



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 27 October 2023</b>	<b>Committee Room 1 County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Emma Hunter, Democratic Services Officer

**Telephone:** 033301 36601

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		Pages
1	<b>Election of a Vice Chairman</b> To elect a Vice Chairman.	
2	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	6 - 6
3	<b>Minutes</b> To approve the minutes of the meeting held on Friday 25 August 2023.	7 - 20
4	<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. Please note that members of the public wishing to speak must email <a href="mailto:democratic.services@essex.gov.uk">democratic.services@essex.gov.uk</a> no later than 5pm on the Tuesday before the meeting.	
5	<b>Minerals and Waste</b>	
5.1	<b>Lufkins Farm, Great Bentley Road, Frating</b> To consider report DR/35/23 relating to the Construction of an agricultural reservoir involving the extraction and exportation of sand and gravel; and the erection and use of an on-site processing plant with ancillary facilities. Together with the use of the access, on Great Bentley Road, currently only permitted for a temporary period as part of planning application ref: ESS/40/15/TEN and changes to the timescale of the proposed phasing and restoration of the existing reservoir as permitted as part of planning application ref: ESS/99/21/TEN.  <b>Location:</b> Lufkins Farm, Great Bentley Road, Frating, CO7 7HN  <b>Ref:</b> ESS/101/21/TEN	21 - 72
6	<b>County Council Development</b>	

<b>6.1</b>	<b>Loughton Library, Traps Hill, Loughton</b> To consider report DR/36/23 relating to the Demolition of the existing building and the construction of new part 5/part 4/part 3 storey building to provide (i) a public library; (ii) space for offices, community use and Jazz Archive; (iii) the provision of 38 residential apartments; and (iv) associated access, parking, servicing, utilities, and landscaping.  <b>Location:</b> Loughton Library, Traps Hill, Loughton, Essex, IG10 1HD  <b>Ref:</b> CC/EPF/88/22	<b>73 - 126</b>
<b>7</b>	<b>Enforcement</b>	
<b>7.1</b>	<b>Reinforced Autoclaves Aerated Concrete (RAAC)</b> To consider report DR/37/23 relating to temporary development in response to Reinforced Autoclaves Aerated Concrete (RAAC) in schools and education settings.	<b>127 - 130</b>
<b>7.2</b>	<b>Land to the south of Ivy Barn Lane, Margaretting, Ingatestone</b> To consider report DR/38/23 relating to unauthorised minerals and waste development.  <b>Location:</b> Land to the south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW  <b>Ref:</b> ENF/1201	<b>131 - 133</b>
<b>7.3</b>	<b>Enforcement of Planning Control Update</b> To update members on the enforcement of planning control.  Report DR/39/23	<b>134 - 139</b>
<b>8</b>	<b>Information Items</b>	
<b>8.1</b>	<b>Applications, Enforcement and Appeals Statistics</b> To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of August 2023, plus other background information as may be requested by the Committee.  Report DR/40/23	<b>140 - 141</b>

**8.2 Applications, Enforcement and Appeals Statistics 142 - 143**

To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.

Report DR/41/23

**9 Date of Next Meeting**

To note that the next meeting will be held on Friday 24 November 2023, in Committee Room 1, County Hall.

**10 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)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

**That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.**

**11 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.

## Agenda item 1

**Committee:** Development and Regulation Committee

**Enquiries to:** Emma Hunter, Democratic Services Officer

### **Membership, Apologies, Substitutions and Declarations of Interest**

#### **Recommendations:**

To note

1. The membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

#### **Membership**

(Quorum: 3)

Councillor B Aspinell

Councillor L Bowers-Flint

Councillor M Garnett

Councillor C Guglielmi

Chairman

Councillor M Hardware

Councillor D Harris

Councillor J Jowers

Vice-Chairman

Councillor L Mackenzie

Councillor M Stephenson

Councillor M Steel

Councillor M Steptoe

Councillor P Thorogood

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 25 August 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr L Bowers-Flint
Cllr J Jowers	Cllr L Mackenzie
Cllr M Mackrory	Cllr M Hardware
Cllr M Steel	Cllr M Steptoe
Cllr M Garnett	

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

Apologies were received from Cllr B Aspinell for whom Cllr M Mackrory substituted, and from Cllr M Stephenson, Cllr D Harris and Cllr P Thorogood.

Cllr L Mackenzie declared an interest in item 4.1 of the agenda (Minute 2) concerning Castledon School, Bromfords Drive, Wickford as he was a member of Basildon District Council who had been consulted on the application. Cllr Mackenzie considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Cllr M Steel declared an interest in item 4.2 of the agenda (Minute 9) concerning Great Baddow Library, High Street, Great Baddow as he was a member of Chelmsford City Council who had objected to the application. Cllr Steel considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on the item.

### 2. Minutes

Subject to a correction on Minute 2 that amended 'Braintree Borough Council' to read 'Braintree District Council,' the minutes of the meeting held on 28 July 2023 were agreed as a correct record and signed by the Chairman.

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

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

#### 1) Castledon School, Bromford Drive, Wickford

To consider report DR/30/23 relating to the construction of a two-storey standalone building; extension to existing Oriel building; removal of existing temporary classbases, reconfiguration of existing car parking area including the provision of additional car parking spaces, creation of new outdoor play space and associated ancillary development.

**Location:** Castledon School, Bromfords Drive, Wickford, Essex, SS12 0PW

**Ref:** CC/BAS/53/23

Public speakers:

- Agent on behalf of the applicant: Ms Rebecca Howard – speaking for
- Local Member: Cllr Malcolm Buckley

#### 4. **Castledon School, Bromfords Drive, Wickford**

The Committee considered report DR/30/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed Conditions.

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:

- Need and Principle of Development in the Green Belt
- Design, Layout and Sustainability
- Impact on Playing Field
- Impact on Residential Amenity
- Traffic and Highways
- Impact on Natural Environment
- Impact on Historic Environment
- Flood Risk

In accordance with the protocol on public speaking the Committee was addressed by Ms Rebecca Howard, speaking as the agent on behalf of the applicant. Ms Howard made several points:

- Castledon School had experienced year on year growth due to increased local need. There was a lack of facilities which prevented the school from extending its curriculum to teach a broader range of subjects, including dance, music and drama, and offering a range of qualifications which would increase opportunities, future career choices and employability of pupils.
- There was a lack of small group rooms which made it difficult to manage instances when a pupil needed individual attention in a quiet space.
- There had been incremental growth of the school, which meant that whilst classroom space had expanded, vital related facilities, including the school hall, had not grown to the required size to support the pupil population.
- The existing school hall was undersized, which led to a loss in teaching time.
- The proposed two storey building and extension to the existing Oriel building would replace existing dilapidated, temporary accommodation and provide much needed permanent facilities.
- The Planning Officer had concluded that the justification for the development did represent very special circumstances in meeting Green Belt policies.
- Comments received by neighbouring residents and planning officers at the pre-application stage had resulted in a number of improvements, including the reconfiguration of the car park, removal of the Astro pitch, the addition of a



canopy at the entrance to the block and the obscured glazing of the library window to reduce any perceived overlooking.

- The Transport Assessment had concluded that the additional movements associated with the additional 25 pupils would have a minimal impact.
- No objections had been received from statutory consultees and support had been received from urban design.

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

- There was a cluster of three other schools in the vicinity of Castledon School which led to concerns from local residents regarding traffic.
- The Active Travel Scheme included a 20 mile an hour speed limit in the area, as well as changes to the built environment including speed bumps and turns to slow the traffic down.
- The existing environment of the school was not fit for modern day needs. The school was experiencing growing demand, and it served a large part of South East Essex.
- Many students were accompanied to the school by parents or brought to school on a minibus.
- The school provided an excellent provision for SEND students.
- There had been several objections raised by residents, however, the Active Travel Scheme would alleviate some of these concerns.

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

- A new library was proposed to be built on the first floor of the two-storey building. There was an existing facility of a library bus which would remain on site but be relocated to the edge of the playing field, which was further away from properties. The library bus could be removed in the future.
- The nearest bus stop was a ten-minute walk away, so the school was accessible by public transport. It was noted that many pupils travelled to and from the school via minibus. The proposed reconfiguration of the car park would make it easier for minibuses to gain access to the school site.
- The Green Belt designation would stand unless this was changed in a future Local Plan.
- The Fire and Rescue Service had confirmed that they approved of the proposal in terms of access.
- The proposed building and extension would be constructed to modern standards, including the insulation.

There being no further points raised, the resolution, including the amendment to Condition 11 in the Addendum, was proposed by Cllr J Jowers and seconded by Cllr L Mackenzie. Following a unanimous vote in favour, it was

## **Resolved**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 22 June 2023 and validated on 22 June 2023 together with Drawing Numbers:

- CASTL-IW-XX-XX-DR-A-2403 P2 – Site Location Plan – 22/06/23
- CASTL-IW-NB-00-DR-A-2500 P5 – New Block GF Plan – 22/06/23
- CASTL-IW-NB-01-DR-A-2501 P5 – New Block FF Plan – 22/06/23
- CASTL-IW-NB-RF-DR-A-2502 P5 – New Block Roof Plan – 22/06/23
- CASTL-IW-EB-XX-DR-A-2520 P3 – Extension Block Drawings - 14/06/23
- CASTL-IW-EB-XX-DR-A-2523 P4 – Extension Block Elevations – 31.07.23
- CASTL-IW-NB-XX-DR-A-2503 P6 – New Block Elevations – 14/07/23
- CASTL-IW-XX-XX-DR-A-2400 P4 – Proposed Site Plan – 22/06/23
- CASTL-IW-XX-XX-VS-A-2402 P4 – Proposed Site AXO – 22/06/23
- CASTL-IW-XX-XX-DR-A-2504 P2 – New Block Sections – 03/03/23
- CASTL-IW-XX-XX-DR-A-2201 P1 – Existing Oriel Block – 14/04/23
- 2304-799\_001 Rev D – Engineering Layout to New Building and Extension -21.04.2023
- CASTL-IW-XX-XX-VS-A-2300 P3 – Visuals 1 – 22/06/23
- CASTL-IW-XX-XX-VS-A-2301 P3 – Visuals 2 – 22/06/23
- CASTL-IW-XX-XX-VS-A-2302 P1 – Visuals 3 – 22/06/23
- 4482-LAN-ZZ-XX-DR-L-1002 PO4 – External Play Spaces – 29.06.2023
- 4482-LAN-ZZ-XX-DR-L-1001 P11 – Landscape Masterplan – 29.06.2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy RS1 and Policy BAS BE12 of the Basildon Local Plan 2007.

3. Demolition and construction work and associated activities shall only be carried out between:

- 08:00 and 18:00 hours Monday to Friday
- 08:00 and 13:00 on Saturday

With no working on Sundays or Bank or Public Holidays other than internal works not audible from outside the site boundary.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and in accordance with Policy BAS BE12 of the Basildon Local Plan 2007

4. The Rating Noise Level from the external plant associated with the development hereby permitted, when assessed in accordance with BS4142:2014 shall not exceed the representative background sound level at the nearest noise sensitive properties.

Reason: In the interest of residential amenity and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

5. The obscure glazing to the first floor windows to the northern elevation of the development hereby permitted shall be provided as shown on Drawing CASTL-IW-NB-XX-DR-A-2503 P5 – 22.06/23.

Reason: In the interest of residential amenity and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

6. No development **beyond installation of damp proof membrane above-ground level** shall take place until a scheme of soft landscaping (drawn to a scale of not less than 1:200) has been submitted to and approved in writing by the County Planning Authority. The soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities. The scheme shall be implemented within the first available planting season (October to March inclusive) following the commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 7 of this permission.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

7. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 6 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 an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure the development is adequately screened and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

8. No development **beyond installation of damp proof membrane above-ground level** shall take place until details of a hard landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The

details shall include proposed finished levels and contours showing earthworks and mounding surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features), proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features), retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

Reason: To assimilate the development into its surroundings and to protect the character and appearance of the area and to comply with Policy BAS BE 12 of the Basildon Local Plan 2007.

9. Prior to beneficial occupation of the development hereby permitted, the car parking area as shown on Drawing Number: 4482-LAN-ZZ-XX-DR-L-1001 P11 Landscape Masterplan dated 29.06.2023 shall be constructed and laid out as approved. The electric vehicle charging points within the approved car park area, as shown on Drawing Number: 4482-LAN-ZZ-XX-DR-L-1001 P11 Landscape Masterplan dated 29.06.2023 shall, for the avoidance of doubt, be installed ready for use at the point of beneficial occupation. The parking areas shall be permanently retained for parking and shall be used for no other purpose.

Reason: To provide a safe level of parking on-site, in the interests of highways safety and to comply with the Parking Standards adopted as County Council Supplementary Guidance in September 2009.

10. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (Ref: 2304-799 Rev A dated June 2023 prepared by Ingent Consultants) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.3l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the County Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective treatment of surface water runoff to prevent pollution and to comply with the National Planning Policy Framework (2021).

11. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented as approved.

Reason: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development; construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed and in accordance with the National Planning Policy Framework (2021).

12. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to the County Planning Authority for review and approval in writing.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended and to ensure mitigation against flood risk as failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to comply with the National Planning Policy Framework (2021).

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report (Lanpro, June 2023) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

Reason: To conserve protected and Priority species and allow the County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with the National Planning Policy Framework (2021).

14. ~~No development beyond installation of damp proof membrane shall take place until Prior to commencement of~~ a Biodiversity Enhancement Strategy for protected and Priority species (prepared by a suitably qualified ecologist) shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or products descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance

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

Reason: To demonstrate measurable biodiversity net gains and to allow the County Planning Authority to discharge its duties under the National Planning Policy Framework (2021) and s40 of the NERC Act 2006 (Priority habitats & species).

15. No works or development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- a) Details and positions of the Ground Protection Zones in accordance with section 9.3 of Page 32 of 59 BS:5837
  - b) Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS:5837). The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - c) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS:5837
  - d) Details of the working methods to be employed for the installation of drive and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction
  - e) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site
  - f) Details of the working methods to be employed for the site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

Reason: To ensure that retained trees are protected from damage in the interests of visual amenity and to comply with the National Planning Policy Framework (2021).

16. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained trees' branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area and to comply with the National Planning Policy Framework (2021).

17. No development or any preliminary groundworks shall take place until:
- All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction"; and
  - Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)". 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.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with the National Planning Policy Framework (2021).

### Informative

Prior to the first occupation of the development, the applicant, in association with Essex County Council's School Travel Planning Advisor, shall agree the frequency of reviewing and, where necessary, updating the School Travel Plan. To this end, the School Travel Planning Advisor will provide assistance in identifying measures that should help mitigate the overall impact of the proposal.

### **5. Great Baddow Library, High Street, Great Baddow**

The Committee considered report DR/31/23 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Impact on Historic Environment
- Impact on Natural Environment
- Highways & Traffic

The Planning Officer clarified that the London plane tree was protected by a specific Tree Protection Order, and that the sycamore tree was not subject to a specific Tree Protection Order but was protected due to its size and location within the Conservation Area.

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

- The access to the proposed car parking space was close to the existing zebra crossing, however, Highways had not raised any concerns relating to this.

- The material that was proposed to be used was block paving of a permeable nature to allow water penetration.
- The management of the use of the parking space would be handled by the library.

There being no further points raised, the resolution was proposed by Cllr J Jowers and seconded by Cllr M Steptoe. Following a unanimous vote in favour, it was

### **Resolved**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of application reference CC/CHL/25/23 dated 14 March 2023 and validated on 30 May 2023 together with Drawing Numbers:

- 1910/01 Rev A – Existing Layout – Jan 2023
- 1910/02 Rev A – Proposed Layout – Jan 2023
- 1910/03 – Existing & Proposed Street Scenes – Mar 2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details; to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S3 (Conserving and Enhancing the Historic Environment), Policy S4 (Conserving and Enhancing the Natural Environment), Policy DM13 (Designated Heritage Assets), Policy DM14 Non-Designated Heritage Assets), Policy DM17 (Trees, Woodland and Landscape Features) and Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

3. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan prepared by A G Mitchell dated March 2023.

Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Policy S4 (Conserving and



Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

4. Any excavation work carried out beneath the crown spread of a tree shall be undertaken using hand tools only, working around tree roots so as to prevent damage or injury to the tree root. No tree root with a diameter greater than 25mm shall be severed unless approved in advance in writing by the County Planning Authority.

Reason: To ensure that trees on site are protected from damage, in the interest of visual amenity and to comply with Policy S4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

5. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the County Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:
  - a) An induction and personnel awareness of arboricultural matters
  - b) Identification of individual responsibilities and key personnel
  - c) A statement of delegated powers
  - d) Timing and methods of site visiting and record keeping, including updates
  - e) Procedures for dealing with variations and incidents

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

Reason: To ensure that retained trees are protected from damage, in the interest of visual amenity and to comply with Policy S4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

6. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area and to comply with Policy D4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodlands and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

7. Areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety and in accordance with Policy DM29 (Protecting

Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

8. Prior to the first beneficial use of the development hereby permitted, the vehicular access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. The low planting to the north side of the vehicular access shown on Drawing Number 1910/02 Rev A – Proposed Layout dated Jan 2023 shall be maintained at a height not exceeding above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure compliance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

11. The proposed new vehicular access, drive, turning area and parking space, shall be constructed as shown on Drawing Number 1910/02 Rev A – Proposed Layout dated Jan 2023. It shall be provided with an appropriate dropped kerb crossing of the footway/verge. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, in forward gear in the interests of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

## 6. Bliss Heights, 140 London Road, Abridge

The Committee considered report DR/32/23, by the Chief Planning Officer, relating to unauthorised minerals and waste development.

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

- The waste imported to this site included soils, trommel fines, building waste, concrete, hardcore and other mixed waste. It was noted that trommel fines originated from waste transfer sites and were the end product from the separation of minerals and waste through trommels. As the origin of trommel fines, in this

instance, was unknown, there was a possibility that the fines could contain hazardous materials. As such, the Environment Agency was also involved in the monitoring of this site.

- Officers from the Environment Agency attended each visit with officers and, as appropriate, carried out monitoring of the water quality in the river.
- The proposed recommendation gave the landowner until the 11 September 2023 to comply with the Enforcement Notice, after which Essex Legal Service would be instructed to pursue a prosecution.

There being no further points raised, the resolution was proposed by Cllr M Hardware and seconded by Cllr J Jowers. Following a unanimous vote in favour, it was

### **Resolved**

That, at the current time, the WPA continue to monitor the site and proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

If significant progress towards compliance with the Enforcement Notice is not evidenced at the next WPA site visit (mid to late September 2023) that the WPA instruct ELS to pursue a prosecution against the landowner, being in the public interest to do so.

### **7. Crumps Farm, Stortford Road, Little Canfield**

The Committee considered report DR/33/23, by the Chief Planning Officer, relating to unauthorised minerals and waste development.

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

- The Environment Agency had stronger powers in respect of the breach, and additionally had the evidence to substantiate the breach, so would be best placed to continue to lead investigations.
- As the composition of the imported waste was not fully known, it was not yet possible to fully assess potential options and accordingly identify or propose a preferred way forward.
- Officers had not received the full gas monitoring report from the Environment Agency; however, they had received confirmation that the levels of some gases were above what the Environment Agency considered safe.
- The LiDAR surveys had been conducted by the Environment Agency.
- Officers could consider joint working with other local authorities in order to access drones for the purpose of taking photos of such sites in future.

There being no further points raised, the resolution was proposed by Cllr M Steptoe and seconded by Cllr J Jowers. Following a unanimous vote in favour, it was

### **Resolved**

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Due to the complexity of issues, and the potential scale of illegal activities, the WPA continues to assist the Environment Agency with its investigations. However, at the current time, no formal enforcement action is pursued by the WPA.

And, that monitoring visits are suspended until such time as the Environment Agency confirms there would be no health and safety concerns for officers visiting the site.

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

The Committee considered report DR/34/23; applications, enforcement and appeals statistics, as at the end of July 2023.

The Committee NOTED the report.

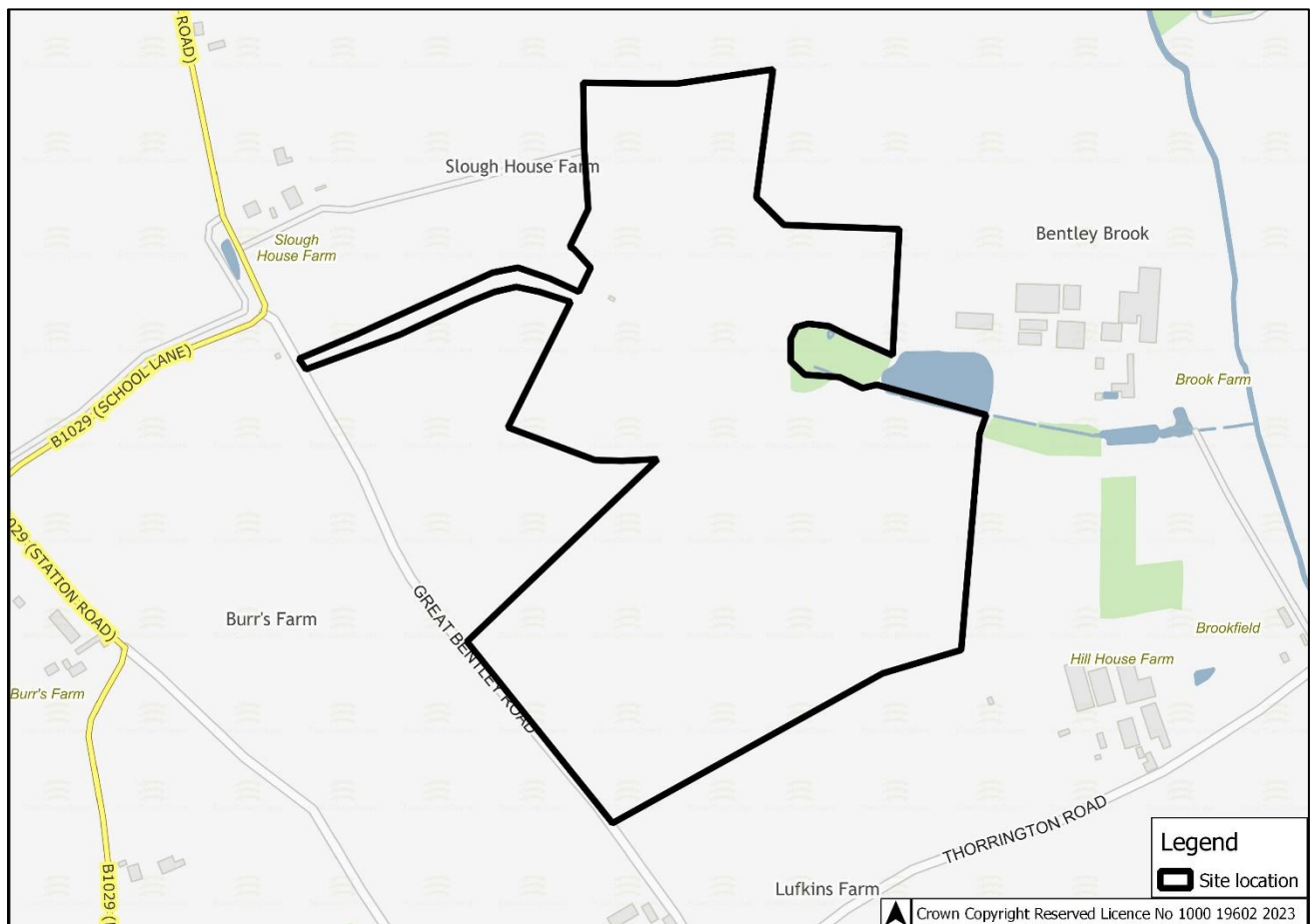
**9. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 22 September 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:49am.

**DR/35/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)

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

**Ref:** ESS/101/21/TEN**Applicant:** Mr S Poole & Mr G Wright**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom Sycamore Tel: 03330 321896The full application can be viewed at <https://planning.essex.gov.uk>

## **1. BACKGROUND**

Planning permission was approved for the construction of an agricultural reservoir at Lufkins Farm, involving the extraction of minerals and the removal of surplus soils, in 2010 (ref: ESS/21/08/TEN). The date at which this permission originally needed to be implemented by (15/07/2013) was then extended to as part of (ref: ESS/10/13/TEN to 24/01/2019).

A separate application (ref: ESS/40/15/TEN) was then approved in 2016 for the construction of an alternative access to the site via Great Bentley Road. And, to accompany this, an application to vary ESS/10/13/TEN was approved at the same time (ref: ESS/41/15/TEN), which sought to update the wording of conditions attached to this permission so that that these worked with the new alternative access arrangements approved separately. Operations formally commencing on-site 14/01/2019.

Since commencement of operations in 2019, a non-material amendment (ref: ESS/41/15/TEN/NMA1) has been approved to allow the temporary storage of extracted material onsite, prior to onward transportation to Alresford Creek Quarry for processing. In addition to this planning permission was granted in 2022 (ref: ESS/99/21/TEN) to allow a two year extension to the end restoration until 14/01/2024.

## **2. SITE**

The site is located around five miles to the southeast of Colchester on the western edge of Great Bentley. The surrounding area is rural in nature, characterised by agricultural fields, hedgerows and farms. The existing agricultural reservoir at Lufkins Farm (extant permission ref: ESS/99/21/TEN) is included within the red line boundary and is located to the north of the proposed second reservoir. The total area of the proposal and associated land covers an area of approximately 22.3 ha.



- The proposed construction of a second agricultural reservoir;
- Changes to the approved phasing and restoration of the reservoir currently under construction; and
- Without prejudice, should planning permission be granted, the consolidation of previously approved and proposed new development as part of one planning permission/decision notice.

These three elements of the application are discussed in turn below:

#### Proposed second reservoir

The proposal seeks the construction of an agricultural reservoir to the south of the reservoir currently under construction. The reservoir construction would involve the extraction and removal of approximately 1.068 million tonnes of sand and gravel, creating a water storage capacity of approximately 480,000 cubic metres with a surface area of approximately 10.4ha. The total proposed excavation volume would be approximately 900,000 cubic metres taking into consideration a 30% buffer due to evaporation and 'dead storage', accommodation of the two-metre gradient fall that exists across the site, and a 10% contingency based on unknown ground conditions.

A processing plant is proposed to be installed between the two reservoir areas to support the proposed extraction. With regard to this, 70% of all material extracted is proposed to be processed on-site within the plant proposed, with 30% proposed to be transported to Alresford Creek for processing to feed a concrete batching plant located at that site.

