

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 24 October 2014</b>	<b>Committee Room 1, County Hall, Chelmsford, Essex</b>
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**Quorum: 3**

**Membership:**

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

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

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Essex County Council

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## **Part 1**

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

		<b>Pages</b>
<b>1</b>	<b>Apologies and Substitution Notices</b> The Committee Officer to report receipt (if any)	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 26 September 2014.	<b>6 - 31</b>
<b>4</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>5</b>	<b>Minerals and Waste</b>	
<b>5a</b>	<b>Rivenhall Airfield, Braintree</b> To consider Report DR/42/14, relating to Rivenhall Airfield, Coggeshall Road (A120), Braintree.  Reference: ESS/41/14/BTE	<b>32 - 85</b>
<b>6</b>	<b>County Council Development</b>	
<b>6a</b>	<b>Staples Road Primary School, Loughton</b> To consider Report DR/43/14, relating to the erection of an extension to Staples Road Primary School, Staples Road, Loughton IG10 1HR.  Reference: CC/EPF/42/14	<b>86 - 117</b>
<b>7</b>	<b>Enforcement Update</b>	

- 7a Holy Cross School, Harlow 118 - 121**  
To consider Report DR/44/14, relating to the enforcement of planning control at Holy Cross School, Tracyses Road, Harlow CM18 6JJ.  
  
Reference: ENF/0614
- 8 Information Item**
- 8a Applications, Enforcement and Appeals Statistics 122 - 125**  
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.
- 9 Date of Next Meeting**  
To note that the next meeting will be held on Friday 28 November 2014.
- 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)

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

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

- 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.

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

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## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 26 SEPTEMBER 2014**

### **Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr J Aldridge  
Cllr K Bobbin  
Cllr P Channer  
Cllr C Guglielmi

Cllr J Lodge  
Cllr M Mackrory  
Cllr Lady P Newton  
Cllr C Seagers  
Cllr S Walsh

### **1. Apologies and Substitution Notices**

Apologies were received from Cllr M Ellis and Cllr J Reeves (substituted by Cllr Seagers).

### **2. Declarations of Interest**

Cllr Abbott declared a personal interest in agenda item 5a, Bradwell Quarry, as part of the application lies within his division, and as a member of Rivenhall Parish Council and Braintree District Council. He had also taken part in the minerals process throughout.

Cllr Lady Newton declared a personal interest in agenda item 5a, Bradwell Quarry, as a member of Braintree District Council and having the portfolio for Planning

Cllr Bobbin declared a personal interest in agenda item 5c, Terminus Drive, as local Member and as a member of Basildon Council.

Cllr Aldridge declared a personal interest as a member of the Minerals and Gravel Working Group.

Cllr Mackrory declared a personal interest as a member of the Minerals and Gravel Working Group; and, in agenda item 5d, Park Farm, Chelmsford, as his division is located just to the south of this site.

### **3. Minutes**

The Minutes and Addendum of the Committee held on 22 August 2014 were agreed and signed by the Chairman.

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

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

- 1) Change of use to waste recycling and materials recovery facility and erection of buildings, containment walls, hardstanding, roadways, fencing, parking, storage areas and ancillary development (part retrospective)

Location: Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, Essex SS16 4UH

Reference: ESS/69/12/BAS

Applicant: Heard Environmental

Public Speakers: Richard Eaton speaking against  
Russell Forde speaking for.

- 2) Construction of two storey two form entry Primary School and single storey Early Years Centre with associated hard and soft play space, vehicular accesses, parking and pick up/drop off areas, hard and soft landscaping, drainage, lighting and fencing.

Location: Land north of Apprentice Drive, New Braiswick Park, Colchester

Reference: CC/COL/34/14

Applicant: Essex County Council

Public Speakers: Mike Wilson speaking against  
Andrew Smith speaking for  
Alan Beasley speaking for

And, speaking as a Member,  
Cllr R Gooding

And, speaking as local Member,  
Cllr A Turrell.

## **5. New Braiswick School, Colchester**

The Committee considered report DR/39/14 by the Director for Operations, Environment and Economy.

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

The Committee was reminded that the application sought permission for a two storey two form entry Primary School and single storey early years centre with associated development being north of Apprentice Drive adjacent to the New Braiswick Park housing estate and east of the established Fernlea and Braiswick residential areas.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- National Policy Considerations and Consultation Procedure
- Need
- Principle of Location



- Highways impact and access arrangements
- Landscape, design and arboricultural issues
- Ecology
- Heritage
- Impact upon amenity
- Human rights.

