silo is being prepared and will be submitted to the Waste Planning Authority. Site continues to be monitored.
<b>Chelmsford City</b> Mid Essex Gravel (Dunmow Skips)	Outside Wood Storage - Temp Permission Expired		Suzanne Armstrong 07-apr-15 15:44:00

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
			Application to be submitted for proposals at Mid Essex. Due to the complexity of this site and the temporary and permanent permissions in place a timescale has been agreed for submission, being the end of April.
Land adjacent The Cock Inn, Main Road, Boreham, Chelmsford, Essex	Unauthorised demolition waste recycling. Excessive stockpile heights & mud on the		Suzanne Armstrong 07-apr-15 14:59:22  Application 14/01890/FUL submitted to Chelmsford City Council on the 1/12/2014. The application has been submitted by Inland Homes for a proposed residential development to comprise 28 residential dwellings, car parking, gardens, landscaping and new public open space including play area. The application is pending consideration and the site is currently being cleared of materials.
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG	Waste on site		Suzanne Armstrong 01-apr-15 12:48:22  Without planning permission the importation, deposition and possible exportation of waste materials. A Planning Contravention Notice has been served.
<b>Colchester Borough</b> Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ	Importation of waste		Suzanne Armstrong 07-apr-15 13:57:22  Joint investigation by The Waste Planning Authority and the EA. A Temporary Stop Notice was served on site, this has now expired. The EA have issued a minded to letter. This gives the site a number of actions that they will need to carry out within a set timeframe, including beginning to remove waste from the site. The removal of the waste has commenced. Further updates will follow.
<b>Epping Forest District</b> Harvey Automobile Engineering, Paynes Lane, Nazeing, Waltham Abbey, EN9 2EX	Not working in accordance with permission		Suzanne Armstrong 07-apr-15 15:45:55  Working outside of the permitted area. There are some soil materials stockpiled outside of the area covered by the CLUED, the materials are located to the North West of the site. The landowner agreed that they were outside of the permitted area, due to the excessive

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
<b>Epping Forest District</b>			water on site they are trying to drain the site. There were no operations at the time of my visit. We are continuing to work with the land owner to move the materials back within the area as approved by the CLUED. Ongoing monitoring
Land at Weald Place Farm, Thornwood	Deposit of Waste		Suzanne Armstrong 01-apr-15 13:07:06  Enforcement Notice served against the unauthorised use of the land for the deposition of waste materials and consequential raising of the land levels. An appeal against the Enforcement Notice was submitted and has now been withdrawn. A schedule of works have been agreed by the Waste Planning Authority in order to comply with the Enforcement Notice. A timescale for compliance has been agreed.
<b>Maldon District</b> 27, The Causeway, Maldon, Essex, CM9 4LJ	Buying ferrous metals (Iron) - contravenes planning permission		Suzanne Armstrong 07-apr-15 12:06:58  Ongoing site monitoring to ensure compliance with planning conditions and that planning permission is in accordance with approved plans.
<b>Rochford District</b> Lovedown Farm, Hockley	Deposit of waste for sea wall development		Suzanne Armstrong 07-apr-15 15:00:56  No current site activity, waste importation has ceased. Continued consultation with the EA and Natural England
Michelins Farm, Arterial Road, Rayleigh, SS6 7NG	Unauthorised Development		Suzanne Armstrong 07-apr-15 14:05:34  Prosecution by the EA and Rochford District Council. The land owner was sentenced to 6 months imprisonment. Essex County Council, Rochford District Council and the Environment Agency are reviewing their current positions.
<b>Tendring District</b> DOE Metal Recycling (Clacton) Limited, Valleybridge Road, Clacton-on-Sea	Noise		Suzanne Armstrong 07-apr-15 13:54:31  Ongoing site monitoring to ensure compliance with conditions

<u>Location</u>	<u>Nature of problem</u>	<u>Action Result</u>	<u>Remarks</u>
<b>Uttlesford District</b> Land at Intersection A120/B1256, Stortford Road, Braintree, Essex	Importation of Waste		Suzanne Armstrong 07-apr-15 14:56:49  Importation, deposition and spreading of waste materials, substantially raising the levels on land. Enforcement Notice has been served. The Notice has taken effect and compliance is due by the 13th June 2015.
Bonningtons Yard, Station Road, Takeley, Bishop's Stortford, CM226SQ	Importation of waste		Suzanne Armstrong 07-apr-15 14:07:03  Ongoing joint investigation Essex County Council and the EA crime team.





**DR/14/15**

Committee DEVELOPMENT &amp; REGULATION

Date 24<sup>th</sup> April 2015**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Director of Operations, Environment &amp; Economy

Enquiries to Robyn Chad – tel: 03330 136 811

or email: [robyn.chad@essex.gov.uk](mailto:robyn.chad@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/Robyn Chad/

**MEMBER NOTIFICATION**

Countywide.

**SCHEDULE****Major Planning Applications**

Nº. Pending at the end of February

**16**

Nº. Decisions issued in March

**3**

Nº. Decisions issued this financial year

**26**

Overall % in 13 weeks or in 16 weeks for EIA applications or applications agreed within the extensions of time this financial year (target 60%)

**96%**

Nº. Delegated Decisions issued in March

**0**

Nº. Section 106 Agreements pending at the end of March

**2**

### **Minor Applications**

% of minor applications in 8 weeks this financial year (Target 70%)	61%
Nº. Pending at the end of February	14
Nº. Decisions issued in March	11
Nº. Decisions issued this financial year	61
Nº. Delegated Decisions issued in March	11

### **All Applications**

Nº. Delegated Decisions issued in March	11
Nº. Committee determined applications issued in March	3
Nº. of Submission of Details dealt with this financial year	183
Nº. of Submission of Details pending at the end of March	81
Nº. of referrals to Secretary of State under delegated powers in March	0

### **Appeals**

Nº. of appeals outstanding at end of March	1
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### **Enforcement**

Nº. of active cases at end of last quarter	22
Nº. of cases cleared last quarter	15
Nº. of enforcement notices issued in March	0
Nº. of breach of condition notices issued in March	0
Nº. of planning contravention notices issued in March	0
Nº. of Temporary Stop Notices issued in March	0
Nº. of Stop Notices issued in March	0