The majority of stripped soils and subsoils are proposed to be retained onsite in bunds and utilised as part of a landscaping scheme. Underlying clay would be profiled to seal the sides of the reservoir for water retention and storage purposes.

The extraction of sand and gravel would be phased, commencing in the north west and working in an anti-clockwise direction. Once extraction has concluded, the sides of the reservoir would be profiled using the aforementioned clay and all plant, machinery and equipment would be removed from site. The reservoir would be filled using existing water abstraction licenses which would source water during winter. The land surrounding the reservoir would be restored back to agricultural use.

Proposed hours of working are 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours Saturdays, with no working on Sundays or Bank/Public Holidays.

It is proposed to retain the access off Great Bentley Road, originally permitted to support the reservoir under construction, and utilise this access and haul road for the duration of construction of this second reservoir now proposed. Vehicle movements are proposed at a rate of 60 HGVs per day (30 in and 30 out).

The extraction and subsequent formation of the reservoir is proposed to take a total of 9 years.

#### Changes to the reservoir already permitted and under construction





The following policies of the [Essex Minerals Local Plan \(MLP\) adopted July 2014](#) and Section 1 (adopted January 2021) and Section 2 (adopted January 2022) of the [Tendring District Local Plan 2013-2033 and Beyond \(TLP\)](#) provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan (MLP) adopted July 2014

Policy S1 – Presumption in Favour of Sustainable Development  
Policy S2 – Strategic Priorities for Minerals Development  
Policy S3 – Climate Change  
Policy S6 – Provision for Sand and Gravel Extraction  
Policy S8 – Safeguarding Mineral Resources and Mineral Reserves  
Policy S10 – Protecting and Enhancing the Environment and Local Amenity  
Policy S11 – Access and Transportation  
Policy S12 – Mineral Site Restoration and Afteruse  
Policy DM1 – Development Management Criteria  
Policy DM2 – Planning Conditions and Legal Agreements  
Policy DM3 – Primary Processing Plant

Tendring District Local Plan 2013-2033 and Beyond (TLP) (Section 1 & 2) fully adopted January 2022

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SPL3 – Sustainable Design  
Policy PP13 – The Rural Economy  
Policy PPL1 – Development and Flood Risk  
Policy PPL3 – The Rural Landscape  
Policy PPL4 – Biodiversity and Geodiversity  
Policy PPL5 – Water Conservation, Drainage and Sewerage  
Policy PPL7 – Archaeology  
Policy PPL9 – Listed Buildings  
Policy CP1 – Sustainable Transport and Accessibility  
Policy CP2 – Improving the Transport Network  
Policy DI1 – Infrastructure Delivery and Impact Mitigation

The Revised National Planning Policy Framework (NPPF) was published in September 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most

important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

On 9 October 2017 Tendring District Council, along with Braintree and Colchester Councils, submitted their Local Plans and accompanying documents to the Planning Inspectorate. Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1. As a result of this, Section 1 was considered through a joint examination in public. Tendring specific policies and allocations can be found within Section 2 of the Local Plan, which was considered through a separate examination. In accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, documents were submitted to the Planning Inspectorate to support the examination of the entire Plan. Section 1 of the Tendring District Local Plan 2013-2033 and Beyond was formally adopted on 26 January 2021. Section 2 of the Plan was formally adopted on 25 January 2022.

## **5. CONSULTATIONS**

*A second consultation was undertaken during the course of determination, in view of additional/revised information submitted. Where consultees were reconsulted, their response is provided under 'Additional consultation response'.*

Summarised as follows:

TENDRING DISTRICT COUNCIL – No objection.

Additional consultation response: No comments to add.

TENDRING DISTRICT COUNCIL ENVIRONMENTAL HEALTH – No comments received.

ENVIRONMENT AGENCY – No objection.

The applicant may require Environmental Permits for both the construction of the reservoir and extraction, processing and exportation of the sand and gravel associated with this. The company acting as agents, Brett Aggregates Limited, already hold a number of permits in other locations and so should be familiar with the requirements. The reservoir is for 480,000m<sup>3</sup> winter high flow storage (so about 2637m<sup>3</sup> per day) and therefore will need an abstraction licence. We find a record of pre-application discussions. The applicant should contact the National Permitting Service regarding this. They already hold three abstraction licences near the site, but these are for direct spray irrigation, not storage for subsequent spray irrigation, so these will need to be varied to match the purpose.

NATURAL ENGLAND – No comments to make.

Additional consultation response: No comments to make.

HISTORIC ENGLAND – No objection.

We are satisfied that the impact on the setting of (nearby) designated assets will be at a very low level of less than substantial.

HIGHWAY AUTHORITY – No objection, subject to the following.

Securing and maintaining the visibility splays in accordance with previous drawing D381/200 Rev B, provision of wheel and underbody washing facilities and within 3 months of completion of construction of the reservoir, the internal haul road and access gate hereby permitted shall be removed and reinstated to agricultural use.

LEAD LOCAL FLOOD AUTHORITY – No objection, subject to the following.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Condition: The works hereby consented shall be carried out in accordance with the information supplied on 23/01/23 by SLR, ref 230126\_422.09886.00029\_L.

During construction the proposed silt lagoon will be operated in accordance with Environmental Permit EPR/FB3594/RS granted by the Environment Agency. Accumulated silt shall be monitored and removed as necessary to maintain the proposed storage volume of 3,000m<sup>3</sup>.

*Officer comment:* Should permission be granted an informative can be added.

Additional consultation response: As the amendments relate only to the timing of operations, they are not considered to have an impact on flood risk at the site. We therefore do not wish to comment, and our letter of 11/04/23 remains as our formal position.

GEOESSEX – No objection.

Would like to ensure that access is allowed during the working life of the excavations for geologists from GeoEssex or their representatives to enable geological description and documentation of the pit outcrops as they evolve with mineral extraction and before they are thus destroyed. We would also like to see

the borehole information obtained to fully delineate the site. We are very concerned that little information of the precise nature of the Sands and Gravels is given in the application documents. There are no cross sections showing thicknesses etc., no gravel analyses and nothing that suggests any great understanding of the detailed nature of the deposits to be exploited.

The site is of interest and importance geologically. Boreholes nearby show a thick sequence of Quaternary sediments and it is close to Wivenhoe where pre-Anglian interglacial deposits have been found to include flint artefacts. More secure dating is needed for these finds and with modern methods this could be obtained from the workings here. Any gravels present may shed further light on the relationship of the Early Thames (Wivenhoe Gravels) and the Early Medway which crossed eastern Essex to join the Early Thames broadly in the Clacton area (Cooks Green Gravel); Undated and little interpreted deposits occurring at Walton-on-the Naze between the Red Crag and the Cooks Green Gravel currently are the subject of investigation and similar deposits have been recorded at Weeley, so possibly they may be present also at Frating. Access during extraction would particularly enable detailed correlation within the Kesgrave Sands and Gravels as indicated above. Investigation would be based on interpretation of the geotechnical information from the site, preferably boreholes, but also logging and sampling of faces as they are revealed, in consultation with the extraction company. The London Clay at the base of the excavations is also of interest as there are few inland Data Protection Act exposures of this formation. Fossils of interest may be revealed and these would help to identify the horizon found here beneath the Quaternary deposits.

GeoEssex members would like to arrange a mutually agreeable site visit to the current workings to discuss aspects of geological interest and how these might be pursued further in the new excavations. There is a significant body of knowledge that has been built up over the past decades, but this reveals that there is still much to be learnt from direct observation of the geological deposits themselves. Understanding of this kind are particularly significant as they record the climate change of the past which is the key to understanding the present-day scenario being faced by our planet.

CAMPAIGN TO PROTECT RURAL ENGLAND – No comments received.

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection.

Happy with hedgerow planting for hedgerows 1, 2, 3 and 4 to be undertaken upon bund construction. The cross sections show that recommended buffer areas will be implemented, so all good in this regard. I noticed the 1:1.5 inner slopes for the proposed bunds; these are quite steep. Have gradients like this one been used on other site and have we had issues with erosion from stormwater runoff?

Recommended condition: Before any works commence on site, details of advance planting to hedges 1, 2, 3 and 4 shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Recommended condition: No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

Recommended condition: No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include: a) Drawings showing the extent of the LMP - showing the areas to which the LMP applies. b) Written Specification detailing (where applicable): - All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting. - All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces. - Furniture (Bins, Benches and Signage) and Play Equipment - All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter. - Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Additional consultation response: We have no major concerns on landscape impact as a result of a delay in completing restoration of reservoir one. There will be a degree of impact arising from a continuation of operations on site for a period longer than previously agreed but we do not consider these to be significant.

COUNTY COUNCIL ARBORICULTURE CONSULTANT – No objection, subject to the following:

An Arboricultural impact assessment, method statement and tree protection plan, which will conform with BS5837 2012: Trees in relation to design demolition and construction, will be required. This will outline any impacts which the proposals have on existing vegetation, what trees may need to be removed, what mitigation will be required to minimise the impact, and protective measures to prevent damage caused to retained vegetation throughout the construction period.

Recommended condition: No development shall take place until, a site specific Arboricultural impact assessment and method statement along with a tree protection plan has been submitted, which will conform with BS5837: 2012 Trees in relation to Design, demolition and construction.

Additional consultation response: Timescale extension, no Arboricultural comments required in this instance.

COUNTY COUNCIL ECOLOGY CONSULTANT – No objection, subject to the following:

The mitigation measures identified in the Breeding Bird Survey Report (Green Shoots Ecology, September 2022) should be secured by a condition of any

consent and implemented in full. This is necessary to conserve and enhance protected and Priority bird species.

In our previous response, we recommended that there should be no hedgerow between the areas of shallows of the two reservoirs in order to provide a larger open area to enable birds users to feel more secure. The new area of 'shallows' is too enclosed for many potential wetland birds that may use this area; this has not been adjusted in the revised reservoir restoration plan (002 SLR, November 2022). We also wish to draw your attention our previous request for additional clarify with respect to a potential conflict between bats and lighting; we have not had any additional information in relation to this.

Recommended condition: A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following: a) Purpose and conservation objectives for the proposed measures e.g. Skylark plots and ; b) detailed methodology for the measures to be delivered; c) locations of the compensation measures by appropriate maps and/or plans; d) Mechanism for implementation & Monitoring of delivery The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

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

Recommended condition: A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. i) Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Recommended condition: No development shall take place that will have any effect upon Bentley Brook until a Biodiversity Method Statement for protected species (Water Voles) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Recommended condition: A Biodiversity Enhancement Strategy for habitat creation and restoration and for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Recommended condition: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the extraction. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Recommended condition: A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of



appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

Additional consultation response: The 1.5-year delay to the final restoration of Reservoir 1 may continue to impact protected Priority and species and Priority Hedgerow habitat and woodland in the local area. However, we do not anticipate that it would create any additional impacts, beyond the current estimated levels. We therefore do not object, providing that the restoration plans are completed no later than 18 months longer than the original time period, including the extent of the shallows and reedbed habitat within the final form of the restored waterbody. We recommend that submission for approval and implementation of the ecology conditions recommended in the previous Place Services responses of 18/02/2022 and 24/02/2023 should be included any planning consent.

COUNTY COUNCIL ARCHAEOLOGY CONSULTANT – No objection, subject to the following:

An archaeological evaluation has been completed for the above site and the report submitted with this application, weather conditions at the time of the evaluation prohibited excavation of many features and some trenches were unable to be excavated. The results of the evaluation reveal survival of archaeological features including ditches, a cremation and possible pits. The alignment of some ditches may relate to the Roman rural landscape revealed to the north while the cremation may indicate some prehistoric activity. Neolithic and Bronze Age activity has been revealed in earlier investigations to the north and there is a circular cropmark and parallel ditches recorded immediately east of the site. A previous evaluation in 2007 which crossed the site recorded a number of ditches and pits, some dated to the Roman period and possible prehistoric activity. There will need to be a programme of further archaeological investigation to determine the nature of the archaeological remains, many of which were unable to be fully investigated and which may have been obscured through flooding and weather conditions.

The site has recorded Quaternary sediments that have been identified as being of possible geoarchaeological significance, pre-Anglian interglacial deposits are recorded at Wivenhoe which have yielded flint artefacts. The sediments are likely to have been laid down by the early Thames River before it was diverted by the Anglian icesheet. The potential of the sediments for Palaeolithic archaeological and Pleistocene floral and faunal remains will need to be assessed and a suitable evaluation and mitigation strategy proposed. A geoarchaeological desk based

assessment will need to be undertaken by a specialist to inform the programme of geoarchaeological evaluation.

Recommended condition: No development or preliminary groundworks shall take place until a Written Scheme of Investigation for a programme of geoarchaeological investigation and recording has been submitted to and approved by the Mineral planning authority.

Recommended condition: No development or preliminary groundworks can commence until the completion of a programme of geoarchaeological investigation in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Recommended condition: No development or preliminary groundworks can commence until a mitigation strategy detailing the approach to further archaeological excavation, monitoring and/or preservation in situ has been secured in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Recommended condition: No development or preliminary groundworks can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Recommended condition: Following completion of the geoarchaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Recommended condition: Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Additional consultation response: No further comments on additional information submitted.

COUNTY COUNCIL HISTORIC BUILDINGS CONSULTANT – No objection, subject to the following:

The level of harm is considered to be 'less than substantial' due to the change in the heritage asset's setting during the extraction works. This is mostly due to construction of bunds and to the presence of processing plants which would compromise the open character of the setting and diminish the appreciation of their significance within an isolated and rural context. The extension of the initially proposed reservoir would involve an increase of the size and duration of the extraction activity and consequently of the temporary site layout, including screening bunds, noise and air pollution, vehicular traffic which would affect the

way the significance of the heritage assets is experienced within their isolated and secluded context.

However, it is noted that: • the proposal site does not have any historic connection with Lufkin Farmhouse, Hill House and Brook Farm; • there is limited visibility between the proposal site and the affected heritage assets, due to intervening modern agricultural buildings and existing woodlands; and • adverse effects on the setting of the heritage assets would be considerably reduced to negligible/neutral at the completion of the extraction works and with the introduction of the proposed reservoir and surrounding landscape.

Therefore, there would be a slight initial increase in the level of harm caused to the significance of the identified heritage assets due to the ongoing extraction works, which will be considerably reduced to the low end of less than substantial at completion of the proposed works and after a number of years sufficient to establish the new reservoir and landscape.

With regards to the National Planning Policy Framework, Paragraph 202 is relevant and Local Planning Authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage assets' conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

Recommended condition: Prior commencement, a detailed landscape layout, including existing and proposed plantings and specification of hardstanding materials and boundary treatment (if required) shall be submitted to and approved in writing by the Local Planning Authority. Particularly, it is advised that only low height shrubs are planted to the south and east side of the proposal reservoir, in order to maintain the open character of the setting.

Additional consultation response: The revised proposal is not considered to have any additional impact on the setting of the identified heritage assets.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to the following:

- a. Temporary operations noise limit of 70 dB LAeq 1hr for up to 8 weeks per year;
- b. Normal operations noise limits as set out in Table 2 (can be seen in full response online);
- c. A minimum of quarterly noise monitoring at the 4 receptor locations. Since the predicted noise levels in the NA are not verified, and our own indicative calculations suggest mineral extraction noise levels could be close to the noise limit, it is suggested that the quarterly noise monitoring is supplemented with an additional visit when works are at the surface within each phase;
- d. Operational hours as existing consent (however it is assumed no mineral extraction will take place prior to bund completion within each phase);
- e. HGV movements as existing consent;
- f. Silencers to be required on all machinery;
- g. Mobile plant and vehicles used on site to be fitted with broadband reversing alarms.

COUNTY COUNCIL AIR QUALITY CONSULTANT – No objection.

The dust assessment has concluded a slight adverse dust risk at one receptor (H5) location, which with the existing dust mitigation measures and best practice applications in place, would lead to a not significant effect. The dust control measures outlined in section 7 are acceptable for the proposed scheme and all existing dust related conditions should remain in place for the proposed Lufkins 2 reservoir. It is recommended that vigilance and pro-active dust mitigation measures are actioned during soil bund construction and any works close to the site boundary, particularly where sensitive receptors have been identified.

The current site received one dust complaint in 2019, due to mud on the road and this was resolved. The following condition is currently active as part of the existing permit and should remain in place: 'The access / haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance'. There are no impacts from road traffic emissions, based on the information submitted, which is accepted.

COUNTY COUNCIL AGRICULTURAL CONSULTANT- Comment. Full response can be seen on online planning record.

Given the need for proposed cropping, and the UKCP18 climate change scenarios, there is a need for storage capacity for high-flow abstracted water to irrigate high-value crops. The project is sustainable insofar as it is proposed to export 1,068,000t (667,800m<sup>3</sup>) of saleable sand and gravel over a nine-year period. Water abstracted during high-flow periods to fill the reservoir, would replace abstractions made during periods of low water availability. This would increase sustainability of the farming business and the environment.

There is not enough detail regarding the design of the reservoir to state whether the design has been optimised, and thus that the scale of the extraction is no more than the minimum essential for the purpose of the proposal. No soil movement schedules have been provided, so this cannot be assessed. The total proposed extraction of 900,000m<sup>3</sup> of material to create the necessary void does not have enough evidence to show that the extraction is no more than the minimum essential for the purpose of the proposal.

The land where the proposed reservoir is located is ALC Subgrade 3a land, which is classed as BMV land. It has not been demonstrated that the reservoir could be sited on land that is not BMV.

There is an overriding benefit from the access to additional water that the proposed reservoir would achieve, resulting in increased gross margin income. The economic justification of the reservoir is sound, in that the assessment submitted demonstrates that the proposal would also likely be viable with finance secured by bank loan i.e without the sale of any extracted minerals.

GREAT BENTLEY PARISH COUNCIL – No comments received.

THORRINGTON PARISH COUNCIL – No comments received.

FRATING PARISH COUNCIL – Objection.

The council feel that although this (along with the first reservoir) will help the farmer in time with irrigation this is not the primary reason for the application. On the Essex Minerals Local Plan (formally adopted in 2014) this site is classified as an Existing Site, therefore it had been earmarked for the extraction of minerals. We are aware that extraction from the present site has been on hold not through Covid but as there was no requirement for those particular minerals, which the council feels is why this application has been made. With the new site is projected to take a minimum of 7 years to be completed this helps to confirm the reason for the application is for the mineral extraction not for irrigation.

Although the main part site is not in Frating the access road to the site is, which is really where a huge problem lies. This access goes onto the B1029, A133 & A120 this means that 60 lorries a day half of which will weigh 20 tonnes, will come to the very busy Frating Cross Roads which at present has seen a huge increase in the HGV usage due to the contested planning proposal made by Pallet plus at the Crossways site using the Bromley Road B1029. At the moment there has been a dramatic increase in the problems of damage to the road's structures, drain integrities and the verges are non-existent in some places. So, to add another 60 HGVs into this is going to only exacerbate the problem with the roads very, very quickly. The planning application also states that this could be increased.

If permission for this site is granted, to help curtail some of the road issues it would be better if the extracted minerals were to go to Alresford for processing (as happens now with the other site), rather than being processed on site and then out onto these smaller roads as listed above. The current proposal is for 70% to be processed on site which is going to cause a lot of noise pollution in the village location for local residents. As the history shows that with the first reservoir, major highways changes were made to the junction of the B1029/Lufkins Lane to facilitate access for the lorries to go to Alresford. Bretts have already ask for a twelve-month extension for extraction for the first reservoir but we were advised at the meeting we had with them and the landowners that they wished to extend this in line with the new reservoir so both could easily still be in operation passed 2030.

Therefore Frating Parish Council are objecting to this application on the following grounds:

- The loss of prime agricultural land.
- The main reason for the application is the minerals not the provision of a reservoir.
- The construction of this reservoir is over development of this site.
- It is very close to Great Bentley Road and is detrimental to the landscape.
- Noise pollution will be an issue from the processing plant.
- Movement of extracted minerals being transport through Frating by 6000 plus in 20 tonne lorries each year rather than going to Alresford.
- The increase in HGVs using the B1029 will increase the amount of damage caused to both the highway and the highway verges as these vehicles tend to damage the drains and verges do to their mere size.

Additional consultation response: At the moment the Alresford Viaduct is closed to vehicles over 7.5 tons which means that the majority of large vehicles leaving Alresford Pit are now using the B1029 and Frating Cross Roads A133 to access Colchester, which is having a hugely detrimental effect on the village and with this

further application is only going to make things worse – we have been advised that it will be at least 3 years until this viaduct is opened. Also Essex Highways state that if this application is granted it should not commence until the first reservoir is completed. But it does not state if this is granted what date do they wish to commence construction and also time scale to complete it, can you please advise what this will be please?

#### ALRESFORD PARISH COUNCIL – Objection.

Brett Aggregate are proposing on-site processing in their planning application for Lufkins Farm phase 2, Planning Application ESS/101/21/TEN. If Essex County Council decide to approve this application, and given the above policy, it should do so on condition that Brett's process all extracted mineral on-site at Lufkins Farm. On-site processing of material at its place of extraction would immediately ameliorate the severity of the environmental damage and safety concerns outlined above. Further, it mirrors the conditions applied to the approval of Sunnymead Farm quarry, which is conditional on the erection of sand and gravel processing plant and ancillary facilities for on-site processing. It is vital that Essex County Council take this action in order to limit the extremely negative impact that large numbers of vehicles needed to transport high volume of material to Alresford for processing is currently having, both on our community and the environment generally. Onsite processing should mean that the HGV daily traffic from Lufkins through the residential areas of Alresford ceases. However, on close inspection of the EIA for transportation we note that 30% or more of arisings will still be transported to Alresford - this is unacceptable to residents and the Parish Council. Mitigation of the environmental and human impact needs to be at the core of Mineral Planning Decisions.

LOCAL MEMBER – TENDRING – TENDRING RURAL WEST – Any comments received will be reported.

LOCAL MEMBER – TENDRING – BRIGHTLINGSEA – Any comments received will be reported.

## 6. REPRESENTATIONS

22 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
30% of material being taken to Alresford Quarry will continue using the haul road which has severe impacts on health, wellbeing and quality of life of residents along the haul road (noise; dust; impact to bridleway; impact to wildlife; vehicles arriving before 7am). Haul road not fit for purpose.	Impacts associated with Alresford Quarry arrangement are considered in the appraisal.
If there is increased demand for concrete or bagged materials from	As above. Highways impact considered in appraisal.

Alresford, more HGVs will likely pass through Alresford.

All processing should be done onsite. No need to come to Alresford.

As above.

EIA does not mention anything about exhaust particulates or gases, expelled brake dust nor tyre degradation and how that will impact on air quality. It might disperse in the middle of a field but it's concentrated along the road and even in the field has the potential to contribute to climate change.

Air quality considered in appraisal.

Great concerns that if planning is granted for the reservoir but no licence for irrigation that it could end up being used as a landfill site. During the years of construction the water table on the land in the surrounding area would be very adversely affected.

The Application is not for a landfill site. Hydrology and water abstraction considered in appraisal.

Applicant has not attempted to mitigate impact to Listed Building Holly Cottage, its wider landscape and impact upon livestock kept at the farm. Will also adversely affect setting of Listed Building Hill House. The proposal represents non-agricultural development.

Heritage impact considered in appraisal.

Application is for minerals extraction, with a farm reservoir being an added benefit and not the main reason for the proposal.

Justification considered in appraisal.

Not an Allocated Site in the MLP. Cannot be considered an extension of the existing adjacent reservoir (ESS/41/15/TEN).

Application considered against MLP Policies in appraisal.

Significant impact to landscape.

Landscape considered in appraisal.

All the land is classed as Grade 1 agricultural land. Development will result in loss of BMV.

Agricultural impact considered in appraisal.

60 HGV movements per day in addition to the 60 approved under ESS/99/21/TEN will put huge pressure

Highways impact considered in appraisal.

on highway network, particularly Frating crossroads.

Development will create noise and dust pollution, particularly from onsite processing plant and machinery. Noise and dust considered in appraisal.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Principle of Development including Agricultural Justification
- B. Soils
- C. Water Environment
- D. Transport and Highways
- E. Landscape and Visual Impact
- F. Air Quality
- G. Noise
- H. Ecology
- I. Cultural Heritage

### **A PRINCIPLE OF DEVELOPMENT INCLUDING AGRICULTURAL JUSTIFICATION**

Paragraph 84 of the NPPF states in respect of supporting a prosperous rural economy that planning policies and decisions should enable b) the development and diversification of agricultural and other land-based rural businesses. Policy PP13 of the Tendring Local Plan Section 2 (TLP) relates to farm diversification and, whilst the proposed development does not involve a change to the crop diversification of the agricultural holding involved, the proposal would facilitate an increase in the area of land cropped with a high value irrigated cropping mix, which it is suggested would help maintain long term viability of the farming enterprise.

An agricultural reservoir can be constructed in a number of ways and potentially even as permitted development (subject to the prior approval process) under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, a condition or restriction to any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture being undertaken under permitted development, is that any mineral extracted is not removed from the unit. Although the GPDO does not give express reasons for restrictions/conditions it is presumed that this is on the basis that such development (excavation or engineering operations involving the removal of mineral) has the potential for a number of environmental impacts and also has the potential to undermine mineral local plans and preferred sites for such extraction.

With regard to this, and minerals in general, paragraph 209 of the NPPF states that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Expanding on this paragraph 213 states that mineral planning authorities should plan for a



steady and adequate supply of aggregates by f) maintaining landbanks of at least 7 years for sand and gravel.

Policy S6 of the Essex Minerals Local Plan (MLP) details that the Mineral Planning Authority will endeavour to ensure reserves of land won sand and gravel until 2029, sufficiently for at least 7 years extraction or such other period as set out in national policy.

Mineral extraction outside preferred or reserved sites, such as this, will be resisted unless the applicant can demonstrate:

- a) An overriding justification and/or overriding benefit for the proposed extraction, and,
- b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,
- c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.

### Sand and Gravel Landbank

The MLP explicitly states the annual plan provision for sand and gravel is 4.31mtpa for Essex and 4.45mtpa including Thurrock (Greater Essex). This was set or adopted on the basis of 'National and Sub-National Guidelines for Aggregates Provision in England 2005-2020' (DCLG, June 2009) and with an assessment of the previous ten years of rolling sales (ten year sales prior to adoption of the MLP) provided annually for context.

The most up to date published information on the landbank position within Greater Essex is contained with the Local Aggregate Assessment (LAA) drafted in October 2023. This portrays the landbank position at the end of 2022. At 31 December 2022, the permitted sand and gravel reserve in Greater Essex stood at 33.76mt. By dividing this figure by the annualised figure detailed in the MLP the landbank was calculated to stand at 7.59 years (apportionment approach) and 9.77 years (average 10 year sales approach) on 31 December 2022.