In accordance with the protocol on public speaking the Committee was addressed by Mike Withers, a local resident speaking on behalf of the Fernlea Residents Action Group (FRAG). Mr Withers made several points:

- Numerous objections set out in correspondence with Officers have not been addressed in the report;
- The application severely affects the amenity of the residents of Fernlea and particularly impacts on the two residents adjacent to the proposed new exit road, a road which is not seen as buildable;
- The proposals are misleading in not dealing with certain questions and do not present alternative scenarios appropriately; and they contravene planning regulations;
- An independent review concluded that the proposed exit produced the worst possible impact on the local traffic network;
- 77% of local voters do not support this application, as the consultation process failed to address their concerns; and
- There are four allocated sites for schools in Colchester, but the authority has chosen this unallocated one. Present local demographics mean that pupils will have to travel across one of the worst local traffic bottlenecks to reach the school.

Andrew Smith, head teacher and CEO of the Learning Pathways Trust, then addressed the meeting. Mr Smith made several points:

- The Trust has a very good track record, not only sponsoring two academies in Essex rated highly by Ofsted, but working with other schools both in Essex and across England;
- The vision is to provide an outstanding school for the local community with high academic standards;
- The Trust aims to work with local people and organisations, and head teachers operate an open door policy where possible, so that local concerns may be addressed;
- The location is ideally suited to meet local primary school catchment needs. The catchment area will be relatively small, but this is known as a “hotspot”, where there is growing pre-school growth;
- The school plans to admit 50 pupils in 2015, followed by 62 in 2016 and 74 in 2017. Were the school not to be built, these children would have to travel to other schools, out of the area; and
- Car access, parking and movement will be controlled, especially at peak times, and priority will also be given to cycling, walking and using public transport.

Alan Beasley, a local resident speaking on behalf of the Apprentice Drive Residents Committee, then addressed the meeting. Mr Beasley made several

points:

- The Committee supports the proposed traffic scheme with entry on Apprentice Drive and exit on Fernlea, although it is not clear how this will work in practice;
- There remain many issues relating to traffic access. The County Council has underestimated the numbers of cars, and is wrong in presuming that large numbers of people will walk and cycle to the school. The increased traffic numbers and flow may lead to accidents, as has happened at other Colchester schools;
- The roads are narrow around that area, which will not only create bottlenecks, but parents are likely to park in the surrounding streets, which could create difficulties for emergency vehicles. Strictly enforced parking restrictions will be needed in the area; and
- Proposed on-site parking provision is inadequate. The unused area at the north-east corner of the site should be used to provide more.

Cllr Ray Gooding, Cabinet Member for Education and Lifelong Learning, then addressed the meeting. Cllr Gooding made several points:

- There is an overall need for school places across the county, but Colchester is one of the most pressurised for Reception places. He is aware of children needing to be transported by taxi or bus to school because there is insufficient local provision;
- This school will provide for the needs of the area, and, as it is a local school, it is hoped that many will travel on foot and/or by bicycle; and
- The figures in the report are well set out: the need is already there – the children already exist and will need to be transported to schools elsewhere if this application does not go ahead.

Cllr Anne Turrell, local Member for Mile End and Highwoods, then addressed the meeting. Cllr Turrell made several points:

- Colchester is one of the fastest growing towns in the country and the Mile End area has seen the greatest number of new housing in the town; but the education provision has not kept up with this;
- Local residents' concerns are wholly understandable and have been expressed clearly; and
- Should the application be approved, there must not only be good traffic management in place when the school is built, but also strong controls put in place during the construction period, to ensure disturbance to local people is kept to a minimum.

A number of points were made by Members:

- There are several good design features, eg it is a two-storey building, with a pitched roof, with pick-up points and some solar PV provision. However, it lacks a lighting plan and it was suggested that school provision should have been factored into the building of the New Braiswick Estate at its planning stage;
- There has also been a good level of tree retention, although there still will be some loss, and the description "ecologically low value" was questioned,

given the presence of bats, mature oak trees and slow worms, for instance;

- The need for school places is clear and is not decreasing;
- There are always traffic issues around schools, so there was considerable sympathy for local residents;
- There seem to be some issues with the actual construction of the exit road onto Fernlea;
- The physical location of the site is not ideal, having residential development on three sides, and the access roads are relatively narrow.