For Essex alone, the emerging figures are an apportionment landbank of 7.80 years and an average 10 year sales landbank of 10.14 years (31 December 2022).

Importantly with regard to this, the LAA nevertheless notes the annualised plan provision of 4.31mtpa for Essex alone is greater than both the 10 year average sales (3.26mt) figure which suggests the landbank may not have actually decreased as much as the above simplified calculation might show. Furthermore, whilst no planning permissions have been granted for aggregate extraction since December 20022, there is a resolution to grant planning permission for mineral extraction at Colemans Farm that would add a further 265,000 tonnes to the permitted landbank once issued.

Accordingly, on the basis of published information the landbank is not below 7 years and the MPA considers the aforementioned circumstances demonstrate that the MPA is planning for a steady and adequate supply of aggregate through the appropriate maintenance of the landbank.

Nonetheless, the applicant has not sought to suggest that this application has come forward in context of the above and/or any potential landbank deficit argument. The applicant has sought to suggest that the agricultural need for the development should be considered in context of the requirements of MLP policy S6.

With regard to the above, the supporting text to policy S6 states proposals for mineral extraction for agricultural reservoirs may occur at non-preferred sites with such proposals considered on their individual merits and in-particular the justification/need that is cited. For any such application to be granted planning permission the MPA must be satisfied that there are exceptional reasons for permitting the development, after having considered all the relevant circumstances so as not to prejudice the overall strategy of the document.

### Agricultural Justification

The agricultural justification statement (AJS) submitted with the application suggests that, in the face of an increasingly challenging environment due to climate change reducing summer rainfall and extending periods of drought, an additional 480,000m<sup>3</sup> of high-flow water storage would be required to allow an increase to the area of land dedicated to the production of high value irrigated crops, from 367ha to 648ha. Such an increase in high value crops would reportedly be required to ensure the long term viability and future of the business. It is not stated whether the farm as a whole makes a profit or not as existing. The applicant already grows high-value crops and states that there is a need for a secure supply of irrigation water to improve yields, achieve produce quality specifications and mitigate against the risks associated with climate change and reduced water resources. From this it is considered that, if the proposed reservoir is just to support the existing crop rotation, the need for the size of the reservoir put forward should be questioned. However if the justification is to grow more high value/water intensive crops as previously suggested then there is justification for the proposed size.

The applicant also states that it would provide irrigation for cereals, which are not usually irrigated, but may become increasingly necessary in the future. A high-flow water storage reservoir would reduce the losses of crop yields and reduction in quality, therefore would be in the public interest to construct an agricultural reservoir. The most significant risk or reason for crop failure is lack of water and with climate change and prolonged periods of drought the (farming) industry and in particular National Farmers' Union has sought to acknowledge the benefits which winter storage and irrigation can provide and are promoting future reservoir building through tax relief and positive planning policies with the government.

It is accepted that the Tendring area has lower than average rainfall compared to the rest of the UK and that irrigation is needed for existing and proposed crops. The AJS quotes the UK Climate Projections 2018 which states that "summer rainfall is likely to decrease in eastern England by more than 10% by 2030, and 20-30% by 2080". It argues that summer abstraction licences increasingly would be subject to restrictions, making irrigating high-value produce unreliable, and that a high-flow storage reservoir would mitigate these risks.

Financially there is an obvious incentive to grow higher value crops such as salads/spinach in comparison to cereal and wheat crops, with the gross margin of salads/spinach around £3360 per ha compared to £760 per ha for wheat. However, to realise this benefit, in the event that soil conditions are appropriate, some sort of irrigation investment is usually required as these crops are more water demanding, according to the AJS.

The applicant has provided an indicative proposed crop rotation across the entire farm holding including the change in area for each crop type and the increase/decrease in gross margins per year:

<b>Crop</b>	<b>Gross margin (£/ha)</b>	<b>Change in area (ha)</b>	<b>Increase in gross margin (£/yr)</b>
Potatoes	£2,642	60	£158,520
Sugar beet	£1,044	97	£101,268
Onions	£2,333	45	£104,985
Salads/spinach	£3,359	47	£157,882
Brassicas	£2,642	17	£44,914
Turf	£2,413	15	£36,192
Wheat	£761	-297	-£226,017
<b>Totals</b>		<b>-16</b>	<b>£377,744</b>

\*The reduction in total area cropped is due to land loss associated with the reservoir construction.

The acceptability of the scheme from an agricultural perspective stems from the applicant demonstrating a need case or benefits to render the development sustainable as defined within the NPPF. Viability is however also a key consideration, as this seeks to safeguard against proposals which are fundamentally being promoted because of the mineral reserve rather than the suggested agricultural (or other) justification or benefit, a concern that has been raised via third party presentation and objection lodged by Frating Parish Council.

The Council's agricultural consultant considers that the economic justification of the proposed reservoir, in this case, is sound as it has been demonstrated that it would be viable without the sale of extracted minerals. Whilst the financials submitted do not take into account any costs associated with additional water distribution infrastructure such as pipework and other equipment that would be required to supply the newly irrigable areas, it is not considered that these costs would affect the profit margin to the point of representing a net loss.

It is accepted that a developer's gross profit margin and total operating profit as a result of a proposal should not be a material consideration. Indeed, in this regard, the applicant has provided nothing to suggest that as existing the farm/farm holding is operating at a loss and is not viable cropping wheat. It is however, accepted that the financial appraisal does show that if the crop rotation was changed that the farm/farm holding would likely be more profitable and it is accepted, in principle, that the higher value crops of which this forecast has been based do or would require more water in comparison to wheat.

In view of the above, it is considered that the applicant has demonstrated, from an economic perspective, that this is a justification to the development. This justification has been shown to exist with regard to a reservoir of the size proposed on the land, without any reference or consideration to the extraction and sale of mineral. That said, in this context, the justification is considered relatively generic.

Policy S6 a) requires an 'overriding' justification and/or benefit from the proposal and in consideration of that the proposal is to excavate and export the mineral realised it is considered necessary to evaluate any and all impacts or harms resulting from this. It is not considered a conclusion of point a) of policy S6 can be reached until such an assessment has been completed.

With regard to point b) of policy S6, the finished size of the reservoir would be 900,000m<sup>3</sup>. This figure is derived from the storage capacity of 480,000m<sup>3</sup> of water, a 30% buffer (144,000m<sup>3</sup>) to account for evaporation, seepage and 'dead storage' required for maintaining the hydraulic integrity of the clay liner and to protect aquatic ecology, an additional 200,000m<sup>3</sup> to account for the 2m gradient across the site, and a further 10% contingency figure to accommodate unknown ground conditions.

The applicant has sought to suggest that the design capacity of the reservoir has been based on the water requirements of the proposed crop mix. The 480,000m<sup>3</sup> water storage capacity would duly, as shown below, allow delivery of high value crops across all land within the applicant's holding and that farmed on rotation from adjoining farms:

Crop	Irrigation depth (mm)	Current crop mix		Proposed crop mix	
		Ha	Irrig Qty m <sup>3</sup> /yr	Ha	Irrig Qty m <sup>3</sup> /yr
Potatoes	210	60	126,000	120	252,000
Sugar beet	150	70	105,000	167	250,500
Onions	150	55	82,500	100	150,000
Salads/spinach	185	53	98,050	100	185,000
Brassicas	150	49	73,500	66	99,000
Turf	200	80	160,000	95	190,000
Wheat/cereals	0	899	-	602	-
<b>Totals</b>		<b>1266</b>	<b>645,050</b>	<b>1250*</b>	<b>1,126,500</b>

\* The area available for the proposed crop mix is reduced by 16 ha to accommodate land loss due to the proposed reservoir.

In this regard no concerns are raised as to the size of the reservoir void. That said, it is noted that the applicant only owns or has direct control of 582ha of land. The other 750ha is on rotation from adjoining farms. Whilst, in principle, no concerns are raised in terms of the presented calculations,. It is considered that without consideration of the land used on rotation, the reservoir is far greater than required. It has since been confirmed by the applicant that George Wright Farms source, store and distribute the water to many different farms on a crop rotation basis and a formal agreement by way of an Annual Cropping License is agreed between the parties when required. Therefore the water afforded by the proposed

second reservoir would be able to be used on the 750ha outside of the direct control of the applicant.

Questions are also raised by the Council's agricultural consultant regarding specific design features such as the 30% buffer and the additional 200,000m<sup>3</sup> to account for gradient change. They accordingly question whether the proposal has been designed purely in respect of agricultural need and not in terms of maximising the potential for extraction within the red line.

In respect of this and the buffer, 30% is considered to be an industry-standard figure that can also be seen in other similar developments for agricultural reservoirs (for example Sheepcotes Farm, planning permission ref: ESS/01/18/CHL). It is not considered that this figure is overly inappropriate. The applicant has also stated that the design of the reservoir has been developed to the minimum necessary volume in order to allow the removal of the sand and gravel mineral, the soils and the clay overburden.

Regarding detail on the mineral proposed to be extracted, borehole investigations show that the superficial sands and gravels have a thickness of between 3.3 to 8.3 metres and are described in Chapter 10 of the Environmental Statement (ES) as an "upper deposit of gravelly, very silty fine to coarse sand which is occasionally clayey and becomes coarser with depth typically comprising silty gravels with fine to medium sand". The sand and gravel deposit thickens significantly from south east to north west across the site. Overburden thickness ranges between approximately 0 and 1.1 metres, with a mean average of 0.58 metres. Cross sections are provided in Chapter 10 of the ES. Extraction of this mineral would avoid sterilisation of the reserve and, whilst not in itself justification for the proposal, it is considered that this weighs in favour of the development when considering the planning balance.

The sloping nature of the land from 28m AOD to 25m AOD would require the additional 200,000m<sup>3</sup> capacity, confirmed in the Geological Investigation report supporting the application. It is considered that, in order to extract the sand and gravel, clay/subsoil and topsoil to reach the London Clay at the base which would be used to construct an engineered seal creating a hydraulically isolated sub-surface reservoir within the void. To this end, it is considered that this would comply with part 3 of MLP Policy S2.

To summarise, no principle concerns are raised to the extent of extraction on the basis that no material would be required to be imported to facilitate the development and final landform proposed. It is also considered that the size and volume of the proposed reservoir is acceptable in principle. It is considered that this would be in accordance with the spirit of MLP Policy S1 and TLP Policy SP1. In terms of MLP Policy 6 (c) the environmental considerations and impacts are considered below.

## B SOILS

To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) developed a method for classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term

limitations on agricultural use for food production. The MAFF Agricultural Land Classification (ALC) system classifies land into five grades numbered 1 to 5, with grade 3 divided into two subgrades (3a and 3b). Best and most versatile (BMV) agricultural land is classed as land in grades 1, 2 and 3a and is a valuable commodity; NPPF paragraph 174 points to its economic benefits.

The application is supported by a Soil Resource and Agricultural Land Quality Survey which identifies the land to be primarily a mixture of subgrades 3a and 3b, 3a being BMV land. Of the 16.8ha total area, 13.6ha (81%) is grade 3a (good quality) and 3.2ha (19%) is grade 3b (moderate quality). A subsequent letter provided by the applicant states that this is an estimation as the difference between the two grades is not an exact line and more of a general process from one grade to another, which is perhaps suggested by the map provided.

The proposed location of the reservoir would result in a loss of this land and the Council's agricultural consultant states that the application does not demonstrate that the reservoir could be sited on land not classed as BMV. The aforementioned subsequent letter provided by the applicant responds to this assertion by referring to the ALC map which shows all land within the surrounding area also being BMV land (grade 3 or above). Land which is not BMV is located relatively considerable distances away from the water sources which would supply the proposed extension and would therefore be economically unviable and unsustainable. The letter also states that, given that the site verges between 3a and 3b, it is likely not the highest level of grade 3a land which would be verging into grade 2 (very good quality), therefore it would appear that the site is likely one that would have the least impact on agricultural production by converting it from farmland to a reservoir. This, coupled with the benefits of additional water storage capacity to use on agricultural land during periods of drought, would likely result in an overall net benefit in terms of agricultural production.

In terms of soil health and sustainability, the applicant refers to their diverse cropping mix and rotation which would maintain and improve soil structure and organic matter. This uses a longer term rotation, involving a diverse mix of crops that provide improved structure through deeper rooting crops, such as turf, and the use of strategic cover crops to ensure that fields are not left dangerously exposed to heavy winter rainfall.

Cereal crops, primarily winter wheat, would still play a significant part in the new rotation as they provide a restorative phase between the relatively intensive vegetable crops. The cereals also provide good rooting to help soil structure, over winter stubbles and the opportunity to incorporate organic fertilisers such as Farm Yard Manure and digestate from AD plants.

It is considered that the proposed new crop mix would improve the overall quality of soils. Whilst it is accepted that some BMV land would be lost due to the reservoir, it is considered that the overall benefit of the reservoir provision would allow for a more diverse and beneficial cropping mix across a greater area and that the proposal would conform with MLP Policy DM1.

With regards to soil handling, Part 3 of the ES (Soil Resources and Agricultural Quality) refers to good practices for soil stripping and stockpiling in bunds which

would be utilised in the proposed development. This includes topsoils being stripped and stored separately in bunds no greater than 3m tall and sown with grass, as well as using excavator and dumper method to strip soils as per the 'MAFF Good Practice Guide for Handling Soils'. It is considered that this element of the proposal is acceptable and no concern is raised. Planning conditions relating to soil handling shall be attached.

## C WATER ENVIRONMENT

A significant consideration of the proposal is the potential impact on the quality and quantity of the water environment including both surface and groundwater. Water abstraction sites are important for agriculture and so it is also important to consider the impact that the proposal may have on water abstraction provision.

From a hydrological perspective, Bentley Brook is located approximately 300m east of the site. There is also a spring located to the south of Brook Farm and two small reservoirs located 1km to the northeast and two small natural ponds 500m to the northeast.

The mineral extraction phase of the development would involve dewatering of the void to remove the sand and gravel and line the reservoir in the dry. The acceptability of dewatering would need to be considered separately by the Environment Agency as part of a permitting process and there is no guarantee that such a license would be granted. A Hydrogeological Impact Assessment (HIA) submitted as part of the ES estimates that the dewatering volumes from the quarry would be low (approx. 1,000m<sup>3</sup>/day or 12 l/sec, and the radius of influence, i.e. distance to no lowering of the water table, would be approx. 140m from the boundary of the excavation (approx. 340m from the centre of the site). Dewatering would only likely to affect two water supplies that are held by the farmer for whom the reservoir is being constructed, and who has already agreed to sign a derogation waiver for the potential impact from the first reservoir.

The potential for groundwater contamination is also considered to be low; the only significant source of pollution would likely be from mobile plant and machinery fuel and oils spills. However the proposal refers to best practice techniques and operational activities which would be utilised in order to protect the water environment from such pollutants. Such techniques includes mitigation such as storing all onsite fuel and chemicals within bunds; access to emergency spill response kit onsite; site speed limits to reduce potential for collisions; and more.

With regards to surface water flows and flood risk, the majority of incidental rainfall to the site would infiltrate to the ground. This would be replicated as far as practical during the quarrying of the site with run-off primarily being routed to the base of the quarry from where it would either directly infiltrate to ground or would be abstracted along with groundwater. This water would be pumped from the sump to a settlement lagoon located to the east of reservoir 1 to settle out fines and then discharged at no more than greenfield runoff rates to Bentley Brook via a ditch/culvert under an existing discharge consent. The settlement lagoon would ensure an acceptable level of suspended solids in the surface and groundwater abstracted from the quarried area before it is discharged to the Brook. It is considered this would protect flows in the brook while not increasing the flood risk

downstream. The Lead Local Flood Authority (LLFA) raise no objection to the proposal from a flood risk perspective, subject to the measures set out in the FRA and other flood risk-related documents submitted with the application are implemented. It is considered that this could be secured by condition.

Concern has been raised via representation that, during the years of construction, the water table on the land in the surrounding area could be adversely affected. The construction of the reservoir would involve the dewatering of the void and the lining of the sides of the void with low permeability clay. The base of the site would comprise in-situ low permeability Thames Group strata. The clay liner would have very different hydraulic properties from the extracted sand and gravels and would locally impede groundwater flow. However the proposed development area is considered to be small in relation to the overall aquifer extent and, given the relatively high hydraulic conductivity of the sand aquifer, groundwater would be routed around the lined site and would not significantly change flow direction or levels. The HIA concludes that the estimated dewatering volumes from the quarry would be low and the radius of influence from lowering the water table would be 140 metres from the boundary of the excavation. There are only two water supplies that fall within this radius which are both held by the farmer for whom the reservoir is to be constructed – a derogation waiver for the potential impact of the first reservoir has already been agreed to be signed by the farmer. The HIA finds that the potential magnitude of impact on groundwater receptors from dewatering would be low and no mitigation would be required.

Once the mineral has been extracted and the site is restored to a reservoir, the void would be lined with low permeability clay. The application considers that groundwater would be routed around the lined site and flow direction or levels would not be significantly impacted. Infiltration rates to the underlying aquifer would inevitably be reduced due to the change from the permeable sand and gravel deposits. However, given the area of the reservoir and the aerial extent of the aquifer, the overall impact on the aquifer is considered to be small.

It is considered overall that, following the final restoration of the site to an agricultural reservoir, the hydrological and hydrogeological environment would likely be the same or better than the existing baseline with no residual long-term effects anticipated.

With regard to abstraction, the application considers the impact of the proposal on existing abstraction sites, of which there are 34 licensed and four private identified within 2km of the site. Only three lie within 140m of the edge of the site. Two of these would likely experience a limited drawdown effect as a result of the proposal whilst the third would experience no drawdown. Both of these licenses are held by the applicant therefore no other third party is considered to be disenfranchised by the proposal from a water abstraction perspective. It is understood that the license holder has agreed to sign a derogation waiver, which is already in place for reservoir 1. The EA raise no objection to the proposal but remind the applicant that they would need a new abstraction license.

It is considered that the proposal conforms with MLP Policies S3 and DM1 and TLP Policies PPL1 and PPL5 with respect to the water environment and flood risk.



The Environmental Statement assesses the potential effect of the proposed development on groundwater levels, flow, recharge and quality as well as surface water flow, flood risk and quality and considers that, subject to the implementation of suitable best practice the overall significance of impact from the development on groundwater and surface water would be 'neutral/negligible' to 'minor'. The MPA agrees with the conclusions on significant environmental effects in relation to the water environment. No additional mitigation measures are identified beyond the embedded mitigation that would be included within the design of the site and secured by condition.

## D TRANSPORT AND HIGHWAYS

At present, the existing reservoir to the north of the site uses the same access proposed in this application. Existing vehicle movement limits are allowed at a maximum of 60 HGVs per day (30 in and 30 out). It is proposed to retain the existing access arrangements at the same rate of up to 60 HGV movements per day (30 in and 30 out) over a nine-year extraction period. To note, the proposed movements associated with the new reservoir would not commence until extraction at the existing reservoir has concluded, therefore the existing 60 HGV daily movement limit is proposed to remain. It is considered that the proposal would not impact the safety or capacity of the highway network above and beyond what is already permitted in association with the first reservoir, and the continuation at this frequency for another nine years is not likely to cause a significant impact to the network.

The Highway Authority raise no objection to the proposal subject to the access being removed and reinstated to agricultural use following completion of the construction of the reservoir. Visibility splays and vehicle underbody and wheel washing facilities are currently established as part of the existing permissions and would be retained as part of this proposal.

One issue that has arisen in relation to the first reservoir arrangements is the vehicle routing once vehicles leave the site. At present, all mineral extraction from the first reservoir is transported to Alresford Creek Quarry to be processed as there are currently no processing facilities on-site at Lufkins Farm. This has resulted in vehicles travelling through the village of Alresford and down the haul road (Marsh Farm Lane) which has caused some local issues particularly around noise and safety concerns.

A key difference with this proposal is that the processing plant would be located on-site and so the majority (70%) of extracted mineral would be processed on-site instead of being hauled to Alresford. 30% would still be taken to Alresford for processing in order to supply the concrete batching plant that is also located at Alresford Quarry. It is considered that the proposal would result in an improved situation in terms of highway impact in Alresford due to the reduction in vehicles travelling there. It is relevant to note that the concrete batching plant is covered under a separate permission and is associated with HGV movements separate from the movements generated by the Lufkins Farm operation. Therefore, even if no vehicles were proposed to travel between Lufkins Farm and Alresford Quarry, there would still be HGVs travelling through Alresford and down the haul road in order to supply the concrete batching plant, located at Alresford Creek Quarry.

70% of mineral would be processed on-site and taken straight onto the main highway network – this would likely result in HGVs turning right out of the site and towards the A133 / A120. Frating Parish Council object to the proposal on grounds of the impact of HGVs on Frating crossroads which already experiences a lot of heavy traffic, including HGVs. The Parish Council request that all material is taken to Alresford Quarry to be processed so that HGVs avoid travelling through Frating. Alresford Parish Council object on grounds of impact to Alresford, with vehicles still having to travel through Alresford and request that 100% of material is processed at Lufkins Farm and taken through Frating directly onto the A-roads.

Whilst it is accepted that the proposal would increase vehicle movements through Frating and use of the crossroads, the main road (Main Road) through Frating is the A133 and, as an A-road, is considered to be a major route that is already traversed by HGV traffic in the region. The B1029 links the site to the A133 in Frating. As the proposal would also reduce movements through Alresford, it is considered overall that the proposal would be an improvement to the highway network.

Best practice already employed at the existing reservoir would include utilising the existing wheel cleaning facility already located on site and the use of a road sweeper, to ensure that the access would be maintained and that mud is not tracked onto the public highway from travelling vehicles.

The Environmental Statement assesses the potential effect of the proposed development on the surrounding highway network and whether there would be any significant environmental effects from a highways and transportation perspective. The maximum increase in total traffic on the network would be 2.6% on Great Bentley Road at a point where the application site would take access. It considers that the vehicular operations associated with the second reservoir would not have a material impact. The MPA agrees with the conclusions on significant environmental effects in relation to the highway network. No additional mitigation measures are identified.

Overall, it is considered that the proposal would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment and conforms with MLP Policies S11 and DM1 and TLP Policies CP1 and CP2. It is also considered that locating the processing plant on site conforms with MLP Policy DM3.

## E LANDSCAPE AND VISUAL IMPACT

The existing landscape is characterised by majority agriculture, with farms and a number of reservoirs spread throughout the wider area. The site is in the Tendring Plain, landscape character type E3 as defined in the Essex Landscape Character Assessment (LCA) 2003. Characteristics of E3 are: Gently undulating or flat landform; Heavy clay soils and lighter loamy soils where sand and gravel deposits overlie clay; Regular and straight edged field boundaries; Pasture and arable farmland; Mostly enclosed nature of the landscape; The main hedgerow species are hawthorn, oak, elm with occasional ash blackthorn and field maple. The site exhibits several of these characteristics. The land is nearly flat (sloping at

approximately 1 in 200) and has sand and gravel deposits over the London Clay. The field boundaries are mostly straight and most of the hedgerow trees are oak. The LCA suggests the significant loss of hedges and hedgerow trees might be reversed if changes in agricultural subsidy bring opportunities for restoring hedgerows, small woodlands and heathland. In this case there are places where the hedgerows might be improved with gapping up and the addition of more trees.

The proposal involves a restoration plan that would include the provision of an agricultural reservoir with a mixture of planting around the periphery. It is considered that the construction and mineral extraction phase of the development would cause some visual impact to the landscape, although bunds would be constructed using stripped soils in order to provide visual screening during this phase. The majority of bunds would be 3m tall, with a 4.2m high bund along the south-eastern boundary and a 5.4m high bund on the north-eastern boundary to screen views from Hill House Farm and Brook Farm respectively. The plant and stockpile area would be located in between the two reservoir areas and would be surrounded by 3m high bunds as well as being lowered by approximately 2m. There are four hedgerows proposed to be gapped up and planted along the western boundary along with additional tree planting.

There was some initial concern that these hedgerows would not be planted until after the completion of the reservoir, however advance planting has subsequently been agreed so that this provision is planted once the adjacent bunds are constructed. It is also agreed that a planting plan and five year aftercare plan should be required by condition if planning permission is granted.

The Council's landscape consultant raises no objection subject to a number of conditions including specific details of the advanced planting arrangements, landscaping scheme and landscape management plan. The landscape consultant raised a question on whether the proposed bund gradient (1:1.5) would be too steep and whether issues of erosion from stormwater runoff would be created. It is not considered that this gradient is out of the ordinary and the operator has experience constructing similar bunds in relation to the adjacent reservoir to the north. The Lead Local Flood Authority raises no objection to the proposal and does not raise any concern around this matter.

The Environmental Statement assesses the potential effect of the proposed development on the surrounding landscape and whether there would be any significant environmental effects from a landscape perspective. It considers that there would be some visual impacts from the proposed bunds and vehicle movements during the construction phase and once the extraction phase is completed, however it is not considered that the effects would be significant particularly considering they would be temporary. Planting and bunding is proposed to mitigate the visual impact which would be secured by conditions. Taken as a whole, the end use is considered in the ES as a richer and more diverse landscape than at present. The MPA agrees with the conclusions on significant environmental effects in relation to landscape and visual impact.

It is considered that the proposal conforms with MLP Policy S12 and DM1 as well as TLP Policy SPL3 and PPL3.

## F AIR QUALITY

Potential sources of dust include the movement of soils during the stripping stage and bund creation, movement of vehicles particularly on unsurfaced roads, extraction of mineral and operation of the proposed plant. The application is supported by an Air Quality Assessment which identifies these potential sources along with mitigation measures that have been incorporated into the proposal and the applicant has sought to suggest that, although the processing of material and traffic on the haul road have some potential to give to dust impact, subject to good practice and management it is not considered that prevailing dust would be an issue.

The mitigation measures and best practices proposed would include the use of a wheel cleaner for HGVs, minimisation of drop heights, water suppression spraying during dry conditions, 20mph speed limit on haul road, sheeting of all HGVs prior to leaving the site and maintenance of the haul road.

The Council's air quality consultant raises no objection to the proposal and considers that the dust control measures outlined would be acceptable for the proposed scheme and that all existing dust related conditions attached to the first reservoir permission should be carried over the second reservoir.

Representation received refers to the lack of information included in the application around exhaust particulates or gases, expelled brake dust or tyre degradation and how that would impact on air quality. The assessment considers both dust and emissions from traffic caused by the proposal and it is considered that, based on the information submitted, road traffic emissions would be negligible, particularly in context of the existing traffic movements related to the first reservoir. The Council's air quality consultant considers that there would be no adverse impacts from road traffic emissions and that the proposal would be acceptable from an air quality perspective.