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

- The proposed 28 staff parking places is based on the ratio of 1 space to every 15 pupils as set out in the adopted Vehicle Parking Standards 2009;
- Entry to the site would be gated. The gates would be controlled by keypad and CCTV (as used elsewhere by the Trust);
- With regard to on-site construction issues, both Colchester BC and Highway Authority have seen the plans and not raised an objection. Concerning the imposition of additional waiting restrictions in those streets adjacent to the site, the developers have agreed a £10,000 contribution to cover the cost; in practice, the Council will retain this for a five-year period, while it assesses the needs and problems and then decides what appropriate course of action should be taken;
- The 424 representations were summarised and appraised which can be found at Appendices 1 and 2 of the officers report and addendum;
- The speed limit is 20 mph in the New Brunswick Park estate along Apprentice Drive and 30 mph within the existing Fernlea estate, as the latter does not meet the necessary criteria, in line with ECC Development Management policies;
- There are clearly defined paths, at both access points linking to within the site itself;
- With regard to whether there is adequate access for service vehicles, Essex Police Crime Prevention officer and Essex Fire and Rescue have raised no objection on these grounds; their full response can be found within the officers report; and
- The creation of a footpath was proposed, to provide additional pedestrian access from the North West of the site; but this is not possible, as the land is outside the control of the applicant.

After brief further discussion, the resolution was proposed and seconded.

Following a vote of ten in favour and none against, with Cllr Abbott abstaining, it was

### **Resolved**

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

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 23<sup>rd</sup> May 2014, together with drawing numbers BS-KSS-DWG-A-001 Rev A dated 06/02/14, BS-KSS-DWG-A-002 Rev K dated 08/08/14, BS-KSS-DWG-A-10 Rev B dated 22/05/14, BS-KSS-DWG-A-020 Rev A dated 03/04/14, BS-KSS-DWG-A-100 Rev L dated 21/05/14, BS-KSS-DWG-A-101 Rev L dated 25/05/14, BS-KSS-DWG-A-102 rev D dated 18/03/14, BS-KSS-DWG-A-110 rev D dated 03/06/14, BS-KSS-DWG-A-111 Rev C dated 03/06/14, BS-KSS-DWG-A-200 Rev A dated 04/03/14, BS-KSS-DWG-A-201 Rev A dated 04/03/14, BS-KSS-DWG-A-202 Rev A dated 04/03/14, BS-KSS-DWG-A-203 Rev A dated 04/03/14, BS-KSS-DWG-A-300 Rev J dated 01/09/14, BS-KSS-DWG-A-301 rev H dated 01/09/14, BS-KSS-DWG-A-310 Rev E dated 08/08/14, BS-KSS-DWG-A-1201 Rev B dated 25/07/14, BS-HED-DWG-LA-101 Rev F dated 16/09/14, BS-HED-DWG-LA-102 Rev E dated 16/09/14, BS-HED-DWG-LA-103 Rev F dated 08/08/14, BS-HED-DWG-LA-104 Rev C dated 08/08/14, BS-HED-DWG-LA-105 Rev D dated 08/08/14 and BS-HED-DWG-LA-106 Rev E dated 16/09/14 e-mail from Dalton Warner Davis concerning Tree Works dated 05/09/14, letters from Dalton Warner Davis dated 23/05/15, 19/06/14, 08/08/14 and 15/08/14, letter from Essex County Council Project Sponsor concerning memorandum of understanding and highway contribution dated 16/09/14, the contents of the Design and Access Statement including Landscaping, Material Schedule and refuse Plan dated 04/06/14, Statement Of Community Involvement dated 23/05/14, Tree Survey Report dated 12/06/14, Arboricultural Method Statement dated August 2014, Noise report dated 19/06/14, Archaeological Desktop Assessment dated March 2014, Archaeological Evaluation dated April 2014, Transport Assessment and No dig Access construction Drawing CIV SA 95 0022 A02 dated 08/08/14, School Travel Plan dated 14/07/14, Flood Risk and Drainage Strategy P03 including Drainage Drawing BS ST-D-DWG 2101 dated 08/08/14, Utilities Statement submitted on the 05/06/14, Site Investigation Report dated 12/06/14, Sustainability Statement dated April 2014 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions: -
3. No beneficial occupation of the development hereby permitted shall take place until the construction of the proposed site access roads, as shown on drawings BS-HED-DWG-LA-106 Rev E dated 16/09/14 and BS-HED-DWG-LA-101 Rev F dated 16/09/14, has been completed.
4. No beneficial occupation of the development hereby permitted shall take place until two new sections of footway along the northern side of Apprentice Drive at the western and eastern end of the site and associated footpath connections into the site, has been completed.