It is considered that the proposal would be acceptable from an air quality perspective and conforms with MLP Policy S10 and DM1 in relation to protecting and enhancing the environment and local amenity.

The Environmental Statement assesses the potential significant effect of the proposed development in terms of air quality including dust and road traffic impacts. It considers that the impact of dust on amenity would be 'not significant' and the effect of PM10 concentrations at receptors would also be 'not significant'. It considers that mitigation would not be required in this respect, although best practice dust control measures would be utilised onsite. From a road traffic perspective, the ES considers that the potential effect on air quality caused by road traffic would not be significant and no mitigation is proposed. The MPA agrees with the conclusions on significant environmental effects in relation to air quality.

## G NOISE

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the

background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field ). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with similar permissions issued by the MPA, including the extant permission for the existing reservoir at Lufkins Farm (ESS/99/21/TEN). The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays.

With regards to this, as part of the submitted updated noise assessment results from multiple surveys undertaken at four locations representative of the nearest noise sensitive receptors (Slough House Farm; Lufkins Farm; Hill House Farm and Brook Farm) were provided. The noise climate at each location was found to be generally characterised by local road traffic on Great Bentley Road, distant farm activity, birdsong & high-altitude aircraft.

Noting the PPG with regard to noise and mineral sites/operations; the noise assessment submitted in support of the applications recommends the below noise limits, when measured at nearby properties. The limits have been set with reference to the criteria stipulated in the PPG; to represent a worst-case the lowest limits at each receptor is utilised as the basis of the assessment:

<b>Location</b>	<b>Measured LA90</b>	<b>LAeq,1-hour Noise Limit (10dB above LA90 up to 55dB)</b>
Location 1: Slough Farm	41	51
Location 2: Lufkins Farm	40	50
Location 3: Hill House Farm and Brook Farm	37	47

It is noted that noise impacts would vary over time at each receptor depending on which phase would be being worked. Based on noise limits of no more than 10dB(A) above the prevailing background levels the assessment shows that at the nearest sensitive receptor locations the predicted noise levels are below the derived noise limits during temporary operations, all four phases of extraction operations and reprofiling works.

Initially all bunds were proposed to be at a height of 5.4m in order to mitigate noise impacts, however many have been reduced in height based on the outcomes of

the revised noise assessment which takes into consideration material stockpiles present in the processing area. Additionally, no extraction or processing operations would be undertaken concurrently with reprofiling works.

The Council's noise consultant identified a risk that the proposed noise limits may be exceeded, however considers that the noise limits identified in the assessment are likely derived from a conservative interpretation of background noise level data. They comment that the worst case predicted noise levels for Brook Farm only marginally exceed the limit by approximately 1dB(A), therefore it is considered likely that both the mineral extraction works and reprofiling works could achieve the slightly lower limits that the noise consultant identifies. Since the distance from receptor to the mineral extraction area is similar for Brook Farm and Hill House Farm, it is considered likely that noise levels at Hill House Farm would also comply with the noise consultant's proposed noise limit. Lufkins Farm is also a similar distance from mineral extraction, but would be subject to a higher noise limit, whilst Slough Farm is further from the site, and also subject to a higher noise limit. The Council's consultant therefore concludes that it is likely that operations would comply with their proposed noise limits for all receptors. The consultant considers that the noise limits at the receptors listed in the table above would more likely be 53dB, 52dB and 50dB LAeq 1hr respectively instead of the 51dB, 50db and 47dB.

Overall no objection is raised on noise grounds subject to securing conditions for these normal working noise limits, temporary operations noise limit of 70dB LAeq 1hr for up to 8 weeks per year, quarterly noise monitoring, silencers on all machinery, broadband reversing alarms on mobile plant and vehicles and securing operational hours and vehicle movement limits in line with the existing reservoir.

It is considered that the proposal would be acceptable from a noise perspective and conforms with MLP Policy S10 and DM1 in relation to protecting and enhancing the environment and local amenity.

The revised noise assessment that makes up part of the Environmental Statement assesses the potential significant effect of the proposed development in terms of noise. It considers that the significance of effect caused by noise from the development would be none, therefore mitigation measures are not considered necessary. The MPA considers that if no mitigation were proposed (mainly bunds) then there would likely be some level of impact, although not significant. With the mitigation that is proposed as part of the scheme, it is considered that there would be no impact caused by noise.

## H ECOLOGY

The area to which development is proposed does not form part of any ecological designation, and in itself, as arable land is considered of relatively low ecological interest. There are some areas of woodland in the locality, with the partially wooded course of the Bentley Brook located within 300m of the eastern site boundary, beyond Brook Farm.

There are no Sites of Special Scientific Interest (SSSI) or sites of European importance for nature conservation within 2km of the site, although the closest part

of the extensive Colne Estuary, which is designated as Ramsar and Special Protection Area (SPA), as well as an SSSI on account of its special ornithological interests and diverse range of estuarine habitats, is approximately 2.5km to the SW of the site. There are a number of Local Wildlife Sites (LoWS) of County level importance for nature conservation, within the wider study area. The closest of these is Bentley Brook located less than 300m to the east of the site, beyond Brook Farm. This comprises a linear corridor, with a mosaic of grassland, woodland, scrub and ponds, as well as the brook channel itself which supports water voles.

Other LoWSs exist within relatively close proximity of the site at Hockley Wood an area of ancient woodland approximately 1km to the west of the site and the nearby Hockley Farm Woods a network of small woods and hedges, which support dormice. Bentley Green is located in Great Bentley, approximately 1km to the west of the site.

The application is supported by an Ecological Appraisal which considers the ecological impacts, mitigation, compensation and ecological enhancement measures of the proposal. A Breeding Bird Survey Report is also submitted in support of the appraisal. Regarding the SSSI, LWSs and other known areas of ecological interest, the appraisal concludes that there would be no direct impacts to these receptors as a result of the proposal.

In respect of biodiversity net gain (BNG), the restoration plan would provide an agricultural reservoir with surrounding shallows and reed beds alongside gapping up of existing hedgerows along the western boundary and further hedgerow / tree / shrub planting along the southern, eastern and northern boundaries. It is considered that this would likely create wildlife corridors once the site is restored as well as a wetland habitat in and around the shallows. There is also tree and hedgerow planting proposed in between the two reservoirs and areas of shallows. The Council's ecology consultant considers that there should not be any hedgerow between the two shallows in order to provide a larger open area for birds to feel more secure. With the hedgerow, there is the risk of wetland birds feeling too enclosed within the new area of shallows.

The Breeding Bird Survey Report estimates that there would likely be a loss of two skylark breeding territories as a result of the development which could be compensated for by creating four skylark plots in winter cereal fields onsite or in nearby adjacent fields. It is considered that this could be achieved via condition, unless offsite mitigation is required which could be secured via legal agreement as per MLP Policy DM2 and TLP Policy DI1. The Council's ecology consultant does not object to the proposal and considers that the mitigation measures identified in the Breeding Bird Survey Report should be implemented in full and secured by condition. A number of other conditions are also recommended including the requirement of a Farmland Bird Mitigation Strategy, a Construction Environmental Management Plan (CEMP), Biodiversity Method Statement, Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP) and a lighting design scheme for biodiversity. They also recommend a condition requiring further supplementary ecological surveys to inform the preparation and implementation of corresponding phases of ecological measures as the works progress through the series of phases over the years of development.

With regards to the proposed silt lagoon located to the eastern side of reservoir 1, the applicant has confirmed that the proposed shallows area on the revised restoration plan would be achieved by allowing the silt lagoon to naturally regenerate over time. Questions were initially raised in terms of how this would be achieved to form the 'natural' shaped shallows if no engineering would be carried out. The applicant confirmed that there would be some minor engineering in the sense of removing the perimeter bunding and then blading in the underlying substrate to form the rounded shape with its gently shelving shallow margins. The shallow margins where the depth of the water would be less than 1m would be then be allowed to naturally regenerate as reed beds.

It was also questioned as to whether the presence of a silt lagoon would change/impact the level of biodiversity. The Council's ecology consultant raises no concern with the presence of a silt lagoon. It is considered that the shallows would still be provided as originally planned and so the provision of a silt lagoon would not negatively impact the previously anticipated biodiversity. An addendum to the Environmental Statement has been provided and considers that the silt lagoon would not significantly add any impacts as to what has been previously assessed. The MPA agrees with this assessment.

It is considered that the proposal conforms with MLP Policies S3, S12 and DM1 and TLP Policy PPL4 as it would provide biodiversity and habitat creation and would attract new flora and fauna due to the restoration and afteruse as a reservoir.

The Environmental Statement assesses the potential significant effect of the proposed development on ecological receptors. It considers that the type of mineral extraction proposed has the potential to cause significant ecological impacts in the absence of mitigation. Mitigation and enhancement is proposed to prevent such environmental effects, in particular boosting the integrity of the western boundary hedges and creating new hedges on the northern, eastern and southern boundaries. Other features includes shallows and reed beds, grassland, stand-off buffer zones, root protection zones, monitoring and other schemes to be secured by condition. The MPA agrees with the conclusions set out in the ES in relation to ecology and support the proposed mitigation measures.

## I CULTURAL HERITAGE

With regards to the National Planning Policy Framework (2023), Paragraph 202 is relevant and Local Planning Authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage assets' conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

'Hill House' is a Grade II Listed Building approximately 220m to the southeast of the site and adjacent 'Barn approximately 20 metres north east of Hill House' is also Grade II Listed about 210m southeast of the site. 'Lufkins Farmhouse' is a Grade II Listed Building approximately 175m to the south.



The application is supported by a Cultural Heritage Assessment which concludes that there would be significant impact to the above listed buildings. The Council's historic buildings consultant considers that the level of harm caused by the development is likely to be 'less than substantial' due to the change in the heritage assets' settings during the extraction works. Most of this would come from the construction of bunds and the presence of the processing plant which would compromise the open character of the setting. Other factors such as noise, dust and vehicular traffic also has the potential to affect the significance of the heritage assets within their isolated contexts.

However it is noted that the proposal site does not have any historic connection to Lufkins Farmhouse, Hill House or Brook Farm and there is limited visibility between the site and the assets due to intervening modern agricultural buildings and existing woodlands. It is also considered that the extraction period is temporary and the restoration to an agricultural reservoir coupled with the proposed landscape features would considerably reduce the impact on the heritage assets to negligible at most.

Overall the Council's historic buildings consultant considers that there would be a slight initial increase in the level of harm caused during the extraction period however this would be significantly reduced after a number of years once the site is restored. They recommend that a condition requiring a detailed landscape layout, including existing and proposed planting and specification of hardstanding materials and boundary treatment, is attached.

With regard to archaeology, the site is in arable use and has been ploughed for many years. An Archaeological Evaluation has been submitted in support of the application. The results of the evaluation reveal survival of archaeological features including ditches, a cremation and possible pits. The alignment of some ditches may relate to the Roman rural landscape revealed to the north while the cremation may indicate some prehistoric activity. Neolithic and Bronze Age activity has been revealed in earlier investigations to the north and there is a circular cropmark and parallel ditches recorded immediately east of the site. A previous evaluation in 2007 which crossed the site recorded a number of ditches and pits, some dated to the Roman period and possible prehistoric activity.

The Council's archaeology consultant considers that a programme of further archaeological investigation would be required should permission be granted in order to determine the nature of the archaeological remains, many of which were unable to be fully investigated and which may have been obscured through flooding and weather conditions.

The site has recorded Quaternary sediments that have been identified as being of possible geoarchaeological significance, pre-Anglian interglacial deposits are recorded at Wivenhoe which have yielded flint artefacts. The sediments are likely to have been laid down by the early Thames River before it was diverted by the Anglian icesheet. The potential of the sediments for Palaeolithic archaeological and Pleistocene floral and faunal remains would need to be assessed and a suitable evaluation and mitigation strategy proposed. A geoarchaeological desk

based assessment would need to be undertaken by a specialist to inform the programme of geoarchaeological evaluation.

Whilst no objection is raised from an archaeological perspective, a number of conditions are recommended by the Council's archaeological consultant to ensure compliance with planning policies should planning permission be granted.

It is considered that the proposal conforms with MLP Policy DM1 and TLP Policies PPL7 and PPL9.

The Environmental Statement assesses the potential significant effect of the proposed development from a cultural heritage perspective. It considers that there would be no direct significant effects upon statutorily designated heritage assets. It considers that the impact on archaeology would not be significant however considers that the loss of archaeology would need to be offset by a scheme of mitigation, secured by condition. It considers that the significance of effect on Lufkins Farm would be negligible and on Hill House Farm it would be none. The MPA agrees with the conclusions set out in the ES in relation to cultural heritage and support the proposed measures in relation to archaeology.

## **8. CONCLUSION**

This application has been proposed on the basis of agricultural need. Policy S6 of the Essex Minerals Plan in such circumstances states that applications will be considered on their individual merits. Mineral extraction outside preferred or reserved sites will be resisted unless an overriding justification and/or overriding benefit for the proposed extraction has been demonstrated.

It is considered that, for this case, there is an agricultural benefit associated with the provision of an agricultural reservoir and guarantee of water supply. That said, the justification in this instance is reliant solely on a change of crop rotation and the financial benefits. The principal benefit associated with winter storage is nevertheless accepted and although some questions/concerns do exist as to whether this benefit/justification suggested can be applied across the entire proposed crop rotation, the overall size/volume of the reservoir is not considered unduly excessive if the land which is cropped on rotation by the applicant is considered.

It is considered that, in view of the limited impact which has been identified during the proposed construction phase of the development, subject to conditions, the benefits which would be realised as part of the restoration scheme does represent sustainable development and a net overriding benefit overall.

To confirm the suggested benefits, albeit generic, in this instance are considered to satisfactorily outweigh other considerations. A consideration as part of the balancing exercise has included the current landbank position in Essex and that suggested within the NPPF and the Essex Minerals Local Plan with regard to safeguarding and making best use of reserves.

## **9. RECOMMENDED**

That planning permission be granted subject to

a) the prior completion within 6 months (unless otherwise agreed with the Chairman of Development and Regulation Committee) of a Section 106 Legal Agreement securing the provision of off-site skylark plots;

b) conditions covering the following matters:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Minerals Planning Authority within 7 days of such commencement.

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

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

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

AS AMENDED BY

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

AS AMENDED BY

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

AS AMENDED BY

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

AS AMENDED BY

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

AS AMENDED BY

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

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

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

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan (2014) policies S1, S2, S3, S6, S8, S10, S11, S12, DM1 and DM3, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PP13, PPL1, PPL3, PPL4, PPL5, PPL7, PPL9, CP1, CP2 and DI1.*

- 3 Notwithstanding the provisions of the Town and Country planning (General Permitted Development) Order 1995 (or any order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, plant for the movement of materials, the office weighbridge and portacabin and mobile WC), shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Mineral Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And at no other time or on Sundays and Public Holidays, except for emergency maintenance and monitoring of the site and the following provisions, unless

otherwise approved in writing by the Mineral Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gvw) and vehicles in excess of 3.5t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

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

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

- 10 Within 12 months from the date of this permission a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Mineral Planning Authority.

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

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

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

- 12 Within 12 months from the date of this permission, details of advance planting to hedges 1, 2, 3 and 4 shown on the restoration scheme approved under Condition 43 shall be submitted and approved by the Mineral Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Mineral Planning Authority.

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

- 13 Within 12 months from the date of this permission, a landscape restoration scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

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

- 14 Within 12 months from the date of this permission, a landscape and ecological management plan (LEMP) covering a minimum of 5 years shall be submitted to, and approved in writing by, the Mineral Planning Authority. This should include:
- a) Drawings showing the extent of the LEMP - showing the areas to which the LEMP applies.
  - b) Written Specification detailing (where applicable):
    - Description and evaluation of features to be managed;
    - Ecological trends and constraints on site that might influence management;
    - Aims and objectives of management;
    - Appropriate management options for achieving aims and objectives;
    - Prescriptions for management actions;
    - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
    - Details of the body or organisation responsible for implementation of the plan;
    - Ongoing monitoring and remedial measures;

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

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and

*compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.*

- 15 Within 12 months from the date of this permission, a site specific Arboricultural impact assessment and method statement along with a tree protection plan shall be submitted, which conforms with BS5837: 2012 Trees in relation to Design, demolition and construction.

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

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

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

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

- 17 Within 12 months from the date of this permission , a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - g) Use of protective fences, exclusion barriers and warning signs.
  - h) Containment, control and removal of any Invasive non-native species present on site.



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

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

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

- 18 Within 12 months from the date of this permission, a Biodiversity Method Statement for protected species (Water Voles) shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the method statement shall include the following:

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

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

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

- 19 Within 12 months from the date of this permission, a Biodiversity Enhancement Strategy for habitat creation and restoration and for protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

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

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

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

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

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

- 22 No loaded lorry shall leave the site unsheeted.

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

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

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

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

there shall be no more than 30 vehicle movements in excess of 3.5t gvw (15 in/15 out) from the site.

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

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

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

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

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

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

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

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

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

- 29 Following completion of the archaeological and geoarchaeological fieldwork, the applicant will submit to the Mineral Planning Authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in

advance with the Mineral Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

- 30 No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) Clearly identify the origin, intermediate and final locations of soils for use in restoration together with details of quantities, depths and areas involved.
  - b) Define the type of machinery to be used and all the machine movements shall be restricted to those approved.
  - c) Confirm that all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under Condition 33 of this planning permission.

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

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

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

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

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

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

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

- 33 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil

moisture condition". No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Informatives

1. Previous permission refs: ESS/99/21/TEN and ESS/40/15/TEN are consolidated, with variations, as part of this permission.
2. The construction of the proposed silt lagoon should be in accordance with Environmental Permit EPR/FB3594/RS granted by the Environment Agency.

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## BACKGROUND PAPERS

Consultation replies  
Representations

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## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) 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

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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.

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

In determining this planning application, the Local Planning Authority has worked with the applicant 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 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) Order 2015.

#### **LOCAL MEMBER NOTIFICATION**

Tendring Rural West ED  
Brightlingsea ED



**DR/36/23**

**Report to:** DEVELOPMENT & REGULATION (27 October 2023)

**Proposal:** COUNTY COUNCIL DEVELOPMENT – Demolition of the existing building and the construction of new part 5/part 4/part 3 storey building to provide (i) a public library; (ii) space for offices, community use and Jazz Archive; (iii) the provision of 38 residential apartments; and (iv) associated access, parking, servicing, utilities, and landscaping

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

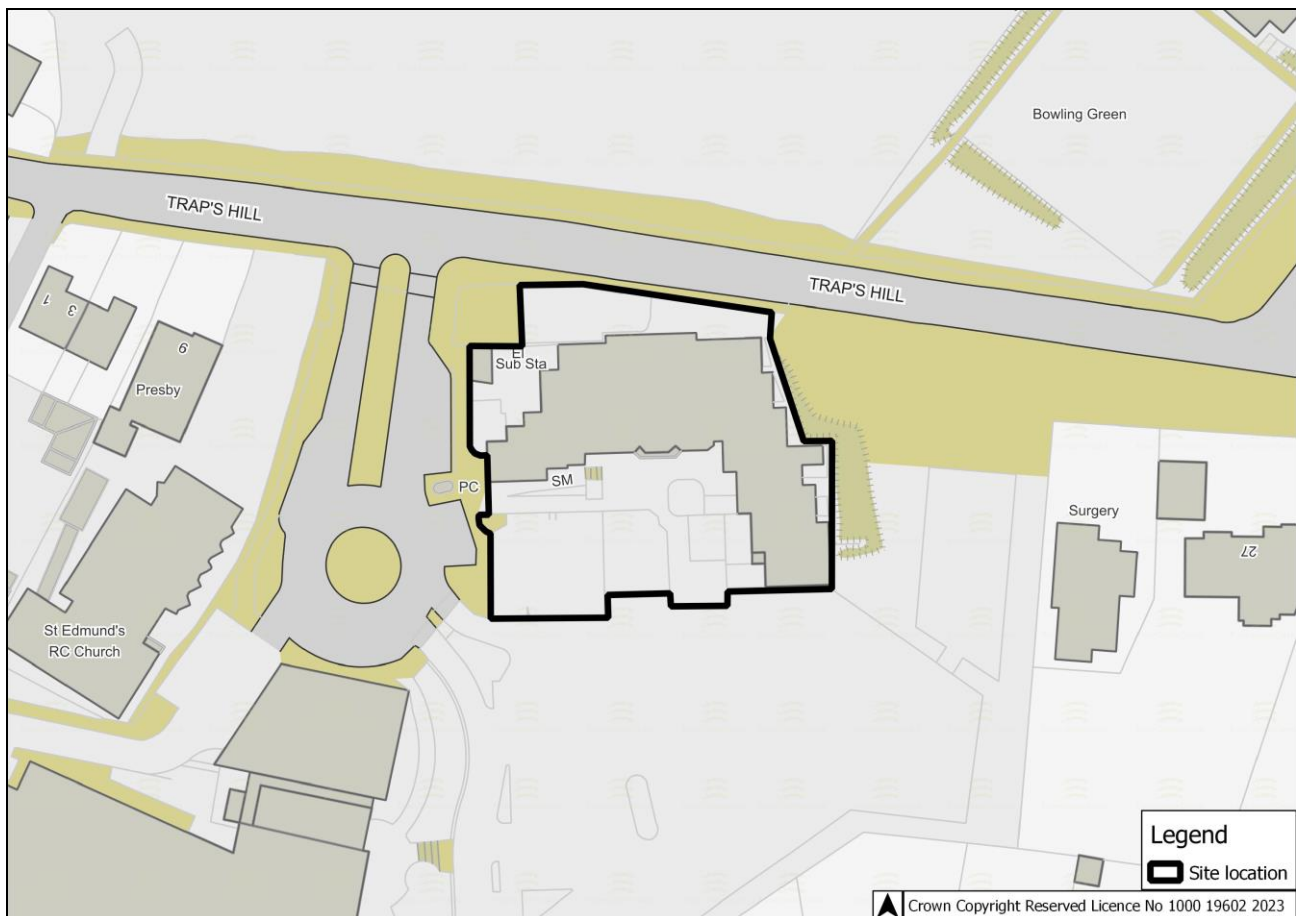
**Applicant:** Essex County Council

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

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Tom McCarthy Tel: 03330 320943

The full application can be viewed at <https://planning.essex.gov.uk>



## 1. SITE

This application relates to an area of land measuring approximately 0.25 hectares which is currently occupied by a building predominately used as a public library. The site is located on Traps Hill in Loughton, to the east of a road that provides access to Traps Hill Car Park (owned and managed by Epping Forest District Council) and Loughton Leisure Centre. To the west of the site, beyond the aforementioned access road, is St Edmund of Canterbury Catholic Church. To the east of the site, beyond an area of open space (incorporating a children's play area) is Loughton Surgery beyond which are residential properties. To the north, on the other side of Traps Hill, is Loughton Cricket Club and Bowling Club.

The existing building is part two/part three storey and is concrete framed with brick cladding and metal framed double glazed windows. The building has a flat felted and asphalt roof and was constructed in the late 1960s/early 1970s although has been adapted/modified more recently.

Photo of the existing building from Traps Hill



Traps Hill slopes east to west, towards Loughton town centre. The existing building is constructed into this slope, such that it is set below ground level on its eastern side (where closest to the adjacent public open space and Loughton Surgery). The car park to the rear is also set on higher ground.

Photos of the site showing the slope on Traps Hill (east to west) and the existing building



There are a number of trees within close proximity of the site including a mature Common Ash, located by the western corner of the building, and two large Silver Maple trees to east within the adjacent public open space. Within the site itself, to the rear of the building is a mature (Grade A) English Oak.

The site forms part of the Loughton town centre boundary and is allocated for re-development within the Epping Forest District Local Plan 2011-2033. The allocation (ref: LOU.R7) outlines a proposed residential development with an indicative net density of 81 dwellings per hectare / 20 dwellings. The allocation details the proposal must incorporate an on-site replacement of the existing library at ground floor level. In addition the proposals should incorporate suitable accommodation for Loughton Town Council.

The nearest residential properties to the site are those to the east of the site, past Loughton Surgery, on Traps Hill.

With regard to other designations, the site is not located within a conservation area, albeit the York Hill conservation areas commences to on the north-western side of the cricket pitch (Kings Green, High Road, York Hill junction). The nearest listed building, to the site, is 2 Traps Hill (Grade II). This building which is an early 19<sup>th</sup> Century Stuccoed brick house with slate roof is located on the northern side of the junction with High Road – and is currently occupied by an insolvency practitioner.

The site is approximately 300m, as the crow flies, from Epping Forest and the southern edge of the Special Area of Conservation boundary associated.

The existing building has been approved, by Epping Forest District Council, as an asset of community of value under the Localism Act 2011 (as amended).

## **2. PROPOSAL**

This application seeks planning permission to demolish the existing building and construct a part five, part four, part three storey building to (i) a public library; (ii) space for offices, community use and the National Jazz Archives; and (iii) the provision of 38 residential apartments above. The proposals are supported by a range of works to access, parking, servicing, utilities, and landscaping.

With regard to the above, it is proposed that the ground floor of the building would predominantly comprise library space. However, on the ground floor would also be space for the Town Council and the National Jazz Archive, together with community space, meeting rooms and public and staff facilities. The main entrance to the library is proposed on the south elevation, and not from the frontage onto Traps Hill, as per the existing arrangements. A landscaped courtyard is proposed to compliment the library entrance point whilst doubling up as an external area for users of the library, occupiers of the residential units and the public alike to utilise.

On each of the first and second floors of the building 12 residential flats are proposed, a mix of 1 bedroom, 2 person; 2 bedroom, 3 person; and 2 bedroom, 4 person units. On the third floor 8 units are proposed, a mix of 2 bedroom, 3 person; and 2 bedroom, 4 person units and on the fourth floor six unit are proposed, a mix of 2 bedroom, 3 person; and 2 bedroom, 4 person units. The development would comprise 38 flats in



total. No affordable housing is proposed, with all units proposed for private ownership.

The main access to the residential flats is proposed via an entrance core located on the west elevation of the building. Secondary external access staircases to the residential floors are nevertheless also proposed off/into the external courtyard.

A basement level is proposed to provide car parking for the residential units, which would be accessed from Traps Hill. 37 car parking spaces would be provided, with one space being allocated to each residential unit, within the exception of one which would have no parking provision. At the basement level would also be various plant rooms supporting the development, together with a sprinkler water tank store.

The development is proposed with flat roofs which would be covered in solar panels, with the exception of an area of the roof which is proposed to house the plant and equipment associated with the air heat pump system.

As shown on the below visualisations, the building is proposed to be constructed in brick, with a ribbon of glass wrapping the building on the ground floor (library level). The use of two types of brick, a darker variant on the top floor and on the east elevation, with some render is proposed to break up the mass of the building.

#### Visualisation of the proposed development along Traps Hill



#### Visualisation of the side and rear elevation of the proposed development



### 3. POLICIES

The following policies of the Epping Forest District Local Plan 2011-2033 (adopted February 2023) provide the development plan framework for this application. The following policies are of relevance to this application:

#### Epping Forest District Local Plan 2011-2033 (2023)

##### Part 1

SP1 – Spatial Development Strategy 2011-2033

SP2 – Place Shaping

SP6 – The Natural Environment, Landscape Character and Green and Blue Infrastructure

H1 – Housing Mix and Accommodation Types

H2 – Affordable Homes

T1 – Sustainable Transport Choices

DM1 – Habitat Protection and Improving Biodiversity

DM2 – Epping Forest SAC and the Lee Valley SPA

DM3 – Landscape Character, Ancient Landscapes and Geodiversity

DM7 – Historic Environment

DM9 – High Quality Design

DM10 – Housing Design and Quality

DM11 – Waste Recycling Facilities in New Development

DM12 – Subterranean, Basement Development and Lightwells

DM15 – Managing and Reducing Flood Risk

DM16 – Sustainable Drainage Systems

DM18 – On-Site Management and Reuse of Waste Water and Water Supply

DM19 – Sustainable Water Use

DM20 – Low Carbon and Renewable Energy

DM21 – Local Environmental Impacts, Pollution and Land Contamination

DM22 – Air Quality

P2 – Loughton

D1 – Delivery of Infrastructure

D2 – Essential Facilities and Services

D3 – Utilities

D4 – Community, Leisure and Cultural Facilities

##### Part 2

LOU.R7 – Loughton Library

The National Planning Policy Framework (NPPF) (2023) and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Epping Forest District Local Plan was adopted this year (2023) and as such is considered to be up to date. There has been a revision to the NPPF since the Plan was adopted however it is not considered that the revisions made unduly impact on the considered compliance of the Plan with the NPPF.

#### **4. CONSULTATIONS**

Summarised as follows:

EPPING FOREST DISTRICT COUNCIL – Object. The Council are of the opinion that the proposal would significantly conflict with the policy requirements of the Local Plan and NPPF.

The proposed 38 units is some 18 units over the approximate capacity for this site allocation (ref: LOU.R7) within the Local Plan. It is accordingly considered that it is the applicant's responsibility to demonstrate that the proposal would not result in a harmful overdevelopment of the site with regard to concentration and quantum of development along with, layout, scale and physical appearance.

The Council, in this regard, supports concerns raised by Place Services (Historic Buildings) in terms of potential impact of the development on nearby heritage assets. And strongly recommends that the proposals be independently reviewed by the Quality Review Panel.

Specific comments are also provided covering the below:

Affordable housing: It is queried why affordable housing can't be delivered when there is a developer profit of some 17.5% (private) and 15% (commercial) totalling approximately £3.34 million.

Highways and parking provision: Concerns raised in that this is considered a highly sustainable location and further opportunities to reduce the reliance on private vehicles should have been explored. The Council are not suggesting a car free

development but the level of parking proposed is still substantial and supports the suggestion of this being a harmful overdevelopment of the site.

Infrastructure: The Council have not seen any comments from the Essex County Council's Infrastructure Delivery department which seeks to confirm no education contributions would be required. So, an objection in this regard is raised.

**EPPING FOREST DISTRICT COUNCIL'S CONSULTANTS REVIEW OF THE APPLICANT'S HABITAT REGULATION ASSESSMENT** – Satisfied that the impacts on Epping Forest Special Area of Conservation would be mitigated by the measures summarised below:

- Financial contribution per household as per the Air Pollution Mitigation Strategy;
- ULEV only parking for the 18 additional residential units;
- 50% (or a min. of 10) of the other residential parking spaces to include EV charging provision, with the ability to extend EV provision to all residential parking spaces;
- Cycle parking as submitted;
- Residential Welcome Packs to include Travel Packs identifying active travel and public transport facilities and services, while also including 6 one-day travel vouchers for local bus services; and
- Staff Travel Plan including travel information of active travel facilities and public transport services for staff and customers.

**THE COUNCIL'S INFRASTRUCTURE DELIVERY DEPARTMENT** – The development is expected to generate the need for up to 1.44 Early Years and Childcare places; 4.8 Primary school places; and 3.2 Secondary school places. However, no financial contribution towards educational facilities is required at the current time. In addition, in context of the distance to the nearest schools, no school transport contribution is sought.

With regard to other potential contributions, as this proposal includes the provision of a library service, it is not considered appropriate to request an additional contribution towards a library facility. However, it is considered that a Employment and Skills Plan should be secured should planning permission be granted.

**THE COUNCIL'S INDEPENDENT VIABILITY CONSULTANTS** – There is small differences in outputs based on modelling undertaken, in comparison to that suggested by the applicant. However, overall the project deficit is still considered to be circa £4.9 million. This being case and based on the enabling development approach being accepted, no objections are raised to the conclusions drawn including the zero provision of affordable housing.

**THE COUNCIL'S VIABILITY OFFICER (Informal comments only)** – The conclusions of the independently commissioned review of viability should be considered with confidence.

**THE COUNCIL'S URBAN DESIGN, LANDSCAPE, HISTORIC BUILDINGS, ARCHAEOLOGY, ECOLOGY AND TREE CONSULTANTS**

Urban Design – No objection. It is considered that the amendments made to the development have helped to break up the appearance of the building. Some

reservations or concerns remain with regard to materials, as shown on the drawings submitted, and accordingly a condition seeking final specification and application of all external materials and finishes is recommended.

Landscape – No objection. The proposal successfully creates a central open courtyard space around the retention of the Oak tree. It is considered disappointing that the wider landscaping/public realm works, shown on the drawing submitted, do not form part of the proposals.

Historic Buildings – The amendments/refinements made to the development, during the course of determination, have improved the proposals. However, it is considered that the development would result in harm, at the lowest end of less than substantial, to the conservation area. This harm accordingly needs to be weighed against the public benefits of the proposal as per paragraph 202 of the NPPF.

Archaeology – No objection.

Ecology – No objection subject to conditions securing biodiversity improvements as part of the proposals.

Trees – No objection. Two trees would be required to be removed to facilitate these proposals. One tree is Category U and the other is a Category C. The value of these two trees is low and as such can be offset by proposed replacement planting. There are several significant category A and B trees on site or within close proximity that will require suitable protection throughout the course of the development. Conditions in this regard are recommended should planning permission be granted.

HIGHWAY AUTHORITY – No objection subject to conditions requiring submission of a Construction Management Plan; all access arrangements, vehicle parking and turning area being provided, hard surfaced, sealed and marked out prior to first occupation; provision of cycle facilities, as proposed, prior to first occupation; and provision, implementation and distribution of a Residential Travel Information Pack.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions securing submission of a detailed surface water drainage scheme; and a maintenance plan for the aforementioned.

NATURAL ENGLAND – No comments received.

ESSEX FIRE & RESCUE – Initial comments provided with regard to access requirements. However, it is confirmed that further observations on access and any need for new facilities for the Fire Service would be considered at Building Regulations consultation stage.

ESSEX POLICE – No comments received.

NHS (HERTFORDSHIRE AND WEST ESSEX INTEGRATED CARE BOARD) – This development would have an impact on primary/secondary healthcare provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS. The HWEICB accordingly seek a financial contribution of £59,093, if planning permission is granted, to assist in ensuring sufficient primary healthcare services are available in the



area.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

LOUGHTON TOWN COUNCIL – Object. The proposal is considered an overdevelopment, by reason of its built and height. A five storey building is considered excessive and would set an unwelcome precedent. The development would be out of character and negatively impact on the street scene.

There is no objection in principle, to a proposal for residential properties, particularly if such a scheme included affordable housing. However, 38 dwellings are too many and there is no affordable provision.

The Parish Council supports the comments of the Loughton Residents Association Plans Group.

LOCAL MEMBER – LOUGHTON CENTRAL – Object. The basis of objection is still the reasons for my call-in of the decision to go ahead with this project, made before the Corporate Policy and Scrutiny Committee in August 2019. Concerns raised include:

- The deleterious effects of extra flats on Epping Forest SAC. The Habitat Regulations Assessment is defective and relies on the interim Air Quality Management Scheme. The *Holohan* judgement makes it clear that to consent this proposal would be unsafe and unsound, if not directly unlawful, and would invite immediate judicial review.
- The embodied carbon in the present building is considerable and should be encapsulated by upgrade and refurbishment, not demolition.
- The existing building is distinctive, designed by J Elidir Davis a national library architects of the 1970s. It is a notable building which should constitute and be viewed a heritage asset (albeit unlisted).
- The proposed reduction in space for the library would result in a cramped facility. The Town Council has already decided to move and as such the civic integrity of the building is already being undermined.
- No plans are outlined for a temporary library during the construction period.
- The proposed car parking provision will exacerbate the number of vehicles to be kept by new residents.
- There is no affordable housing.
- The proposal is not supported locally.

## **5. REPRESENTATIONS**

39 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. 96 letters of representation (objection) have been received, including the letter from Loughton Residents Association as referred within the Town Council's representation. A summary of representations received is provided in Appendix 1, with the headline issues or concerns raised considered to be:

- This is an over-development of the site;
- The proposed building is out of character and is far too tall and bulky;

- Impacts on Epping Forest SAC;
- Impacts on highway safety and efficiency;
- Impacts on nearby heritage designations;
- Additional pressure on infrastructure and services;
- No affordable housing;
- The existing building is not very old, is fit for purpose and could be refurbished; and
- The replacement library would be smaller, more cramped and less flexible than the existing one.

## 6. APPRAISAL

The key issues for consideration are considered to be:

- A. Principle of Development
- B. Schedule of Accommodation/Library Space, Density and Housing Mix
- C. Design and Landscaping
- D. Epping Forest Special Area of Conservation
- E. Heritage
- F. Highways
- G. Sustainability, Flood Risk/Drainage and Basement Impact Assessment
- H. Financial Viability and Contributions

### A PRINCIPLE OF DEVELOPMENT

This site is allocated for mixed use development, within the Epping Forest District Local Plan. Policy P2 states that proposals for development on allocated sites should accord with the site specific policy requirements as set out in Part Two of the Plan. Part Two of the Plan details in respect of this allocation (ref: LOU.R7) that the site has an approximate net capacity for 20 dwellings, at an indicative net density of 82 dwellings per hectare. With regard to design, it is outlined that the development proposals must incorporate on-site replacement of the existing library at ground floor level. Any proposals should also incorporate suitable accommodation for Loughton Town Council. In terms of infrastructure, the site within Loughton High Road Town Centre which is considered a sustainable location with good public transport accessibility. Measures must be adopted to promote sustainable transport modes and encourage active transport. Such measures should include: (i) limiting the provision of on-site residents' parking to that required to service the essential needs of the development, such as visitor parking and parking for blue badge holders; (ii) on-site provision for car clubs/car sharing or pooling arrangements; and (iii) providing contributions for implementing/amending Controlled Parking Zones on-site and/or in the vicinity of the site as necessitated by the development proposals.

Essex County Council's Cabinet in July 2019 approved the Essex Future Library Services Strategy 2019-2024. The Strategy approved was amended following public consultation on an earlier version or draft which had originally identified the potential closure of several libraries across the County. Within the adopted Strategy, Loughton Library is identified as a Tier 1 library which is a library where ECC offer a comprehensive and efficient service to meet its statutory duty.

This Strategy principally concerns the library service and not the buildings from which the service is offered. That said, the Strategy does state that ECC *"will work in*

*partnership to make the most efficient use of public buildings, whether owned by the council, public bodies or community organisations. Most library services will be in shared spaces by 2024. Once library locations have been placed in tiers, we will review running costs and the condition of library buildings in Tier 1 and 2 with a view to bringing all services up to a consistent, modern standard and finding the most effective ways to respond to local needs. This includes considering most appropriate location for the service. In future, library services could be provided from a range of outlets, such as shared locations with other services, new spaces provided as part of housing or retail developments or co-located in community centres, shops, leisure centres or other locations. We would expect community libraries would be run from premises owned or paid for by the community groups. Buildings that are no longer required by the library service will be incorporated into the council's property strategy."*

The existing building to which the library is provided from has been suggested by the applicant as needing substantial maintenance, in order to continue to ensure that the accommodation provided is fit for purpose. Careful consideration was given as to whether to invest a significant sum of money into refurbishment works. However, in context that the library, as existing, was not considered optimal – in that that the library is currently split over two floors, a significant amount of floorspace is lost for circulation and office accommodation is dispersed which gives rise to management issues, it was considered a comprehensive re-development of the site would provide a better and more sustainable option.

In context of the allocation within the Local Plan, it is not considered that a land use planning objection exists to a mixed-use re-development coming forward on this site. The proposals as put forward, as required, maintain a library use and would also provide accommodation for Loughton Town Council. In this regard, no in-principle objection in context of policy D4 is considered to exist. That said, in view that a smaller library is proposed in comparison to existing the suitability of the proposed provision library provision is discussed in more detail in the report. As is, the proposals seek 18 more residential units (38 in total) in comparison to the indicative figure (20) suggested in the Local Plan. In this regard, it is noted that consideration needs to be given to whether the proposals represent overdevelopment of the site.

## **B SCHEDULE OF ACCOMMODATION/LIBRARY SPACE; AND RESIDENTIAL DENSITY AND MIX**

As existing the building has a gross internal area of 1934m<sup>2</sup> with floorspace occupied and used by a range of different organisations. With regard to the library use, drawings submitted with this application shown approximately 529.84m<sup>2</sup> of floorspace on the ground floor being formally used as the adult/children's library area, with an additional 278.58m<sup>2</sup> of floorspace on the first floor being used for the reference library. It is understood that the total floorspace allocated for the library function within the building is 846m<sup>2</sup>. The area used by the National Jazz Archive is 77.75m<sup>2</sup>, with the Town Council Offices comprising 75.34m<sup>2</sup> of floorspace.

The building proposed by way of this application, would on its ground floor provide some 1,307m<sup>2</sup> of floorspace which is proposed to be shared by the library, the National Jazz Archive and the Town Council. Areas on the ground floor, as part of the development, are also proposed for community use (an area of community space); meeting rooms; public and staff toilets; and staff facilities, office and storage. In

comparison to the existing building, additional floorspace as part of the development would be allocated to the National Jazz Archive and the Town Council. However, the size of the space afforded to the library would be reduced. The change in floorspace provision is shown in the below table:

Floorspace Provision – Existing vs Proposed

	Existing	Proposed
<b>Library</b>	846m <sup>2</sup>	716m <sup>2</sup>
<b>National Jazz Archive</b>	77.75m <sup>2</sup>	88m <sup>2</sup>
<b>Town Council</b>	75.34m <sup>2</sup>	87m <sup>2</sup>

With regard to the above, the applicant has sought to suggest that the space requirements to run and operate the library have been discussed and agreed with the Council's library service. And, whilst the library would be smaller, the applicant has confirmed that this would not result in a reduction in services offered. The applicant has simply suggested that a lot of space within the existing building, allocated to the library function, is either under used or not usable, to the point that an equivalent sized library is being provided. In context of this and that the requirements to operate a Tier 1 library from this location have been agreed with the Council, as library provider, no objections are raised purely from a library size perspective. In terms of the spaces provided for the National Jazz Archive and Town Council, it is noted that a minor increase in floorspace provision would be provided for both. The Town Council's consultation response makes no comments with regard to the floorspace allocated in this regard. However, a letter from the National Jazz Archive (provided by the applicant) confirms full support for the proposed re-development with the trustees of the Archive suggesting *"it will greatly enhance the value and utility of this important community asset for the local and wider community. It will make far better use of the current space, and it will do great credit to Essex County Council and its contribution to our cultural landscape"*. No objections are therefore raised to the overall accommodation schedule of the proposed ground floor, with it considered that the proposal in this respect fully complies with the requirements of policy P2 and LOU.R7.

Turning to the residential use, with a site area of 0.25ha and 38 dwellings, this application proposes a density equating to 152 dwellings per hectare. Policy SP2 of the Local Plan seeks, in part, to ensure proposals result in the best and most efficient use of land. The policy suggests that as a guide the Council would expect a greater density of development at places with good public transport accessibility. Densities above 50 dwelling per hectare would accordingly be expected in towns and large village centres, and along main transport routes and/or close to transport nodes.

Concerns have been raised by Epping Forest District Council in terms of whether the proposal represents an overdevelopment. However, density is a numerical form of assessment. The NPPF at paragraph 125 advocates that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Expanding, it is outlined that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF.

Accepting the above, it is considered it would be inappropriate to suggest this is an overdevelopment of the site purely because of the proposed density. An assessment of the development in context of its locality, design and the standard of living which would result for occupiers is considered necessary.

Initially, in this regard the below table seeks to confirm the Gross Internal Area of each flat and their proposed occupation capacity.

<b>Unit</b>	<b>GIA (m<sup>2</sup>)</b>	<b>Bed Spaces</b>	<b>Balcony/Terrace</b>
1	53	1 bed, 2 person	Yes
2	75	2 bed, 4 person	Yes
3	53	1 bed, 2 person	Juliet
4	53	1 bed, 2 person	Juliet
5	66	2 bed, 3 person	Yes
6	64	2 bed, 3 person	Yes
7	77	2 bed, 4 person	Yes
8	77	2 bed, 4 person	Yes
9	77	2 bed, 4 person	Yes
10	77	2 bed, 4 person	Yes
11	77	2 bed, 4 person	Yes
12	76	2 bed, 4 person	Yes
13	53	1 bed, 2 person	Yes
14	75	2 bed, 4 person	Yes
15	53	1 bed, 2 person	Yes
16	53	1 bed, 2 person	Yes
17	66	2 bed, 3 person	Yes
18	64	2 bed, 3 person	Yes
19	77	2 bed, 4 person	Yes
20	77	2 bed, 4 person	Yes
21	77	2 bed, 4 person	Yes
22	77	2 bed, 4 person	Yes
23	77	2 bed, 4 person	Yes
24	76	2 bed, 4 person	Yes
25	79	2 bed, 4 person	Yes
26	67	2 bed, 3 person	Yes
27	66	2 bed, 3 person	Yes
28	64	2 bed, 3 person	Yes
29	77	2 bed, 4 person	Yes
30	77	2 bed, 4 person	Yes
31	77	2 bed, 4 person	Yes
32	77	2 bed, 4 person	Yes
33	67	2 bed, 3 person	Yes
34	67	2 bed, 3 person	Yes
35	83	2 bed, 4 person	Yes
36	77	2 bed, 4 person	Yes
37	77	2 bed, 4 person	Yes
38	77	2 bed, 4 person	Yes

The proposed overall mix of units, across the proposal, is as below:

Unit Type	Total Number of Units	Overall Percentage of Development
1 bed, 2 person	6	15.8%
2 bed, 3 person	9	23.7%
2 bed, 4 person	23	60.5%

Policy H1 of the Local Plan details that development will be permitted where the mix of new homes: (i) includes a range of types, tenures and sizes to address local need including for 'down-sizing', housing for older people, and specialist housing as appropriate; (ii) is appropriate to the size, location and characteristics of the site and its surroundings; (iii) takes into account the existing housing stock in the settlement, rural community or neighbourhood in order to avoid any over-concentration of a single type or size of home, or specialist accommodation, where this would undermine the achievement of creating mixed and balanced communities; (iv) allows for community-led approaches such as co-housing and co-operatives where appropriate; and (v) provides for all new homes to be built in accordance with Building Regulations Requirement M4 (2) Accessible and Adaptable Dwelling standards. Policy DM10 expands, in part, that all new housing development should meet or exceed the minimum internal space standards set out in the latest Nationally Described Space Standards, with family housing on upper floors having access to a balcony and/or terrace of a useable size, subject to acceptable amenity, privacy and design considerations.

Extract from Technical Housing Standards – Nationally Described Space Standard (2015)

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

As part of this development, no flats with more than 2 bedrooms are proposed. Accordingly, it is not considered that the proposed housing mix is necessarily representative of a broad mix of accommodation types. That said, in view of the type of development proposed, and that larger 3 or 4 bedroom units may not be overly

desirable, no objections are raised to the proposed housing mix. In this regard, it is noted that all units would comply with the Technical Housing Standards – Nationally Described Space Standard (2015), in terms of gross internal floor area, and would be built in accordance with Part M4 (2) of Building Regulations, in accordance with policy DM10 of the Local Plan.

## C DESIGN AND LANDSCAPING

Policy SP2 of the Local Plan details that all development proposals must reflect and demonstrate that the following place shaping principles have been adhered to having had regard to their relevance within the context of the scale and nature of the development proposed (only those relevant to design and landscaping are detailed): v) provide high quality and imaginatively designed homes with gardens or access to usable and accessible amenity space, combining the very best of urban and rural living to promote healthy and active lifestyles and vibrant communities; vi) ensure generous, well connected and biodiverse rich green and open space provision; vii) extend, enhance and reinforce strategic green and blue infrastructure assets and the public realm; viii) ensure that development enhances the natural environment; ix) ensure that development enhances the natural environment; xi) maintain and enhance the important features, character and assets of existing settlements; xii) conserve and positively enhance key landscapes, habitats and biodiversity; xiii) provide for sustainable movement and access to local and strategic destinations (including rail, bus, walking and cycling); and xiv) positively respond to sustainable water management.

Policy DM9 expands that all new development must achieve a high quality of design and contribute to the distinctive character and amenity of the local area. The Council will require all development proposals to be design-led and: (i) relate positively to their context, drawing on the local character and the natural and historic environment; (ii) make a positive contribution to a place; (iii) incorporate sustainable design and construction principles that integrate adaptation and mitigation measures to address climate change; (iv) are planned to minimise vulnerability to climate change impacts and which will not exacerbate vulnerability in other areas; (v) incorporate design measures to promote healthy communities and individuals, reduce social exclusion, the risk of crime, and the fear of crime; and (vi) enable/encourage healthy and active lifestyles.

Specifically with regard to design standards, landscaping and the public realm, policy DM9 continues that proposals must relate positively to their locality, having regard to: (i) building heights; (ii) the form, scale and massing around the site; (iii) the network of routes and spaces connecting locally and more widely; (iv) the rhythm of any neighbouring or local plot and building widths and, where appropriate, existing building lines; (v) the need to provide active frontages to the public realm; and (vi) distinctive local architectural styles, detailing and materials. In addition, development proposals must demonstrate how landscaping and planting has been integrated into the development as a whole. The Council will expect development proposals to respond to: (i) the topography of the site and its surroundings; (ii) trees on and close to the site; (iii) natural or historic boundary features; (iv) the biodiversity of the site and its surroundings; and (v) the need to maximise the use of permeable surfaces. Where appropriate development proposals must contribute positively to the public realm and to any public spaces to which it is physically or functionally connected.

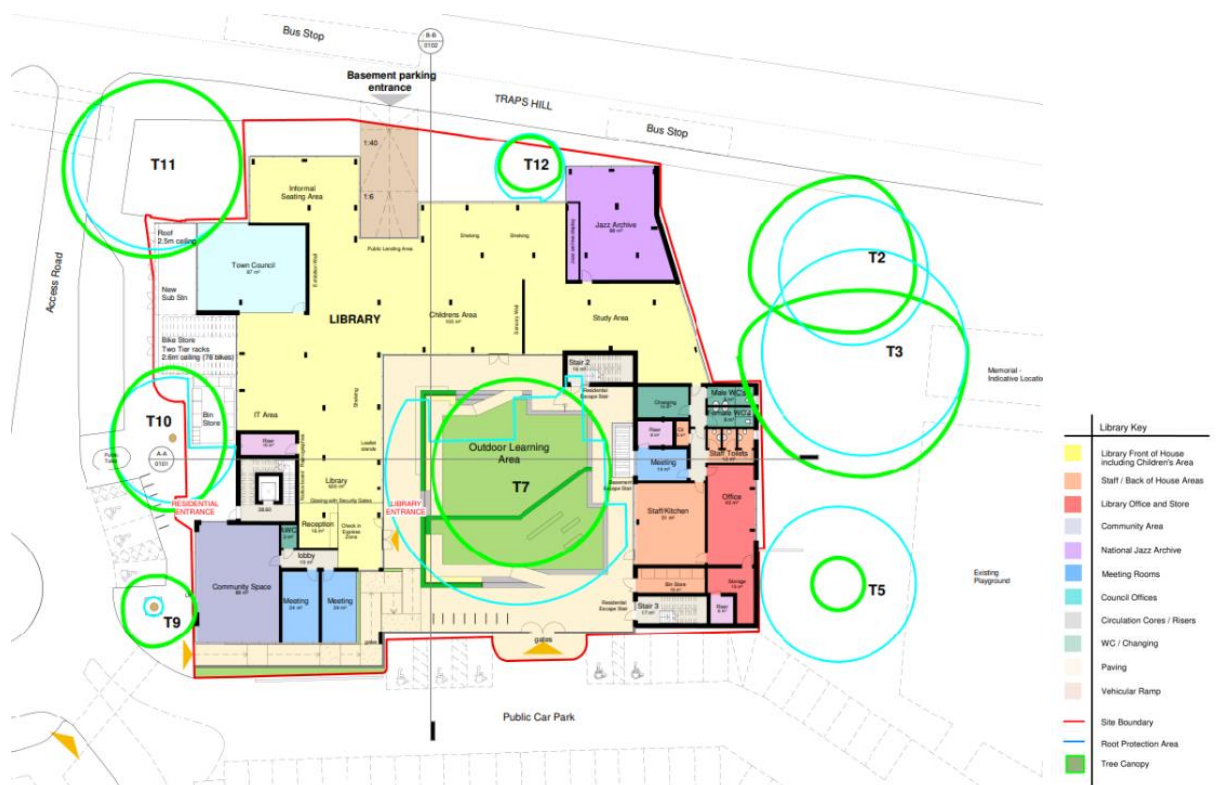
## Proposed Building Layout

The building proposed as part of this application would form a rough 'U' shape and comprise five floors (including the ground floor) and an additional basement car park. In terms of the use of each floor, the rationale is relatively simple in that the library and ancillary uses are proposed on the ground floor, with the residential units then proposed on the four floors above.

As shown on the below layout plans, a vehicular access to the basement car park is proposed off Traps Hill with pedestrian accesses to the residential units from west and south elevations. The main residential entrance core would be on the western side of the building. This core would provide access to all residential levels via a stairwell and lift. To support this main residential core, two secondary staircases which would be accessible from off the courtyard are proposed. The flats themselves, within the western projection of the building, would be accessed via internal central corridor. The flats along the northern projection (the projection facing out towards Traps Hill) would be accessed via an open deck as would the flats proposed in the eastern projection.