5. No beneficial occupation of the development hereby permitted shall take place until an updated school travel plan has been submitted to and approved in writing by the County Planning Authority. Details shall include a programme for monitoring its success in delivering sustainable modes of transport, programme for monitoring cycle parking uptake/provision and how the school will publish the Travel plan and ensure that users embrace the plan. The development shall be implemented in accordance with the approved travel plan.
6. The construction of the development hereby permitted shall not be carried out outside the following times:

07:00 to 18:00 hours Monday to Friday

and at no other times, including on Saturdays, Sundays, Bank or Public Holidays.

7. No beneficial occupation of the development hereby permitted shall take place until Sound Insulation measures on any building where there is to be amplified sound shall be submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
8. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises as referenced in noise report dated 19/06/14 and letter from Dalton Warner Davis dated 15/08/14.
9. No beneficial occupation of the development hereby permitted shall take place until details of ventilation and extraction plant to be used in the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
10. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, luminance and proposed hours of operation have been submitted to and approved in writing by the County Planning Authority. The details shall:
  - 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;
  - Show how and where external lighting would be installed, through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated 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; and

- Detail the proposed hours of operation.

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

11. The 1.8m fence adjacent to the Fernlea exit access is to be maintained for the life of the development hereby permitted.
12. Noise break-in levels shall achieve the BB93/BB101<sup>1</sup> limit of 40dB LAeq, based on the 5dB(A) relaxation for naturally ventilated classrooms.
13. In the event that contamination material is discovered on site, details of mitigation and remediation and a timetable for implementation shall be submitted for approval by the County Planning Authority. The mitigation and remediation shall be implemented in accordance with the approved details.
14. The development hereby permitted shall be implemented in accordance with Baseline Ecology Report and Assessment (August 2014), Report of an Invertebrate Study of Mature Oaks (July 2014), Landscape and Ecological Management Plan, Reptile Habitat Management Handbook (August 2014) and Construction Environment Management Plan (August 2014) submitted with this application and shall be implemented in accordance with the submitted details. The mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the County Planning Authority.
15. No topsoil is to be used for the establishment of the wild flower areas as indicated on BS-HED-DWG-LA-101 Rev D dated 08/08/14.
16. No beneficial occupation of the development hereby permitted shall take place until details of an updated management plan omitting the construction phase has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
17. The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement (August 2014) and email from Dalton Warner Davis dated 05/09/14.
18. No beneficial occupation of the development hereby permitted shall take place until the surface water drainage scheme as detailed in the Flood Risk Assessment undertaken by Skanska Ref: BS-STL-D-RPT-0001 dated 23/05/2014 and Drainage Drawing BS ST D 2101 dated 08/08/14 has been implemented.

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<sup>1</sup>Building Bulletin 93 (BB93) "Acoustic Design of Schools"

Without prejudice to the foregoing, the surface water drainage scheme shall include measure for:

- Investigation the feasibility of infiltration SuDS as a preference.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- A discharge rate to the AW piped network at the agreed rate of 7.6l/s
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

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

The meeting adjourned at 12.04 pm, reconvening at 12.11 pm.

## **6. Terminus Drive, Pitsea**

The Committee considered report DR/37/14 by the Director of Operations: Environment and Economy.

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

The Committee was advised that, although this application had previously been considered in May 2013, following the subsequent Judicial Review, the decision was quashed. The authority was then left to reconsider the application. The applicant revised the application including a lobby to the main building and providing additional supporting information. The application was subject to reconsultation and was reconsidered by Committee in June 2014, where it was resolved to grant planning permission.

Prior to issue of decision a letter was received indicating a further JR challenge was intended to be submitted.

Having taking legal advice, in light of recent case law, the view was taken that consideration in June 2014 had not taken appropriate account of the impact of the development upon the Listed Buildings.

The report presents a fresh analysis of all relevant issues and entirely supersedes earlier reports. Members should put out of their minds the discussion and debate that took place at earlier meetings.