The library would be accessed from the east elevation of the western projection of the building.

## Extract from drawing titled 'Proposed Ground Floor Plan – Library Level'





### Extract from drawing titled 'Proposed First Floor and Second Floor Plans'



First Floor Plan



Second Floor Plan

### Extract from drawing titled 'Proposed Third and Fourth Floor Plans'



Third Floor Plan



Fourth Floor Plan

Landscaping is discussed in more detail later in this appraisal. However, initially with regard to the building layout, it is noted that Epping Forest District Council have sought to question the location of the library entrance. In their view, the library has very limited presence on Traps Hill and there are concerns around legibility. Accessing the library entrance via a ramp and/or via the public car park through the external courtyard is not, in their opinion, reflectively of the legibility expected for a public building. It is questioned if alternative entrances to the library have been considered.

In addition, EFDC consider the main residential entrance core, on the western elevation, to lack presence and a sense of arrival. It is considered that this entrance should be expressed more thoroughly for example changes in fenestration or materials. Disappointingly, it is also raised that limited ground level activity/interest has been introduced along the western elevation, as part of the proposals.

With regard to the residential units, concern is also raised by EFDC with regard to the provision of just one primary residential core access. The supporting accesses are noted. However, it is considered by EFDC that the width of corridors and decks are

such that these could be tight circulation spaces, contrary to the aspirations of policy DM9 and the requirement for development to not be over-bearing and/or overly enclosed. The proposal also includes several single aspect dwellings and concerns are raised as to if all units would, as such, provide good sunlight, daylight standard as also required by policy DM9.

### *Proposed Scale and Massing*

As previously detailed, the building proposed would be five storey at its highest point. The proposed mass of the building has attempted to be broken up through a stepped building form and recessed top floor. The below elevations shown how the building is proposed to be constructed into the slope/gradient change on Traps Hill. The applicant has sought to suggest that proposed scale and massing of the building responds to its context, in that the lowest part of the building is to the east adjacent to the open space and more residential property scale of development along Traps Hill, with the tallest part of the building, on the north-west corner junction, providing the building with landmark or wayfinding characteristics from the High Street to the west.

### Extract from drawing titled 'Proposed North Elevation'



### Extract from drawing titled 'Proposed East Elevation'



Extract from drawing titled 'Proposed South Elevation'



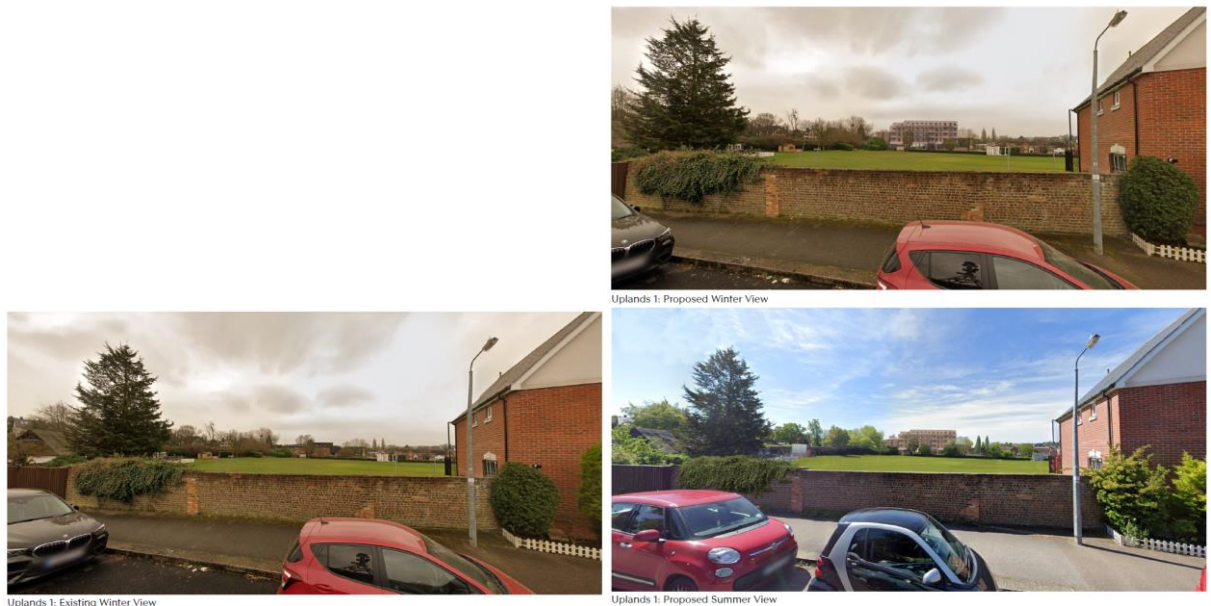
Extract from drawing titled 'Proposed West Elevation'



At five storey this development would be significantly larger than that which already exists in the street scene and concern has been raised, as part of representations received about the visual impact of the development in the locality. A key view raised was that, towards the development, from the cricket pitch. The applicant accordingly provided a photo montage comparison of this view with the development in situ. This comparison, replicated below, clearly evidences that the development would be highly visible and would change the skyline from this and likely a number of other locations.



### Extract from submitted 'Photo Montage Comparisons'



As noted by the applicant in the documents submitted and in the consultation response from EFDC, the massing of this proposal has been developed through the pre-application process. The proposed stepped nature of the building it is considered does help to reduce the mass of the development, however reservations remain from EFDC with regard to the 5 storeys on the north-west corner. It is accepted that given the civic nature of the building there is an argument that increased height could be justified. However, EFDC are concerned about the extent of the buildings visibility and as such its impact on the existing local character.

In addition to the above photo montage, the applicant also provided a number of comparisons including one from the bottom of Traps Hill looking east, reproduced below. This was a view in which concern had been raised by EFDC. The applicant in respect of this view, and the scale of the development, seeks to advance that the site can incorporate development at the height proposed without appearing incongruous. There are constraints to development on this site, in terms of the land levels and the existence of the sub-station in the north-west corner of the site, which represent restrictions or barriers to the form of development coming forward. The fifth floor of the building was added given concerns raised about previous iterations of the development, at pre-app, appearing blocky and uniform. It is accepted that this development has the potential, at the scale proposed, to form a landmark building. However, in view of the junction location, and proposed library use of the ground floor, it is considered by the applicant that this should not be a reason to refuse the application as an overdevelopment.

### Extract from submitted 'Photo Montage Comparisons'



It is considered that there is a fine balance with this application, in respect of delivering a project which is financially viable but conversely a project which does not detrimentally impact and/or adversely change the area. This is a high-density development and concerns about this as such being an overdevelopment are fully acknowledged. That said, there is a need to ensure the optimal use of land and whilst it is considered that this development would likely become a landmark building, changing the townscape, it is not considered that this necessarily a reason to refuse the application. This view is taken on the basis that the change or impacts resulting are not considered fundamentally considered detrimental or otherwise harmful. Without prejudice, should planning permission be granted, it is considered of upmost importance, given that the development would likely become a landmark, that the building materials are of high quality. And, accordingly, as such, again without prejudice, should planning permission be granted it is recommended that a condition seeking confirmation of the specification and application of all external materials be secured by way of condition.

### Landscaping

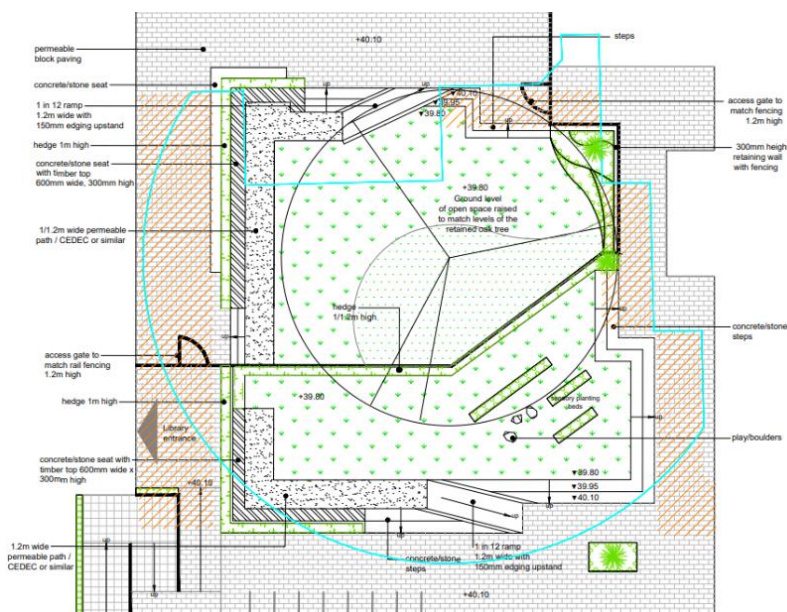
The landscaping proposals supporting this development are considered to be an integral part of the development's success. The layout of the building, and the fact that the library entrance would be located to the rear, has heightened the importance of the landscaping work not only in contributing the overall quality of the development but also in acting as wayfinding to and through the development.

Initially with regard to landscaping, the applicant has as part of the masterplan submitted sought to show, in addition to landscaping works within the red line, some improvements to the public realm adjacent to the access road (outside the red line of the application). These works do not form part of the proposals and have been shown effectively as aspirational changes. The applicant has however set aside a budget or is willing to make a financial contribution towards implementation of these works, if the landowner (EFDC) agrees. This commitment has been made on the basis that such works, particularly the relocation of the bins and public toilets, would improve not only

the public realm but in turn the appearance of the development proposed. The commitment offered by the applicant is to a value of £30,000. As this contribution is for works outside of the application area (red line), and the works identified are not necessarily needed to make the development acceptable in planning terms, it is not considered that requiring this contribution by way of way of s106/planning obligation would meet the necessary tests. This being the case, as the works would nevertheless, if undertaken, amount to positives or benefits and the contribution has been offered, confirmation of this, and any conditions attached to use of the monies, would be formally requested prior to the issue any favourable decision.

Turning back to the landscaping formally proposed to support the development, it is noted that a key driver to the landscaping scheme has been the existing Oak tree to the rear of the site. This tree is proposed to be retained as the central feature of a new courtyard which the library entrance would open out on to. The courtyard, as shown below would provide a new external seating area in formal landscaped setting. The area is proposed as a multi-use area – in that it would be useable by the library, occupiers of the residential units and the general public. This landscape setting to the library entrance is considered a significant betterment to the external area surrounding the existing building and as such in this regard compliance with policy S6 is considered to have been demonstrated. It is furthermore noted that the proposed landscaping scheme would also result in biodiversity gains to the site, in conformity with policy DM1.

#### Extract from drawing titled 'Courtyard Proposal'



#### Essex Quality Review Panel

Separately, within the representation received from Epping Forest District Council, it is noted that concern has been raised that this proposal has not been presented to the Essex Quality Review Panel. Policy DM9 of the Local Plan requires the use of Quality Review Panels for schemes of more than 50 homes or 5,000m of employment/other floorspace.

The applicant, as part of pre-application discussions with the Council, was asked to consider presenting this proposal to the Panel but declined to do so. The County Planning Authority, whilst endorsing the value and benefit the EQRP provides, do not consider that, in this instance, this is a reason which would support a refuse planning permission. Although the Council do now have adopted standards and procedures for sending proposals such as this to the Panel and are mindful of the position outlined in policy DM9, these were adopted when this proposal was already evolved through pre-application discussions with officers. As alluded, request was made for the applicant to present the proposals to the Quality Review Panel and officers would be much more comfortable with the scale of the development, had the proposal been positively assessed by the Panel. However, at the time, in view of the level of pre-app already undertaken, it was considered it would be unreasonable to formally require this.

## D EPPING FOREST SPECIAL AREA OF CONSERVATION

This site is located approximately 300m, as the crow flies, from the boundary of Epping Forest. Epping Forest is designated a Special Area of Conservation primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context. Policies DM1 and DM2 relate to habitat protection and improving biodiversity and Epping Forest SAC and the Lee Valley SPA, respectively, with policy DM22 specifically covering air quality.

Under the Conservation of Habitats and Species Regulations 2017 (as amended), the Council, as part of the decision making process for an plan or project, must as competent authority determine if the development proposed would have an adverse effect on the integrity of the designation alone or in combination with other projects.

Epping Forest District Council have identified that two main issues (known as 'Pathways of Impact') are currently adversely affecting the health of Epping Forest:

- Recreational pressure - surveys have demonstrated that most visitors live within 6.2km of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure; and
- Atmospheric pollution - which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size and location within the district) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

As outlined within policy DM2 planning applications need to be supported by sufficient information to determine whether a proposal would result in an adverse effect on the integrity of Epping Forest SAC. To assist with this, Epping Forest District Council have produced a number of strategies including: the Epping Forest Air Pollution Mitigation Strategy; the Epping Forest Strategic Access Management and Monitoring Strategy; and Epping Forest District Green Infrastructure Strategy.

Policy DM2 of the Local Plan details that the Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of



the Epping Forest Special Area of Conservation. New development for which it is not possible to conclude no adverse effect on the integrity of the Epping Forest Special Area for Conservation, either alone or in combination with other plans or projects, will not be permitted. Where development would have likely significant effects, mitigation measures, on-site and off-site as appropriate, will be required to ensure that it will have no adverse effect on the integrity of these areas. In designing mitigation measures, regard should be had to the Air Pollution Mitigation Strategy for the Epping Forest, the District's Green Infrastructure Strategy and Epping Forest Strategic Access Management and Monitoring Strategy. Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development will be sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.

In recognition of the risks posed to the Epping Forest Special Area of Conservation from urbanisation effects over and above that resulting from recreational pressures (including from fly-tipping, the introduction of non-native plant species and incidental arson) planning applications for development will not be permitted within 400 metres of the boundary of the Epping Forest Special Area of Conservation unless it can be demonstrated through project level HRA that the development would not generate any such impacts.

As an allocated site within the Local Plan, this allocation was included in the HRA/AA which was undertaken to support adoption of the Plan. Whilst this sought to confirm, subject to mitigation that there would not be any adverse impacts on the Forest or designation as a result of the allocations within the Plan – it must be noted that this applications proposes development over and above that allocated to that point that an assessment of additional impact is needed in terms of confirming acceptability and level of mitigation required.

The applicant accordingly submitted a Shadow Appropriate Assessment in support of this application. This assessment, in respect of the above, sought to quantify additional vehicle movements likely from the uplift in units, in comparison to the allocation in the Plan, and propose mitigation measures to offset identified impacts. Mitigation measures proposed include a financial contribution as per the Air Pollution Mitigation Strategy, Epping Forest Strategic Access Management and Monitoring Strategy and Green Infrastructure Strategy; that 17 of the car parking spaces proposed would be ULEV parking only; 50% (or a minimum of 10) of the other car parking spaces would have EV charging provision; cycle parking facilities would be provided; a sustainable travel welcome pack would be provided to occupiers; and a staff travel plan produced.

The Council's Habitat Regulations Assessment/Appropriate Assessment of this application can be found near the end of this report. The conclusion of this, is that having considered the proposal and consulted Epping Forest District Council on the proposed mitigation measures in the shadow HRA/Appropriate Assessment, Essex County Council is satisfied that the development can avoid an adverse effect on the integrity of Epping Forest Special Area of Conservation (SAC), either alone or in combination with other plans and projects.



The mitigation measures, including financial contributions, are considered sufficient to mitigate for predicted impacts on Epping Forest SAC from atmospheric pollution and increased recreation from the development.

As the competent authority, Essex County Council, in view of the conservation objectives for Epping Forest SAC, and having consulted Natural England and fully considered any representation received (where necessary), agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

## E HERITAGE

A Heritage Statement has been submitted in support of this application. This seeks to suggest that the proposal has the capacity to cause change to the setting of 2 Traps Hill (a Grade II listed building). However, the assessment seeks to suggest that there would be no other impacts to heritage assets. In terms of impact to 2 Traps Hill, the Statement submitted advances that there would be a minor but noticeable change in wider setting. It is nevertheless suggested that the change would not adversely affect the way in which the listed building is read, appreciated or understood and as such its significant would be preserved.

The Council's historic building consultant agrees with the conclusions drawn in respect of 2 Traps Hill. However, considers that the proposals would impact upon the setting of York Hill Conservation Area, to the north-west of the application site. The Council's consultant notes that York Hill Conservation Area is characterised by its layout, the presence of seventeenth and nineteenth century architecture and its relationship with the surrounding Epping Forest, which bounds the Conservation Area on its western edge. Topographically, the Conservation Area occupies a prominent position along the ridges of York Hill, Woodbury Hill, Kings Hill and Pump Hill.

In context of the scale of development, it is considered by the Council's consultant that harm to the conservation area designation is likely, albeit it acknowledged that this would be at the low end of less than substantial harm, as per paragraph 202 of the NPPF. In this circumstance, the NPPF advocates that harms should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Following these reservations being raised, the applicant did submit an additional study seeking to evaluate the impact of the development from the Conservation Area. This did agree that there may be a minor but noticeable change to the setting of the Conservation Area. However, it was maintained by the applicant's consultant that this did not amount to harm, as per the relevant paragraphs in the NPPF. And, some photo montages (replicated below) were provided for a view from King's Green looking south-east, across the cricket pitch, towards the site (as existing and with the development in situ – winter and summer) to support this.

## Extract from submitted 'Photo Montage Comparisons'



Following review of this, and the applicant suggesting that the material palette of the proposal could be amended – such that darker materials are used on the top floor, the Council's consultant whilst not agreeing that there would be no harm to the conservation area, did accept that the harm resulting would be at the lowest end of less than substantial.

In this context, it is considered as per paragraph 202 of the NPPF that a judgement needs to be made as to if the public benefits associated with this scheme outweigh this harm. A decision with regard to this accordingly will be formed as part of the conclusion of this appraisal overall.

### *Status of the Existing Building*

It is noted that comments have been received from the Local Member and the public with regard to the architectural quality of the existing building. It is understood, from the comments received, that the building was designed by J Elidir Davis. Whilst it is not denied that the building exhibits some qualities, it is confirmed that the building is not listed and does not form part of any local list. In respect of assessment, it is not therefore considered that the building as existing should be considered a non-designed heritage asset and assessed in accordance with paragraph 203 of the NPPF.

## F HIGHWAYS

This application has been submitted with a Transport Statement. This has sought to assess the impact of the development in respect of highway efficiency and safety and furthermore the suitability of access from Traps Hill to the proposed basement car parking area.

Initially in terms of the vehicular access from Traps Hill – as existing, there is an access to the site. As part of the proposals the existing brick walls would need to be removed in order to improve visibility with the new access point proposed slightly to

the west. This, as noted by the Highway Authority, would result in the access being in the middle of a 'limited 2hr waiting' parking bay – which provides spaces for three vehicles. To implement the proposed access the applicant would have to apply to remove this bay and implement new double yellow lines etc. to match the existing and, also, amend the relevant Traffic Regulation Order.

The applicant is proposing to re-provide the parking space which would be lost within this bay to the east of the new access proposed such that the existing three parking spaces would be maintained (just within bays either side of the access to the site). This is shown in plan form below. This has been agreed in principle by the North Essex Parking Partnership as an acceptable solution and accordingly the Highway Authority has raised no objection to the proposed access to the parking basement.

#### Extract from drawing titled 'Proposed TRO Strategy'



From a safety and efficiency perspective, the Transport Statement submitted seeks to suggest that the proposed new library and other non-residential uses would have similar traffic attraction characteristics to the existing situation. It is however accepted that vehicle movements associated with the proposed residential use would be additional. In this regard likely levels of traffic generated from the residential use are suggested as:

#### Table 5.2 from submitted Transport Statement

**Table 5.2: Likely Level of Traffic Generated by the Proposed Development**

Use	No of Dwellings	AM Peak Hour		PM Peak Hour		12 Hour Period	
		Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Flats	38	2	8	7	4	52	54
Total Two-Way		10		11		106	

The applicant has suggested that the level of vehicle movements does not warrant any off-site highway improvement, with it not considered that the development would significantly impact on highway safety or efficiency. The Highway Authority has raised no objection to the development coming forward and/or sought to raise any reservations with regard to the conclusions put forward by the applicant.

## Parking Provision

This application proposes a total of 37 car parking space, in a basement level, which would solely be used by the residential development. No parking provision is proposed for library staff, deliveries or visitors, with it suggested that these demands could be catered for in the adjacent public pay and display car park.

In terms of parking provision, Essex County Council's parking standards advocate a minimum standard of 1 vehicle parking space per dwelling for 1 bedroom units and 2 spaces for any 2+ bedroom units. In addition to this 1 secured covered cycle space per dwelling should be provided. With regard to the library use a maximum standard of 1 vehicle space per every 10m<sup>2</sup> of floorspace and 1 space cycle space per 4 staff plus visitor parking (individual merits) is outlined.

The parking provision proposed for the residential accommodation accordingly represents an under provision in terms of the adopted Standards. That said, as noted within policy LOU.R7 this site is in a highly sustainable location with good transport accessibility. Measures accordingly should be secured as part of the development to promote sustainable transport, with suggestion made of limiting on-site residents parking to that required to service essential needs.

As detailed within the consultation response received from Epping Forest District Council, it is not suggested that this be a car-free development but the reservations are raised as to if the proposed provision still represents an over-provision, irrespective to that suggested in the Parking Standards. A number of comments with regard to parking have also been received from the public, some seeking to suggest the proposed parking provision is too high but the majority suggesting that the provision is too low. Overall, whilst there is reservation that no car parking space for deliveries to the library forms part of the proposals, it is accepted that this is more of an operational issue and that potential solutions do exist (given the adjacent public pay and display car park).

It is considered that the applicant could have sought to propose a Parking Standard equivalent provision of parking to support the uses proposed but hasn't in view of the sustainable location of the site. In this regard, mindful that the Highway Authority has raised no objection from a parking provision perspective, no objections are as such raised. Without prejudice, should planning permission be granted a condition would nevertheless be attached as requested by the Highway Authority, requiring the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, which is to include six one day travel vouchers for use with the relevant local public transport operator.

## **G SUSTAINABILITY, FLOOD RISK/DRAINAGE AND BASEMENT IMPACT ASSESSMENT**

### Sustainability

The applicant has sought to suggest that the proposals would adopt an ambitious fabric first approach to achieve significant reductions in primary energy demand, together with reliance on on-site low carbon technologies to strive to meet the current requirements geared towards zero carbon. The proposed energy strategy aims to

minimise energy consumption through the performance of the building envelope, façades and plant and as such demonstrate compliance with policy DM20 of the Local Plan which relates to low carbon and renewable energy.

In respect of this, windows have been positioned to take advantage of solar orientation, with principal living spaces arranged internally so they do not only have north facing windows, if possible. Opportunities for natural shading have also been considered, with the positioning of existing and proposed trees informing design decisions relating to the proposals.

In terms of ventilation, all flats are proposed to be ventilated by means of a single Mechanical Ventilation Heat Recovery (MVHR) unit, to be located within a storage cupboard in each flat. The MVHR unit would achieve efficiencies in performance by extracting the heat from purged air to warm incoming air in the winter months. The unit can be switched off during the warmer summer months, to avoid loss of efficiency when for example windows are opened. The proposed basement car park would be ventilated by way of single air handling unit.

Turning to heating, an Air Source Heat Pump (ASHP) system is proposed where external condenser units, proposed on the roof, would harvest heat from the air, using a refrigeration cycle to transfer the heat into the building via a low temperature hot water (LTHW) system. The system would circulate heating water to each apartment via a communal heat network, with each apartment being provided with a Heat Interface Unit (HIU) located in a storage cupboard. The toilet, changing and ancillary spaces on the ground floor are proposed to be heated via radiators served from the centralised ASHP system. The other large areas, public spaces and meeting rooms on the ground floor will have heating and cooling provided by ceiling mounted Variable Refrigerant Flow cassette units.

Solar panels are proposed across some of the flat roof projections, where orientation renders this viable. The estimated size of the solar array to be fitted is 130 panels which translates to 45 kWp system, assuming each panel's power output is 0.35kWp. This would generate approximately 35MWh of electricity per year and offer savings of approximately 8 tonnes of CO2 per year.

The applicant has also confirmed that all dwellings would achieve the potable water use target of less than 105 litres per person per day through installation of water efficient fittings, to comply with policy DM19 of the Local Plan.

### *Demolition/Construction Programme*

It will be noted that the embodied carbon in the existing building has been raised within some of the public letters of representation received. This is acknowledged and is considered to be a counter to some of the sustainability claims of the new building. However, the applicant has sought to suggest sustainable construction practices will be followed where possible, with preference given to the use sustainable materials and measures to minimise construction waste going to landfill. Without prejudice, should planning permission be granted, a condition could be imposed requiring submission of a Construction Environmental Management Plan (CEMP) to confirm measures proposed to ensure compliance with that suggested and accordingly the applicable part of policy DM21.

### Flood Risk/Drainage

This site is located within Flood Zone 1, at a low probability of fluvial and/or tidal flooding. No in-principle flood risk objections are therefore raised to this development coming forward.

With regard to drainage, surface water is proposed to be managed via an existing outfall (Thames Water sewer to the north of the site – opposite side of Traps Hill). However, to meet current standards it is proposed that the discharge rate of surface water be restricted to 5l/s which would represent an 86% reduction in surface water flows off site and attenuate excess flows below ground up to a 1 in 100-year event plus 40% climate change. This restricted flow is proposed to be delivered by way of pump and 30m<sup>2</sup> of underground attenuation crates.

In terms of foul water, similarly this is proposed to be managed via an existing outfall (Thames Water sewer to the north of the site – same side of Traps Hill as the development site). Flows are proposed to be restricted to 4l/s with capacity proposed to contain 24 hours of foul water flow in event of pump failure. This capacity would be provided by way of underground storage tank. The Lead Local Flood Authority has raised no objection to the proposed drainage design subject to a detailed surface water drainage scheme, based on the above, being secured by way of planning condition. On this basis, it is considered compliance with policies DM15, DM16 and DM18 can be demonstrated.

### Basement Impact Assessment

A Ground Investigation Report and specific Basement Impact Assessment have been submitted in support this application. The Ground Investigation Report seeks to confirm the existing ground conditions and contamination status of the site. The Report suggests that some contamination was encountered in testing of some shallow made ground to the west of the site. However, in context that this area is in the new building footprint, this material would likely be removed as part of the re-development process. That said, even if it was not removed, the new building would prevent users from coming into contact with it such that the Report does consider this to pose a risk and further remediation is not necessary. In respect of gases, the Report suggests that the site is safe for the intended mixed end use. However, gas monitoring on-going is recommended to continue with the adoption of gas mitigation measures, if required.