A description of the site and its surrounds was provided

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need, principle and location
- Highway impacts
- Impacts on public rights of way
- Design, landscape and visual impacts
- Impacts on ecology
- Impacts on local and residential amenity
- Impacts on the historic environment and viability of Cromwell Manor – particular reference was made to recent case law with respect to S66(1) of the Listed Buildings and Conservation Areas Act 1990.
- Impacts on hydrology
- Economic benefits
- Procedural matters

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Councillor Aldridge left the meeting at 12.41 pm

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In accordance with the protocol on public speaking the Committee was addressed by Richard Eaton, a solicitor representing Cromwell Hall. Mr Eaton made several points:

- There should be a presumption on behalf of the preservation of Cromwell Manor, weighing this up against the public benefit. In February 2014, judgment was given by the Court of Appeal in the Barnwell case, where it clarified the statutory duty to promoting the preservation of listed buildings; and here, preservation means causing no harm at all. Now, to allow any harm to the setting of such a building will require exceptional public benefit
- The Manor has a long and remarkable history, getting its name from being given to Thomas Cromwell by Henry VIII in 1539. It has been subject to alteration, but it still retains many original features. It retains its view to the south. This development would impinge on the skyline, with a large building and piles of rubbish
- As to the claims for public benefit, it has not been plan led – Basildon objects to this development, regarding it as an untidy site. As the Forge



Fields judgment in the High Court in June 2014 made clear, any public benefit in a location must be evaluated against that in another possible location; so without a comparison, no evaluation can be possible

- It has been a wedding venue since 2001 and this development would probably be terminal to the business – this huge building and large quantities of waste are hardly in keeping with a special day.

Russell Forde, Chartered Town Planner and agent for the application, then addressed the meeting. Mr Forde made several points:

- The Committee has already granted approval twice, and a previous plan was for a taller building than the one proposed. The decision hinges on the impact of the building on the setting of Cromwell Manor, as everything else has been considered in forensic detail.
- One important fact – a building will be built here, as this site is allocated for industry. Why should it not be this building?
- A second point is the contradiction of the conservation officer's advice. Originally the detrimental impact of the Cromwell Manor marquee as a dominant feature was cited in objection; but one month later the officer withdrew his objection
- Heard Environmental have outgrown their former site and have made commitments to moving, in the wake of planning permission and the likelihood of resolution. When the building was commenced, it had planning permission
- They provide employment for almost 50 local staff, whose families depend on them for their livelihoods. This provides evidence of huge public interest. The uncertainty of the past few months has taken its toll on the family and this needs resolution.

A number of points were raised by Members:

- There is a considerable amount of traffic here, causing a lot of vibration, which is potentially damaging to Cromwell Manor. It also poses a risk to pedestrians using the footpath
- Basildon has few listed buildings and they need to be protected. Basildon also has dedicated industrial sites, which would be more appropriate for such activities
- Pitsea is a very built up area, with few areas of open countryside. This road gives access to Wat Tyler Country Park. Cromwell Manor represents another such area of open countryside
- Although the building is already in place, the applicant proceeded at his own risk; and it is always up to the applicant to have a design that will not compromise the locality of the development.

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

- The revised recommendation by officers reflects the Forge Fields decision, which was the first decision to be passed down from the newly created Planning Court, which is part of the High Court. The decision was made too late for it to be taken into consideration when this application came before Committee in June; but subsequent advice taken by the County Council was that the decision did represent a change and so the planning

permission was not enforced and the decision was subsequently quashed. The NPPF has not yet been revised to reflect the Forge Fields judgment

- The land has been designated for B1 and B2 use by Basildon Council. This does not necessarily involve the use of a building.

It was noted that the wording of the officer's recommendation should not refer to the entire development, but specifically to the "waste transfer building and lobby".

The resolution, as amended, was proposed and seconded. Following a vote of nine in favour and none against, with Cllr Seagers abstaining, it was

### **Resolved**

That planning permission be refused for the following reason:

1. The proposed waste transfer building and lobby would cause harm to the setting of a listed building and therefore the development does not preserve the setting of Cromwell Manor, a Grade II listed building, contrary to S66 (1) of the Listed Buildings and Conservation Areas Act 1990 and it is considered that there are no significant material considerations to override the statutory presumption against granting planning permission for the development.

And that:

2. Given the on-going harm to the setting of the listed building caused by the unauthorised waste transfer building and lobby, an Enforcement Notice is served requiring the removal of the unauthorised waste transfer building and lobby within a reasonable timeframe – i.e. with 6 months from the date of the notice.