Specifically with regard to the basement level, on the basis of the relevant findings of the Ground Investigation Report, the Basement Impact Assessment concludes that ground movements associated with the construction of the basement level could be limited to acceptable values through a combination of the stiffness of the proposed retaining structure, suitably designed temporary works and good levels of workmanship. No objections to the basement level are therefore considered to exist in context of policy DM12 of the Local Plan.

## H FINANCIAL VIABILITY AND CONTRIBUTIONS

### Affordable Housing

Policy H2 of the Local Plan states that on development sites which provide for 11 or more 1 or more homes, or residential floorspace of more than 1,000 square metres (combined gross internal area), the Council will require 40% of those homes to be affordable and provided on-site. Expanding the policy details that proposals that do not accord with this requirements must be accompanied by a viability assessment (with supporting evidence), which is transparent and complies with relevant national or local planning policy and guidance applicable at the time.

As confirmed previously in this report, this application proposes no affordable housing and a viability assessment has been submitted to support this. The viability assessment suggests that this is project would result in a deficit or loss of approximately £5.1 million. This figure includes a developers profit margin of £3.3 million. However, even if this was removed, it is noted that the development would still be in deficit.

The assessment submitted acknowledges the above but seeks to suggest that the applicant recognises the need to achieve value for money with this public asset and is striving to achieve a break-even position. In this regard, a number development assumptions which are personal to their circumstances have not been factored into the market viability assessment which, it is accepted, have the potential to reduce costs to this level.

That said, in view that the level of profit assumed in the appraisal is exceeded by deficit, and the introduction of affordable housing would further heighten this, it is concluded as part of the assessment submitted that affordable housing is not viable in this instance.

It will be noted that the Epping Forest District Council have questioned the conclusions of the submitted assessment – noting the profit margins incorporated within the assessment. Initially with regard to this query, it is confirmed that the assessment submitted seeks to suggest that the development would still result in a deficit even if the included profit margins were removed. However, in the interests of seeking to ensure transparency in the decision making process and in an attempt to confirm the findings of the assessment submitted, the Council instructed independent consultants to review the viability assessment submitted. This independent review largely ratified the conclusions suggested by the applicant, albeit the project deficit was suggested by the Council's consultants as £4.9 million rather than £5.1 million.

Without prejudice, in the event that planning permission is granted, a review of the development viability, for example at the end of the construction programme or after the sale of a certain number of a units, could nevertheless be secured to confirm the re-evaluate the development financials. In due course, should it be evidenced as part of this, for whatever reason, the development was (net) profitable, a financial contribution towards affordable housing provision within the area could then be secured.

## Financial Contributions

Planning obligations are legal obligations entered into to mitigate the impact of a development proposal. These can be secured via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990 (as amended) by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority. The tests to requiring a planning obligation are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF. These are, that the obligation must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

As detailed within this report, contributions towards access management and monitoring recreation/visitor pressure on Epping Forest SAC and managing and mitigating the effects of air pollution from the development on Epping Forest SAC are proposed. These requested obligations are considered to meet the tests, and necessary to demonstrate compliance with relevant legislation and policies.

With regard to infrastructure, no education contribution has been sought from the Essex County Council, as Education Authority. In addition, no contribution towards the library service, provided by Essex County Council, is considered appropriate given this proposal would be providing a replacement library. A contribution has been sought from the NHS – Hertfordshire and West Essex Integrated Care Board. This contribution has been sought given the development would have an impact on primary/secondary healthcare provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS. The financial contribution for health infrastructure sought has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies, shortfalls or other development proposals in the area. This requested obligation is considered to meet the tests, and necessary to demonstrate compliance with policy D2.

The consultation response received from Epping Forest District sought to suggest financial contributions should be secured pursuant to additional provision of public parks and gardens and additional provision for children and young people. It is suggested that contributions towards the aforementioned is to comply with policy D1 of the Local Plan. Policy D1 states that new development must be served and supported by appropriate on and off-site infrastructure and services as identified through the Infrastructure Delivery Plan Schedules. Whilst the above are identified to in the Infrastructure Delivery Plan Schedules, in this case, it is not considered that such contributions would be necessary to make the development acceptable in planning terms and/or that any such contributions would directly relate to the development being approved. Finally, noting that the viability assessment submitted with this application has sought to confirm that this development would not be a profit making, seeking such contributions would also not likely be fair and reasonable. For this reason, the contributions sought in respect of additional provision of public parks and gardens; and additional provision for children and young people are not considered to meet the tests in this case.



## 7. CONCLUSION

Whilst this proposal seeks to re-develop the site to a greater scale than existing and introduce new land uses (residential), it is clear from the Essex Future Library Services Strategy 2019-2024 that Essex County Council (as applicant) is principally looking to make the most efficient use of Council buildings and land to ensure the viability of services, such as libraries, going forward.

This site is allocated within the Epping Forest Local Plan for re-development and whilst it is accepted that this development proposes a far denser development to the allocation, the Government has a strategic objective to significantly boost the supply of homes and promotes a significant uplift in the average density of residential development in city and town centre locations, such as this, which are well served by public transport, unless it can be shown that there are strong reasons why this would be inappropriate.

No in-principle objections are considered to exist to the re-development of the site and/or the introduction of residential use per-se.

It is considered that the proposals would result in a change to the character of the site, given the increased height of the new building. However, it is considered that the design rationale has acknowledged this and sought to reduce the perceived mass of the building with a stepped form and the application of external materials, fenestration and landscaping to positively contribute to the streetscene and locality.

It is not considered that the development would give rise to any amenity impacts at a level to warrant refusal; and it is considered the development would afford an acceptable standard of living to all occupiers of the proposed flats. In addition, it is not considered that the development would result in unacceptable impacts to highway safety and efficiency subject to the imposition of appropriate conditions.

Impacts, from the development, have been identified to Epping Forest Special Area of Conservation. However, mitigation pursuant to these impacts could be secured either as part of the development specification or as financial contributions towards the management and monitoring of these issues at a more strategic level.

Harm has been identified to the York Hill Conservation Area. However, this harm has been suggested at the lowest end of less than substantial. In context of the public benefits which would be realised from this development, in the form of the delivery of a new modern library, it is considered that this harm is accordingly outweighed in the planning balance.

It is accepted that the public benefit of a new library does not principally stem from the actual design of this development and that this benefit would likely be delivered as part of any re-development of the site, given the policy requirements of the site allocation. That said, overall, an appraisal of the proposals has failed to identify any fundamental reasons to suggest that the development is not sustainable and/or not well designed.

## 8. RECOMMENDED

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

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

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 09/09/2022 and shown on drawings titled: 'Site and Location Plan', drawing number: 0501 (Revision A), dated 25/04/2022; 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022; 'Proposed First Floor and Second Floor Plans', drawing number: 0011 (Revision C), dated 12/08/2023; 'Proposed Third and Fourth Floor Plans', drawing number: 0012 (Revision C), dated 12/08/2023; 'Proposed Roof Plan', drawing number: 0013 (Revision C), dated 12/08/2023; 'Proposed Basement Plan', drawing number: 0001 (Revision A), dated 19/04/2022; 'Proposed North Elevation', drawing number: 201 (Revision C), dated 12/08/2023; 'Proposed West Elevation', drawing number: 202 (Revision C), dated 12/08/2023; 'Proposed South Elevation', drawing number: 203 (Revision

D), dated 12/08/2023; 'Proposed East Elevation', drawing number: 204 (Revision D), dated 12/08/2023; 'Proposed Internal Courtyard Facing Elevations', drawing number: 205 (Revision C), dated 12/08/2023; 'Proposed Section A-A', drawing number: 0101 (Revision D), dated 12/08/2023; 'Proposed Section B-B', drawing number: 0102 (Revision D), dated 12/08/2023; 'Proposed Internal Courtyard Section', drawing number: 0103 (Revision C), dated 12/08/2023; '1B2P Flat Types', drawing number 020 (Revision A), dated 19/04/2022; '2B3P Flat Types Sheet 1', drawing number 021 (Revision B), dated 12/08/2023; '2B3P Flat Types Sheet 2', drawing number 022 (Revision B), dated 12/08/2023; '2B4P Flat Types Sheet 1', drawing number 023 (Revision A), dated 19/04/2022; '2B4P Flat Types Sheet 2', drawing number 024 (Revision B), dated 12/08/2023; '2B4P Flat Types Sheet 3', drawing number 025 (Revision B), dated 12/08/2023; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies SP1, SP2, SP6, H1, H2, T1, DM1, DM2, DM3, DM7, DM9, DM10, DM11, DM12, DM15, DM16, DM18, DM19, DM20, DM21, DM22, P2, D1, D2, D3, D4 and LOU.R7 of the Epping Forest District Local Plan 2011-2033.

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

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

4. No works or development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
  - a) A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS:5837 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
  - b) Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS:5837
  - c) A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS:3998, 1989, 'Recommendations for Tree Work'.
  - d) Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS:5837.
  - e) Details and positions of Tree Protection Barriers identified separately

where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS:5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- f) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS:5837.
- g) Details and positions of the underground service runs in accordance with section 1 1.7 of BS:5837.
- h) Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph 5.2.2 of BS:5837.
- i) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS:5837.
- j) Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
- k) Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- l) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- m) Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- n) Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS:5837.
- o) Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS:5837.
- p) The timing of the various phases of the works or development in the context of the tree protection measures.

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

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

- 5. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a finalised hard and soft landscaping scheme (inclusive of boundary treatments, fencing and gates and landscape features such as benches) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles detailed on drawings titled ‘Proposed Site Layout’, drawing number:

F1628PS100 (Rev B), dated 14/12/2022 and 'Courtyard Proposal', drawing number: F1628PS300 (Rev B), dated 14/12/2022. However, the scheme submitted shall confirm the exact tree species proposed to be planted and the sizing of all plants and shrubs upon planting. The approved landscaping scheme shall subsequently be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with the details subsequently submitted and approved pursuant to condition 6 of this permission.

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

6. Prior to commencement of any landscaping works, or in any event prior to beneficial occupation of the development hereby permitted, a Biodiversity Enhancement and Landscape Management Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall detail any and all biodiversity enhancement measures proposed to be incorporated as part of the development and landscaping proposals and, for the avoidance of doubt, in terms of management seek to confirm that any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats and Species), to ensure the landscaping proposals are effectively managed following implementation and to comply with policies SP6, DM1, DM3, DM9 and P2 of the Epping Forest District Local Plan 2011-2033.

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

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

8. No development above damp proof membrane of the building hereby approved shall take place until exact details and specification of all plant and apparatus proposed to be installed on the roof of any part of the building hereby permitted has been submitted to the County Planning Authority and approved in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional aerials, antennas, satellite dishes or electronic communications apparatus to that potentially shown on the aforementioned shall be installed or erected on any part of the building without the benefit of express planning permission.

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

9. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining areas, properties and highways.

The lighting design shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

10. No development above damp proof membrane of the building hereby approved shall take place until exact details of the sustainability/low carbon/energy saving measures outlined in the submitted 'Energy and Sustainability Strategy for the Loughton Library', document reference: AG/VL/P20-2058/01TN Rev A, dated 10 August 2022 have been submitted to the County Planning Authority for

review and approval in writing. Such detail shall, for the avoidance of doubt, include but not be limited to the specification of building materials, windows and doors; building insulation; the proposed mechanical ventilation with heat recovery system; the air source heat pump system; proposed water efficient fittings within the residential units to achieve the targeted water consumption level of less than 105 litres per person per day; the location of the 10 electric vehicle charging points to be provided within the car park and confirmation that these will be installed and be operational prior to beneficial occupation of any residential unit; and the exact layout of the solar arrays proposed on the building roof, as shown in principle on drawing titled 'Proposed Roof Plan', drawing number: 0013 (Revision C), dated 12/08/2023. The development shall subsequently be implemented in accordance with the approved details.

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

11. Prior to beneficial occupation of the development hereby permitted, the site access arrangements and vehicle parking and turning areas, as shown on drawings titled 'Proposed Basement Plan', drawing number: 0001 (Revision A), dated 19/04/2022 and 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022, shall be provided, hard surfaced, sealed and marked out. In addition to this, the enclosed bike store and external cycle hoops, as shown on the drawing titled 'Proposed Ground Floor Plan – Library Level', drawing number: 0010 (Revision C), dated 20/06/2022, shall be constructed and provided. The vehicle parking and turning area areas, bike store and cycle hoops shall be permanently retained for the lifetime of the development and shall not be used for any other purpose.

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

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

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

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

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

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

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

15. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:
- a) the proposed construction access;
  - b) the layout of the construction compound (inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development);
  - c) wheel and underbody cleaning facilities;
  - d) routing of vehicles;
  - e) measures proposed to reduce the potential for amenity impacts or nuisance; and
  - f) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

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

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



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

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

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

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

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

The scheme shall subsequently be implemented as approved.

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

19. The development shall be implemented in accordance with recommendations outlined within the submitted 'Ground Investigation Report', produced by Richard Jackson Engineering Consultants, dated January 2021 with regard to further gas monitoring and mitigation (if required). If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy, in such an event, shall be implemented as approved.

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

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

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

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

Authority within one month following payment.

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

Informative(s):

- The applicant will have to bear all the costs associated with amending the existing parking restrictions along Traps Hill, to implement the relocated access for the development. The proposed amendments to the parking have nevertheless been agreed in principle by the North Essex Parking Partnership.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).
- Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter (2022) and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

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## BACKGROUND PAPERS

Consultation replies  
Representations

### THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

#### Screening

This application has been screened in relation to both the recreational pressures and atmospheric pollution (Pathways of Impact) to Epping Forest Special Area of Conservation as identified within the Local Plan. In this regard:

1. The site lies within the Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring Strategy, agreed by Epping Forest District Council's Cabinet in April 2022. Consequently, the development is considered to likely result in a significant effect on the integrity of the Forest because of additional recreational pressures.
2. The development also has the potential to result in a net increase in traffic using roads through the Forest. Consequently, the development is considered to likely result in a significant effect on the integrity of the EFSAC in relation to atmospheric pollution.

In view of the above it is considered necessary to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures

and atmospheric pollution Pathways of Impact.

### Appropriate Assessment

Recreational pressures – Epping Forest District Council has adopted a tiered level of financial contribution to offset additional recreation pressures from all developments resulting in net increases in new dwellings within a 6.2km radius of the Epping Forest Special Area of Conservation. Within 0 to 3km radius of the Epping Forest Special Area of Conservation: a contribution of £1,852.63 per dwelling is required; and within 3 to 6.2km radius of the Epping Forest Special Area of Conservation: a contribution of £343.02 per dwelling is required. In addition to the above, a separate contribution of £716 per net dwelling is also required within the parishes of Buckhurst Hill, Loughton and Theydon Bois, when the development is within 3km of the Epping Forest SAC, to contribute toward the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement project - a recreational mitigation/avoidance measure being secured separate to the costs arising from Epping Forest Strategic Access Management and Monitoring Strategy.

Subject to the securement of contributions in line with the above, the Council is satisfied that the integrity of the Forest and designation would not be adversely impacted by increased recreational pressure resulting from the proposed development.

Atmospheric pollution – This is an allocated site within the Local Plan such that 20 residential units have already been assessed as part of the HRA/AA undertaken to support the Local Plan adoption. If this application had just been for 20 residential units, it is considered a financial contribution in line with the Air Pollution Mitigation Strategy could have simply been sought. This application however seeks 38 units (so an additional 18 to that assessed as part of the Local Plan assessment). The assessment of additional traffic generation from these 18 units, as submitted by the applicant, is however accepted. In respect of this, subject to the mitigation measures proposed, namely a financial contribution in accordance with the Air Pollution Mitigation Strategy (£335 per dwelling); that 17 of the car parking spaces proposed would be ULEV parking only; 50% (or a minimum of 10) of the other car parking spaces would have EV charging provision; cycle parking facilities would be provided; a sustainable travel welcome pack would be provided to occupiers; and a staff travel plan produced, the Council is nevertheless satisfied that additional atmospheric pollution resulting from the development would not adversely impact the integrity of the Forest and designation.

Conclusion - The Council is satisfied that, subject to the satisfactory securement of mitigation measures, by way of planning obligation and/or conditions, that the proposal would not have an adverse effect on the integrity of the EFSAC, either alone or in combination with other plans and projects.

### **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, 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**

In determining this planning application, the County Planning Authority has worked with the applicant 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 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) Order 2015.

#### **LOCAL MEMBER NOTIFICATION**

EPPING FOREST – Loughton Central

## APPENDIX 1 – Summary of public representations received

<u>Observation</u>	<u>Comment</u>
The existing library building already dominates this part of Traps Hill. A five-storey building would be wholly out of character, by reason of its height and bulk.	See appraisal.
The building would stick out like a sore thumb to anyone walking or driving south down Church Hill, against a backdrop of much lower buildings.	See appraisal.
Impact on the setting of the cricket ground.	See appraisal.
Impact on the setting of 2 Traps Hill (a Grade II Listed Building).	See appraisal.
More car pollution and impact on the air quality in Epping Forest SAC.	See appraisal.
More recreational pressure on Epping Forest and as such more damage.	See appraisal.
A financial payment as mitigation towards damage to Epping Forest SAC is unacceptable. There are no firm plans as to what any such monies would be spent on.	See appraisal.
No affordable housing.	See appraisal.
If a Council development can't provide affordable housing, how can it expect private developers to provide any?	Noted. This application is supported by a viability appraisal that has been independently assessed on behalf of the Council.
The existing building is not that old and should be refurbished.	Noted.
This is an appalling plan.	Noted.
The existing building is fit for purpose and blends into its surroundings. The Council seems bent on demolishing all the nice parts of Loughton and replacing them with monstrosities.	Noted.

Loughton is already congested with inadequate infrastructure.	See appraisal.
Views of the development would be heightened given the land opposite is green space.	See appraisal.
Over-development	See appraisal.
Where are all the cars from the flats going to park?	A basement level car park forms part of the proposals. This would provide 37 car parking spaces for the residential development. See appraisal for further commentary on highways and parking.
The replacement library is smaller in size.	Noted. See appraisal.
The existing building is a lovely building amongst open spaces before it meets the three-storey High Street retail buildings and should be retained and refurbished (if necessary).	Noted.
This library is very popular and is very much needed.	Noted. For confirmation, whilst this application seeks to demolish the existing building, provision within the replacement building is being made for a library service. See appraisal.
Why demolish a perfectly acceptable building?	See appraisal for assessment of justification put forward by the applicant.
Has there been an Environmental Impact Assessment?	No, the development does not meet the threshold for Environmental Impact Assessment. The screening threshold for EIA relating to urban development projects (Schedule 2, Section 10b development) is (i) the development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.
Is there a business case supporting this proposal? Has it been reviewed independently?	Not a material planning consideration.
This is an inappropriate location for such a development.	See appraisal.

The proposal is unsightly.	See appraisal.
This is the hub of the local community and once again an application to build yet more flats will ruin the space that is there.	Noted.
The building would be much larger and taller than that which would surround it. Views from the cricket ground would be unduly impacted.	See appraisal.
This would be a huge eyesore.	See appraisal.
The local road infrastructure can't cope as existing with the levels of traffic.	See appraisal.
Thames Water are unable to cope with the level of demand in the area with old Victorian pipe work. Adding in more demand will put more pressure on the utilities causing more leaks, more roadworks and ultimately more traffic issues.	Noted.
Additional pressure on health services.	See appraisal.
Additional pressures on refuse collections.	See appraisal.
Additional pressures on education facilities.	See appraisal.
Will a temporary library be provided during the construction period?	Yes, although it is understood that the exact location of this is still to be secured by the applicant.
This is all about profit.	Noted.
The local community don't want or need this.	Noted.
Space is simply proposed to be taken away from public use and replaced with private flats.	Noted.
The playground adjacent to the proposal would be affected, as the development would block sunlight to this area.	See appraisal.
The proposed parking provision is	See appraisal.



insufficient and below standards advocated.

A reduced parking provision is proposed on a flawed view of alternative transport options. The Loughton bus service reliability is awful. Buses are infrequent and often don't turn up or diverted.

Noted. See appraisal.

High levels of cycle crime/theft deter usage.

Noted.

How will the additional strain to infrastructure and services be offset?

See appraisal.

The library will be too small.

See appraisal.

Parking will be awful.

See appraisal.

To demolish a sound existing building is environmentally unsound. The existing building could be refitted at much less cost to both the environment and the council rate payers.

See appraisal.

What about embodied carbon?

See appraisal.

This proposal represents environmental and cultural vandalism.

Noted.

Views and vistas from a number of locations/areas will be adversely impacted.

See appraisal.

Will the Council not be satisfied until Loughton instead of looking and being like a pleasant Essex village resembles the worst excesses of the Brutalist Thamesmead Estate?

Noted.

Far too many libraries are being closed, when such places are needed more than ever.

Noted. For confirmation, whilst this application seeks to demolish the existing building, provision within the replacement building is being made for a library service. See appraisal.

If the proposed development was proving affordable housing there could be some excuse, but this is just wrong. Shame on whoever is proposing this.

Noted.

What will happen to the profit from the sale of the flats? Will it be invested back into Loughton?	Not a materially planning consideration. Viability of the proposal in context of affordable housing and financial obligations are nevertheless discussed in the appraisal section of the report.
Accepted that the library needs investment but the library service needs to be the central focus of any re-development plans.	Noted.
Development proposals in this area just seem to be getting higher and its really starting to spoil the whole look of the town.	Noted. See appraisal.
New housing should be created in more sustainable locations.	Noted. See appraisal.
Scaling down the library will no doubt affect the services it is able to provide.	See appraisal.
Concerns about overshadowing.	See appraisal.
As a public development this provides a very poor precedent/example for private developers who will think it carte blanche to ignore all good practice.	Noted.
This proposal will detract from the attractive approach to Loughton coming down Church Hill, with the lovely green open space of the cricket pitch. There is little enough attractiveness or open area left in Loughton and this open aspect should be preserved at all costs.	Noted. See appraisal.
A potential precedent would be set for the re-development of larger properties on Traps Hill and Eleven Acre Rise into apartment blocks if this development is approved.	Noted.
Access into the residential parking area seems tight. And some of the car parking spaces appear to lack a sufficient turning circle to be able to be accessed.	See appraisal.
No details are provided on how the residential parking area would be managed i.e. would spaces be allocated	Each residential unit would be allocated one car parking space, with the exception of one unit which would have no parking

to units or would this be a free for all?	provision. See appraisal for further commentary.
The design is in keeping with the local area but at five stories the height is grossly out of keeping.	See appraisal.
The building should be no more than three stories.	Noted.
The need for new housing is appreciated but there needs to be a more considered and less corporate solution that is more befitting of the surroundings. This is a mass dereliction of duty.	Noted. See appraisal.
Concerns about the contents of the submitted Heritage Assessment and suggested architectural quality of the existing building.	See appraisal.
ECC have neglected this building to justify these proposals.	Noted.
The reference to 'Arts and Crafts' design elements in the finishes of the proposed new building, supposedly echoing some existing buildings in the town, seems wishful thinking when the architect's images are actually viewed.	Noted.
The replacement library would be cramped and unwelcoming. There is also the potential for conflict of activities given the reduced floorspace. Space for community activities within the library will be far more limited than existing.	Noted. See appraisal.
No specific parking provision is proposed for users of the library and/or its staff. In addition, only 37 of the 38 flats would have one car parking space and there is no space for delivery vehicles and/or visitors.	See appraisal.
The lack of parking provision will put added pressure on the Traps Hill public car park.	See appraisal.
Has the Habitat Regulations Assessment submitted by the applicant been reviewed	Yes, please refer to the consultations section for the report for comments

by the Council or an independent consultancy?	received. Further commentary is also provided within the appraisal section of the report.
The mitigation proposed to offset the impacts to air quality and Epping Forest SAC are insufficient.	See appraisal.
Is solar proposed on the roof?	Yes, solar is proposed on parts of the roof. See appraisal.
This is purely a development opportunity to build 38 flats to sell for the benefit of Essex County Council not Loughton. If it was a priority to develop library space the existing serviceable building could and should have been maintained and repaired. Provision of a library is simply an irritation for Essex County Council, who are, no doubt, compelled to provide one.	Noted.
Concerns about impacts to the Oak tree adjacent to the existing library entrance.	The Oak tree is not proposed to be removed as part of these proposals. See appraisal for further commentary.
The current building has problems. It has a hard to maintain design with a flat roof, it has poor access to the High Street and faces away from Traps Hill, meaning users are not engaged at streetscene level. The library is also far too small, which hampers its ability to cater to the needs of its users.	Noted. See appraisal.
The proposed development does nothing to solve any of these issues.	
Adding flats to a design to finance it isn't free and it isn't clever. Selling the rights to aspects of the site is a cost to the ratepayer and I do not want to pay that cost.	Noted.
A better proposal for a new library would be a municipal hub where there is a high quality library and meeting space for the Town Council.	Noted.
Refurbishing the building with modern, energy efficient services would obviate	Noted. See appraisal.

the need for demolition and transporting the demolition waste to landfill. The carbon footprint of the demolition works, transporting and then depositing the waste in landfill followed by the construction of a new building and its associated carbon emissions would seem to be the complete opposite of sustainable.

It is also impossible for the Council to know whether or not any sums required under any s106 agreements, or other arrangements made as part of a potential grant of approval, will turn out to be adequate in respect to impacts to Epping Forest SAC. Mitigation measures are further not being implemented in advance of developments coming forward. This is a clear breach of UK law, as set out in Holohan and other related judgements.

See appraisal.

The existing building is excellently designed with enormous character. Designed by an award-winning architect, it sits comfortably on Traps Hill and manages to both admirably reflect its purpose and the local character of architecture. It has just been shamefully neglected to support these proposals.

Noted.

A number of significant buildings have already been lost in Loughton. Please do not add to this number. Retain and improve our heritage.

Noted.

The proposal completely misses the point that our already large lending library offers free education for all and removing it will only play into the hands of those that would seek to take apart the things that are useful and worthwhile in our society.

Noted. For confirmation, whilst this application seeks to demolish the existing building, provision within the replacement building is being made for a library service. See appraisal.

More housing, with no infrastructure, more traffic etc. This must remain a library, assessable to all.

Noted. For confirmation, whilst this application seeks to demolish the existing building, provision within the replacement building is being made for a library service. See appraisal.

Why is there a garage floor when the use

See appraisal.

of private cars should be discouraged?

No details regarding the wider public realm improvements shown on the drawings submitted, but outside the red line of the application, are provided. Do these improvements actually form part of the proposals?