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Councillor Lady Newton left the meeting at this point.

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## **7. Bradwell Quarry**

The Committee considered report DR/35/14 by the Director for Operations, Environment and Economy.

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

The Committee noted that the proposal seeks to extend working at an existing quarry site.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Policy considerations and need
- Landscape and visual impact
- Water environment
- Noise and dust
- Traffic, highways and public rights of way
- Heritage impact
- Ecology
- Agricultural and soils
- Restoration and afteruse
- Social and economic

A number of points were raised by Members:

- The County Council should have been quicker to require cessation of the stripping of topsoil from sites A3 and A4, as this was clearly more than just trial trenching for archaeological purposes
- A concern was raised about the potential extent of the mineral extraction, as completion of A7 would mean workings almost 4 km in length. At some point the quarry will have to close
- The protection of and enhancements to local footpaths is to be welcomed, as these are valued facilities to local people.

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

- The soil type in sites A3 and A4 is 3a, not 2, as suggested on page 31 of the agenda pack
- Regarding the potential impact of working on Woodhouse Farm, it was confirmed that the present application, for sites A2 and A3, will not be visible from the Woodhouse Farm. When proposals are submitted for A6, this will have to be given due consideration
- A limited use of Woodhouse Lane for site traffic was permitted through a discharge of a condition as part of the working of site A2, but this will not continue as part of A3 and A4. Condition 13 clearly requires all traffic to be via A120 access
- The suggestion that a building or buildings should be erected to replace those currently on site. The existing building provides roosts for bats; so, rather than bat boxes, buildings would provide alternative bat roosts. This could not be required by condition as the buildings would require planning permission in its own right, but it was agreed an informative could be added to request this.

In view of comments received and ensuing discussion, the resolution was proposed and seconded, with the following:

- An informative, suggesting consideration should be given to providing additional buildings for bats
- Additional condition as set out in the Addendum, to require scheme of phasing for restoration of site R and site A2

Following a unanimous vote in favour, it was

**Resolved:**

That planning permission be **granted** subject to

- i. The prior completion, within 12 months, of Legal Agreements under the Planning and Highways Acts to secure: obligations covering the following matters
  - 25 year management period for 9.4 ha of priority habitat and in the event any of the priority habitats are relocated a further 25 years of aftercare to be provided
  - Commitment to adhere to Master Plan in term of phasing and restoration, delivering 41.6ha of priority biodiversity habitat on a prorate basis if sites A5, A6 and A7 are permitted.
  - Accruing of a fund or financial bond to cover the costs of management of the priority habits. The developer to submit a schedule of the likely costs arising over the management period
  - Deeks Cottage and Haywards not be used as residential properties whilst machinery is within 100m of the properties
  - Retention and maintenance of existing measures in the highway to prevent/discourage access onto the private access road at the crossings with Ash Lane and Church Road
  - Disciplinary measures to be enforced by the company if drivers found using minor roads and the crossing points to access the access road
  - Removal of access road if the IWMF is not implemented, or not required with respect to Waste Local Plan preferred sites or future potential mineral permissions
  - Extension of PRoW Bradwell 24 to PRoW Bradwell 55 upon restoration of the site, creation of bridleway section to provide direct route between Sheepcotes Lane and Pantlings Lane and upgrading of footpaths to bridleway status upon completion of restoration to create a bridleway route between Sheepcotes Lane and Pantlings Lane, regularising the routes of paths crossing the haul road.
  - Continuation of site liaison group
  - 3 monthly monitoring of boreholes, and pond level board installation at Curd Hall (subject to owners agreement) and further investigation of potential affects of quarrying on the pond at Curd Hall and if necessary provision of mitigation measures.
- ii) And conditions relating to the following matters;