No, these works, outside of the red line, do not form part of the application. See appraisal for further commentary with regard to this.

<b>DR/37/23</b>
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<b>Report to:</b> DEVELOPMENT & REGULATION (27 October 2023)
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<b>Enforcement:</b> COUNTY COUNCIL DEVELOPMENT – Temporary development in response to Reinforced Autoclaves Aerated Concrete (RAAC) in schools and education settings
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<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)
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<b>Enquiries to:</b> Tom McCarthy Tel: 03330 320943
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## 1. BACKGROUND

On 31 August 2023, the Department for Education (DfE) published new guidance regarding Reinforced Autoclaved Aerated Concrete (RAAC) in schools. The guidance advised all education settings to vacate areas that were known to contain RAAC, unless or until suitable mitigations were in place.

RAAC is a lightweight, 'bubbly' form of concrete commonly used in construction between the 1950s and mid-1990s. It is predominantly found as precast panels in roofs, commonly found in flat roofs, and occasionally in floors and walls. It is less durable and has a lifespan of around 30 years. Its structural behaviour differs significantly from traditional reinforced concrete. Moreover, it is susceptible to structural failure when exposed to moisture. The bubbles can allow water to enter the material. If that happens, any rebar reinforcing RAAC can also decay, rust and weaken. Because of this, RAAC is often coated with another material, such as bitumen on roofing panels, but this material can also degrade.

The safety of young people and staff is a priority for the DfE and the aforementioned guidance was issued as a precautionary step to address the safety risk of RAAC.

In terms of the presence of RAAC in educational settings nationwide, the DfE sent a questionnaire to all responsible bodies in 2022 asking them to provide information to help understand the use of RAAC across the school estate. Figures published by the DfE, on 14 September 2023, sought to suggest that the response to this questionnaire identified 174 cases of RAAC in schools nationwide.

On 8 September 2023, the Chief Planner at the Department for Levelling Up, Housing and Communities issued a letter to all Chief Planning Officers. A copy of this letter can be found at Appendix 1. The letter noted that some schools around the country may need to close buildings at short notice because of RAAC and, to minimise time that children spend out of school, temporary accommodation may need to be installed. The letter encourages local planning authorities to take a pragmatic approach and find solutions that minimise disruption to education, including the need for concurrent/retrospective applications, where unavoidable.

## **2. CURRENT POSITION IN ESSEX**

As of 04 October 2023, it is understood that RAAC has been confirmed at 63 schools across Essex, 17 of which are maintained by Essex County Council and 46 are Academies.

Of the 63, 13 schools are currently needing to educate either all or some of their pupil roll in alternative accommodation or utilise remote learning. All full list of schools affected, together with the current teaching status/situation can be found at: <https://www.essex.gov.uk/news/2023/raac-schools-updated-list>.

Temporary teaching accommodation will be needed at some schools across Essex either as a direct result of the need to vacate a building/part of a building on-site or to provide temporary capacity to teach pupils from another school affected by RAAC whilst works are ongoing. And, in some cases temporary accommodation/provisions have already been installed.

Whilst there is a mix of ECC maintained schools and Academies affected by RAAC, ECC are working closely with all Academy Trusts and the DfE to understand the impact and provide support where necessary. Accordingly, ECC may in some cases assist or lead with the physical response/delivery to an issue at an Academy.

In consideration of the Council's adopted Local Enforcement and Site Monitoring Plan (2016), and the importance of minimising time that children spend out of school, it is recommended that the County Planning Authority (CPA) adopt a pragmatic approach to any potential breaches of planning control in the circumstances.

Officers are in regular contact with those leading the Council's response to RAAC and are providing informal planning advice on a case-by-case basis which should help reduce the planning risk for the Council. It is nevertheless recommended that should this blanket approach be adopted, with regard to formal enforcement action, that this be caveated with a requirement for the prompt submission of a planning application seeking to regularise any such development undertaken.

## **3. RECOMMENDATION**

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

### **LOCAL MEMBER NOTIFICATION**

COUNTYWIDE



**APPENDIX 1 – Letter from the Department for Levelling Up, Housing and Communities, dated 08 September 2023**



Department for Levelling Up,  
Housing & Communities

**Joanna Averley**  
*Chief Planner*

**Department for Levelling Up, Housing and Communities**

3rd Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

08 September 2023

By email only

Dear Chief Planning Officer,

**School buildings requiring closure and temporary onsite replacement due to confirmed reinforced autoclaved aerated concrete (RAAC).**

You may have seen recent press coverage and announcements regarding a change of approach from the Department of Education (DfE) to mitigating the known risks of RAAC in educational settings, including schools. There is longstanding guidance from the Institute of Structural Engineers

([https://www.istructe.org/resources/guidance/reinforced-autoclaved-aerated-concrete-\(raac\)-inve/](https://www.istructe.org/resources/guidance/reinforced-autoclaved-aerated-concrete-(raac)-inve/)) to support building owners to identify, assess, and take remedial measures on RAAC if they are needed to make a building safe. Building on this advice, the DfE has issued new guidance for use in schools and education settings which can be viewed at: [Reinforced autoclaved aerated concrete: guidance for responsible bodies and education settings with confirmed RAAC](#).

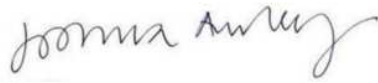
Schools around the country may therefore be required to close buildings at short notice. Where this is the case DfE will contact the relevant Local Planning Authority to discuss planning requirements. To minimise any time that children spend out of school, it may be necessary to site temporary accommodation, such as classrooms on school grounds while permanent buildings are worked upon or rebuilt.

Due to the urgent nature of these works we encourage local planning authorities to take a pragmatic approach in these cases to find solutions that minimise any disruption to education, including the need for concurrent/retrospective applications, where unavoidable.

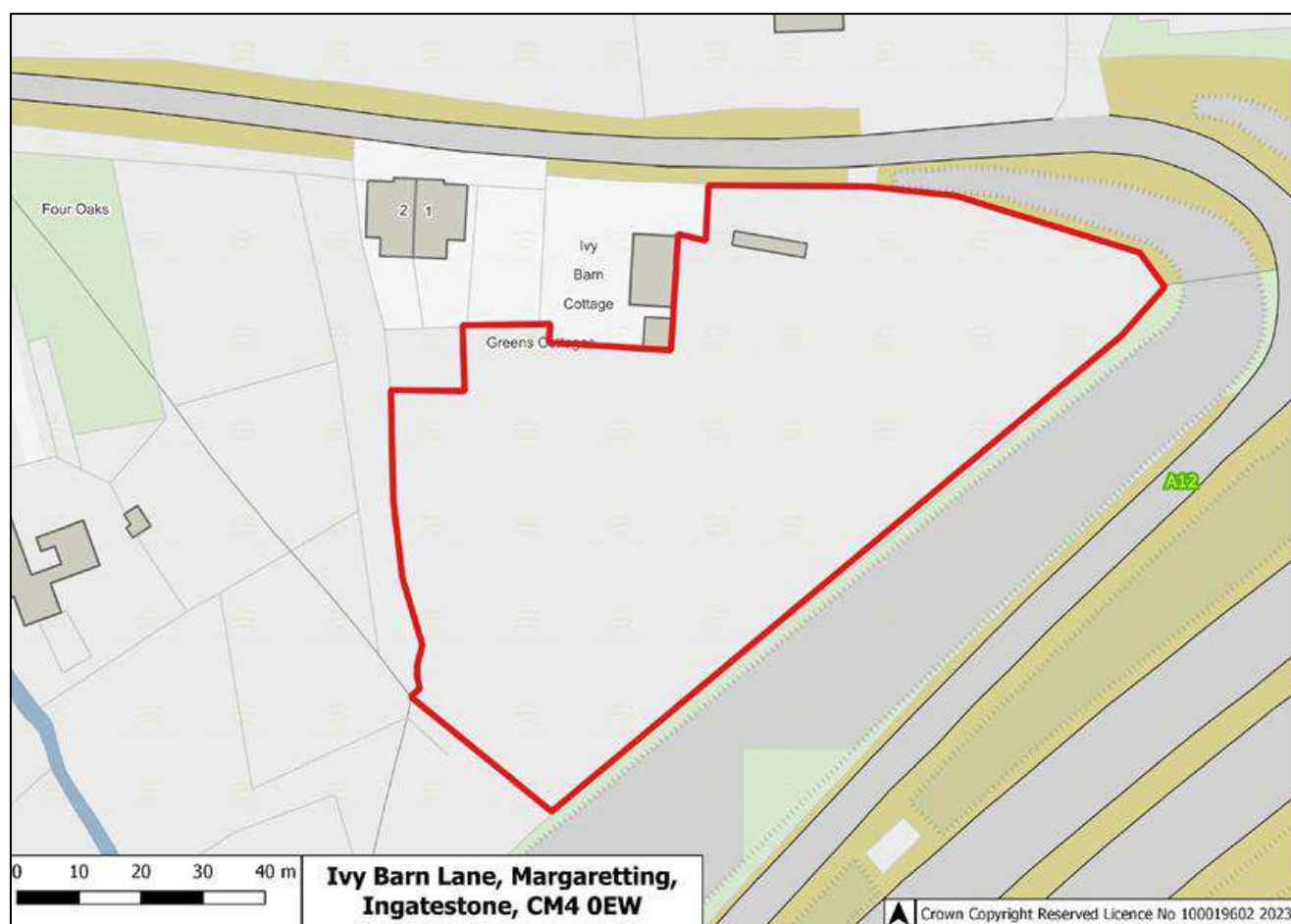
There are also a number of permitted development rights that may be useful for schools and local planning authorities. Part 7 Class M of the General Permitted Development Order allows for the erection of school buildings on existing school sites, subject to certain parameters. Part 4 Class C allows for the use of any building and any land within its curtilage as a state-funded school for 2 academic years. Part 4 Class CA allows for the provision of temporary school buildings on vacant commercial land for up to 3 academic years.

I look forward to your ongoing cooperation on these matters.

**Yours faithfully,**

A handwritten signature in dark ink, appearing to read 'Joanna Averley', written in a cursive style.

**Joanna Averley**  
**Chief Planner**

**DR/38/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)**Enforcement:** INFORMATION ITEM – UNAUTHORISED MINERALS AND WASTE DEVELOPMENT – Without the benefit of planning permission, a material change of use of land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils, raising the levels of the land**Ref:** ENF/1201**Location:** Land to the south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long Tel: 03330 322837

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## **1. SITE AND BACKGROUND**

The area of land to which this report relates is located off Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW. The site comprises roughly 0.6 hectares of land and is bound to the east by the A12 Margaretting (Junction 14) off slip. To the north of the site, on the other side of Ivy Barn Lane, is an events venue, with the hamlet of Handley Green to the west. The nearest residential property, to the site, is Ivy Barn Cottage which is directly adjacent and was granted planning permission by Chelmsford City Council in 2019.

The extant use of all the land to which this report relates is considered to be agricultural.

In terms of designations, the site forms part of the Metropolitan Green Belt as detailed within the Policies Map accompanying the adopted Chelmsford Local Plan (2020).

In August 2023, the WPA was made aware that material had potentially been imported to the land and accordingly officers sought to visit the site to ascertain the nature of works ongoing. The visit confirmed that material had been imported and deposited across the site, significantly raising the level of the land in places.

In context of the type and quantity of material deposited, it was considered that a material change of use of the land had occurred without the benefit of planning permission.

The landowner was present when the WPA first visited the site and initially requested a two-week period to remedy the identified breach of planning control. Officers considered the request to be reasonable given further desk-based research would be needed before any formal enforcement action could potentially be taken.

After the two-week period expired, a site visit found material/waste had not been removed from the site by the landowner. In view of this, the findings of the desk-based research undertaken with regard to the site history and the ongoing harm being caused by the unauthorised development to the environment, local residential amenity and the character and appearance of the area, the WPA considered it expedient to pursue formal enforcement action.

## **2. CURRENT POSITION**

The WPA served an Enforcement Notice on the 27<sup>th</sup> September 2023. The Enforcement Notice defines the breach of planning control or unauthorised development as “a material change of use of the land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils (together the ‘waste materials’), raising the levels of the land.”

The Enforcement Notice will take effect on the 3<sup>rd</sup> November 2023 unless an appeal is made against it beforehand. The Enforcement Notice requires the landowner to:

- Cease, and do not resume, any further importation, deposition, storage and spreading of waste materials on the land within 1 day from the date the Notice takes effect.
- Remove from the land all waste materials and machinery associated with the unauthorised development within 3 months from the date the Notice takes effect.
- Restore the land to its condition prior to the commencement of the unauthorised development within 4 months from the date the Notice takes effect.

Officers will continue to monitor the site in relation to the Enforcement Notice to ensure compliance.

#### **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Stock

**DR/39/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)**Information Item:** Enforcement of Planning Control Update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shaun Long (Planning Enforcement Officer) – Telephone: 03330 322837**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 July to 30 September 2023.

**2. DISCUSSION**

Appendix 1 provides an update on cases which remained open from the previous period and outlines details of new cases investigated in this period.

**A. Outstanding Cases**

As at 30 September 2023 there were 19 outstanding cases.

**B. Closed Cases**

0 cases were either resolved or closed during this period.

**Local Member notification**

Countywide

**District:** Basildon

**Location:** Heard Environmental, Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH

**Nature of problem:** Stockpile heights

**Remarks:** Condition 17 of planning permission ESS/13/15/BAS states that no material is to be stockpiled at a height greater than 4 metres. Stockpile heights were found to be exceeding this limitation and a Breach of Condition Notice was served on 16/09/2023 requiring compliance with the relevant condition, compliance due by 16/09/2023. The WPA have scheduled a site visit for 6 October 2023 to assess if the requirements of the Breach of Condition have been met.

**District:** Braintree

**Location:** Straits Mill, Bocking, Braintree, CM7 9RP

**Nature of problem:** A material change of use of the land to a waste transfer facility, waste importation specifically wood, textiles, soils and other similar waste materials

**Remarks:** The importation and processing of the waste has ceased however the waste remains. The WPA served an Enforcement Notice on the 07/01/2020. An appeal was lodged against the EN served, in respect of the timeframe allowed to remove the waste. Following discussions with the landowner's agent, revised terms of compliance were agreed to the effect that the previous Enforcement Notice issued by the Council and the subsequent appeal were withdrawn and a replacement Notice issued. The new Notice took effect on 29/07/2020 and required the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months. Removal of all waste was accordingly required by January 2022. A site visit has confirmed that the EN has not been complied with and statements have been prepared and are with Essex Legal Services for consideration of a prosecution in the Magistrates Court. ELS have confirmed summons have been drafted for prosecution. The Environment Agency prosecuted the operators at the Crown Court in April 2023, sentencing included fines and an order requiring the land to be cleared within 6 months. ECC's plea hearing against the landowners, originally scheduled for June 2023, has been adjourned until after the compliance date set within the order made against the operators.

**District:** Brentwood

**Location:** Ashwells Road, Pilgrims Hatch

**Nature of problem:** Waste operations

**Remarks:** Without the benefit of planning permission a material change of use of land to the use for importation, deposition and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). The requirements of the Enforcement Notice have not been met; as per members resolution, the WPA has instructed ELS to pursue a prosecution.

**District:** Chelmsford

**Location:** Dunmow Group, Regiment Business Park, Eagle Way, Chelmsford, CM3 3FY

**Nature of problem:** Operating hours

**Remarks:** Investigations ongoing following reports of early morning working and noise. Meeting scheduled with operator in October 2023, further update will be provided to members once the WPA decides the appropriate course of action.

**District:** Chelmsford

**Location:** Land at Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG

**Nature of problem:** Waste activities – unauthorised importation, deposition and spreading of waste

**Remarks:** Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

**District:** Chelmsford

**Location:** Land on south of Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW

**Nature of problem:** Waste activities – unauthorised importation, deposit, storage and spreading of waste, raising the levels of the land

**Remarks:** Without the benefit of planning permission a material change of use of the land from agricultural to land used for the importation, deposit, storage and spreading of inert waste materials, trommel fines and soils, raising the levels of the land. Following initial site visit on the 29th August 2023 the landowner requested a two-week period to remove the waste. To be reasonable, the WPA allowed the landowner this opportunity. A subsequent visit on 13<sup>th</sup> September 2023, confirmed no progress had been made, with no material/waste being removed. As such, in context of the nature of the breach and harm identified, the WPA considered it expedient to serve an Enforcement Notice. The Notice will take effect on 3<sup>rd</sup> November 2023 unless an appeal is lodged against the notice prior to this date. A separate more detailed update on this case has been provided to members.

**District:** Colchester

**Location:** Agri-Mix Site, Land lying west of Ipswich Road, Langham, Colchester, CO4 5LZ

**Nature of problem:** Waste activities – waste recycling, namely road materials

**Remarks:** Without the benefit of planning permission a material change of use of land for waste recycling, involving the importation, deposit, storage and treatment of mainly waste road materials. Following discussions, the operator suggested that they would submit an application in an attempt to regularise the unauthorised development. That application has now been submitted to ECC as WPA for consideration/determination. Case to remain open pending determination of aforementioned application.

**District:** Colchester

**Location:** Gean Trees, The Causeway, Great Horkesley, Colchester, CO6 4EJ

**Nature of problem:** Waste activities – use of the land for importation, deposition, storing, processing and spreading of waste materials, subsequently raising the levels of the land

**Remarks:** Case remains open, but no further action at the current time as approved by members. In the event the case status changes a separate update will be provided.

**District:** Colchester

**Location:** Wormingford Airfield, Fordham Road, Colchester, CO6 3AQ

**Nature of problem:** Wood and metal recycling operation

**Remarks:** Without the benefit of planning permission a change of use of the land to a green waste composting facility. Application ESS/30/22/COL for the change of use for a composting facility to process green waste to include the provision of a weighbridge, and hardstanding for windrows and associated landscaping was submitted to the WPA for consideration. This application was refused by members in April 2023 with the recommendation that enforcement action is taken to remedy the breach of planning control. Following investigation and site visit an Enforcement Notice was issued on the 19<sup>th</sup> May 2023 which would have taken effect on the 25<sup>th</sup> June 2023 has an appeal not been lodged with the Planning Inspectorate. Further enforcement action will be held in abeyance pending the outcome of the appeal.



**District:** Epping Forest

**Location:** 140 London Road, Abridge RM4 1XX

**Nature of problem:** Alleged illegal deposit of waste

**Remarks:** Without the benefit of planning permission a material change of use of the land to the use for importation, deposition, and spreading of waste materials (including soils, rubble, trommel fines and other similar waste materials). An Enforcement Notice was issued by the WPA, dated the 08/04/2022. As per members resolution the WPA allowed until 11 September 2023 to make significant progress with regard to the requirements of the Enforcement Notice, if not evidenced the WPA will seek prosecution. A site visit 13/09/2023 confirmed no progress with the waste remaining in-situ, as such the WPA have instructed ELS to seek prosecution.

**District:** Epping Forest

**Location:** Land to the North-West of London Road, Abridge RM4 1XX

**Nature of problem:** Unauthorised earthworks, including engineering operations

**Remarks:** Following site visit in August 2023, the WPA noted unauthorised earthworks were ongoing/had occurred without the benefit of planning permission. The earthworks appeared to consist of engineering operations, however the nature of these operations was unknown. In context of this, the WPA served Planning Contravention Notice on 25th August 2023 on all interested parties to obtain further information and establish if the unauthorised activities would be considered a County Matter. Further update will be provided to members once the WPA decides the appropriate course of action.

**District:** Epping Forest

**Location:** Norton Field Farm, Norton Lane, High Ongar, Ingatestone, Essex, CM4 0LN

**Nature of problem:** Use of land for waste recycling

**Remarks:** Part of the land at Norton Field Farm is currently being used as an inert transfer/recycling facility. It would appear that construction and demolition waste are imported, processed/screened/crushed on-site and exported. The landowners have a demolition/groundworkers company and consider that the use of the land for recycling is lawful. A CLEUD application (ESS/94/21/EPF) was submitted to the WPA. The application was considered and was refused. An appeal has been lodged with the Planning Inspectorate, against the refusal and further enforcement action will be held in abeyance until the outcome of the appeal.

**District:** Uttlesford

**Location:** Boro Farm, Newmarket Rd, Great Chesterford, Saffron Walden CB10 1NU

**Nature of problem:** Waste soil and aggregate operation

**Remarks:** A planning application for the site at Boro Farm was submitted to the WPA. The application was considered and was refused on 22/07/2022 (ref: ESS/20/22/UTT). It was subsequently considered expedient to serve an Enforcement Notice requiring the removal of the unauthorised development and the reinstatement of the land. The operator has lodged two appeals with the Planning Inspectorate: one against the refusal and one against the EN. Two new applications were subsequently submitted to the WPA (refs: ESS/109/22/UTT and ESS/112/22/UTT) for consideration/determination. These applications were both refused, and the appeals previously lodged have accordingly been re-started by the Planning Inspectorate.

**District:** Uttlesford

**Location:** Crumps Farm, Stortford Road, Little Canfield

**Nature of problem:** Waste activities – unauthorised landfill and land raising

**Remarks:** As approved by members, the WPA continues to assist the Environment Agency with its investigation regarding the unauthorised landfill and land raising. While the WPA consider there are breaches of extant planning permission conditions and legal agreement, it is inappropriate to attempt to tackle these issues whilst the aforementioned landfill/land raising

investigations are on-going. The Environment Agency are currently leading investigations regarding the illegal importation and deposition of material/waste.

**District:** Uttlesford

**Location:** Highwood Quarry

**Nature of problem:** Relocate the access track

**Remarks:** Issues with relocating the access track that cuts diagonally across the site and in particular through phase E. Following discussions with the operator, the WPA have now received confirmation an agreement has been reached to resolve the access issues, this should allow progressive working and restoration of the site in accordance with the extant planning permission. Case will remain open; the WPA will continue to monitor the site to ensure progress is being made.

**District:** Uttlesford

**Location:** Land at Armigers Farm, Thaxted, Great Dunmow CM6 2NN

**Nature of problem:** Working outside of CLUED and installation of new plant

**Remarks:** Without the benefit of planning permission the installation of a new wash plant. An application is to be submitted to the WPA for consideration.

**District:** Uttlesford

**Location:** Land on the South side of Mill Lane, Ickleton, Saffron Walden (part of Boro Farm, Newmarket Road, Great Chesterford, Saffron Walden CB10 1NU)

**Nature of problem:** Waste soil and aggregate operation

**Remarks:** Without the benefit of planning permission the deposition of waste, raising the levels of the land and the creation of bunds. On the 28/10/2022 the WPA served a Temporary Stop Notice to prevent further deposition which ceased to have effect on the 25/11/2022. Following the serving of the TSN works ceased. Planning Contravention Notices were subsequently served in an attempt to ascertain further information as to the activities occurring on the land. A site visit was conducted in March 2023 and this case remained ongoing. An update to members was provided in May 2023 to confirm the WPA issued an Enforcement Notice on the 26 April 2023 which took effect on the 31 May 2023 in respect of the unauthorised development. The WPA will continue to monitor the site in relation to the Enforcement Notice to ensure compliance with the Notice.

**District:** Uttlesford

**Location:** New Farm, Elsenham Road, Stansted, CM24 8SS

**Nature of problem:** Importation of waste

**Remarks:** Importation, depositing, storing and spreading of waste materials on the land. On the 05/10/2015 an Enforcement Notice was served by the WPA. The landowner and tenant appealed the Enforcement Notice. The Planning Inspectorate issued their decision in relation to the appeal on the 01/07/2016. The appeal against the Enforcement Notice was allowed on ground (g) such that 12 months was given for the removal of the waste and restore the land. The removal was required by the 01/07/2017. A site visit, after this date, confirmed that the Enforcement Notice had not been complied with. The case was passed to ELS for potential prosecution. However, due to COVID-19 all matters that were provisionally listed for prosecution were put back to a holding court. The land has now been sold. The EN remains on the land and the new owners will be responsible for compliance. A site meeting with some of the new landowners was conducted 22<sup>nd</sup> March 2023, and a subsequent letter was issued seeking to confirm the new owner's intents. Following further investigation, the WPA has obtained ownership information including the additional new landowner details. The WPA is attempting to open dialogue with all parties with an interest in the land. A further update will be provided to members in due course.

**District:** Uttlesford

**Location:** Timbers, Hallingbury Place, Great Hallingbury, Bishops Stortford, CM22 7UE

**Nature of problem:** Waste Activities: Waste importation, deposit, storage and treatment, including unauthorised landraising.

**Remarks:** Without the benefit of planning permission a material change of use namely operating a waste recycling facility involving the importation, storage and treatment of waste, namely inert materials. Including associated plant, equipment, machinery and storage containers on land with additional deposition of material/landraising. Following discussions, the landowner has stated he is willing to work with the WPA to remedy the breach of planning control. Without prejudice, the WPA have agreed to allow the landowner this opportunity and subsequently specified the requirements and deadlines which must be met. In context of the above, the WPA are content to withhold taking formal enforcement action. The WPA will continue to monitor the site to ensure sufficient progress is being made.

**DR/40/23****Report to:** DEVELOPMENT & REGULATION (22 September 2023)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.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/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of July	39
Nº. Decisions issued in August	6
Nº. Decisions issued this financial year	26
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	96%
Nº. Delegated Decisions issued in August	2
Nº. applications where Section 106 Agreements pending at the end of August	17

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of July	13
Nº. Decisions issued in August	4
Nº. Decisions issued this financial year	10
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in August	4

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in August	6
Nº. Committee determined applications issued in August	4
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	89
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of August	48
Nº. of referrals to Secretary of State under delegated powers in August	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of August	9
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of July	20
Nº. of cases cleared this financial year	10
Nº. of enforcement notices issued in August	0
Nº. of breach of condition notices issued in August	0
Nº. of planning contravention notices issued in August	0
Nº. of Temporary Stop Notices issued in August	0
Nº. of Stop Notices issued in August	0

**DR/41/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.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/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of August	36
Nº. Decisions issued in September	0
Nº. Decisions issued this financial year	26
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	96%
Nº. Delegated Decisions issued in September	0
Nº. applications where Section 106 Agreements pending at the end of September	18

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of August	11
Nº. Decisions issued in September	3
Nº. Decisions issued this financial year	13
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in September	3

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in September	3
Nº. Committee determined applications issued in September	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	101
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of September	44
Nº. of referrals to Secretary of State under delegated powers in September	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of September	9
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of August	22
Nº. of cases cleared this financial year	10
Nº. of enforcement notices issued in September	1
Nº. of breach of condition notices issued in September	0
Nº. of planning contravention notices issued in September	0
Nº. of Temporary Stop Notices issued in September	0
Nº. of Stop Notices issued in September	0