1. Comm 1 commencement
2. COMM3 Compliance with submitted details and addition all relevant plans/elevations and details with respect to planning permission for the processing plant, concrete batching plant, bagging plant, dry silo mortar plant, office, weighbridge, access road and other infrastructure.
3. CESS2 Cessation of development – extraction 3 years, restoration 4 years
4. CESS3 Removal of ancillary development
5. CESS7 Revised Restoration in Event of Suspension of Operations
6. HOUR2 Hours of working
7. Sand & gravel processing plant & dry silo mortar plant– Monday to Friday 7am to 6:30pm, Saturday 7am to 1pm
8. BESPOKE Bagging unit Monday to Friday 6am to 10pm, Saturday 7am to 1pm. No export of materials after 6:30pm
9. BESPOKE No earth moving on Saturdays and Sundays
10. BESPOKE With no working at all on Saturday afternoon, Sunday, Bank and Public Holidays.
11. BESPOKE The bagging plant shall not operate between 6am and 7am and between 6.30pm and 10.00pm unless the roller shutter doors are closed
12. PROD2 Records of output
13. HIGH 2 – Vehicular access
14. BESPOKE Maintenance of signage and measures to deter access and egress to the private access road by local traffic
15. HIGH3 Surfacing/maintenance of Access Road
16. HIGH 4 Prevention of mud and debris on highway
17. HIGH 5 Vehicle movements limits
18. HIGH 6 Lorry sheeting
19. HIGH7 Pedestrian/PROW Signage
20. HIGH8 Parking areas – particularly in relation to earth moving contractors
21. HIGH9 Vehicle routing – not using local roads to get to access road
22. NSE1 Noise Limits
23. NSE2 Temporary Operations
24. NSE3 Monitoring Noise Levels
25. NSE5 White noise alarms
26. NSE6 Silencing of Plant and Machinery
27. BESPOKE constraint on nature and number of plant operating within close proximity of Heron's Farm, Deeks Cottage and Haywards.
28. VIS2 Stockpile heights
29. LGHT1 Fixed Lighting Restriction – with respect to any additional lighting
30. LGHT2 Use of Lighting Restriction
31. DUST1 Dust Suppression scheme
32. DUST3 Spraying of Haul Road
33. LAND1 Landscape Scheme
34. LAND2 Replacement Landscaping
35. TREE1 Tree Protection
36. ECO2 Provision for Translocation of Protected Species
37. ECO3 Protection of Breeding Birds
38. ECO4 Habitat Creation/Habitat Restoration Scheme prior to commencement of restoration works
39. ECO5 Habitat Management Plan & Construction and Environmental Management Plan

40. ECO7 Update of Survey before Commencement of Development
41. LS1 Limits of Excavation
42. LS4 Stripping of Top and Subsoil
43. Topsoil and soil stripping in accordance with submitted details
44. LS5 Maintenance of Bunds
45. LS6 Retention of Soils
46. LS8 Soil Handled in a Dry and Friable Condition
47. LS10 Notification of Commencement of Soil Stripping
48. LS11 Notification of Soil Placement
49. LS12 Topsoil and Subsoil Storage
50. BESPOKE The screening bund adjacent to Green pastures shall be removed prior to restoration of the site, unless planning permission ESS/37/08/BTE has been commenced. If to be retained details shall be submitted for its reshaping and planting.
51. BESPOKE Micro scale level plans for the margins of the water body known as New Field Lagoon.
52. ARC1 Advance Archaeological Investigation
53. POLL1 Surface Water Drainage
54. POLL4 Fuel/Chemical Storage
55. POLL6 Groundwater monitoring
56. POLL8 Prevention of plant and machinery pollution
57. BESPOKE In the event that contamination is found submit details of mitigation and remediation for approval
58. RES1 Stones to be Picked
59. RES4 Final Landform
60. AFT1 Agricultural Aftercare Scheme to be approved
61. BESPOKE Agricultural access route across eastern side of Site R, route to be submitted for approval within 6 months
62. MIN1 No Importation except with respect to bagging and dry silo mortar plant
63. GPDO2 Removal of PD Rights – Specific
64. BESPOKE Not less 66% of materials for the bagging plant shall be supplied from indigenous materials excavated at Bradwell Quarry
65. BESPOKE Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with approved details
66. BESPOKE The colour of all buildings shall be maintained grey
67. BESPOKE – Phasing scheme for restoration of site R and site A2 to ensure completion of restoration within 3 years of commencement of extraction within site A3 and A4. Phasing scheme to be submitted within 6 months of commencement of development.

Informative

Request to consider replacement buildings to provide bat roosts

## **8. Colchester Quarry**

The Committee considered report DR/36/14 by the Director for Operations, Environment and Economy.

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

The Committee noted the complex planning history of the site and that this application seeks to consolidate all existing planning permissions on the site into one, as well as the extraction of sand and gravel at Five Ways Fruit Farm, an extension of time for existing operations on site and the importation of inert waste for restoration purposes.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Policy considerations
- Need
- Landscape and visual impact
- Ecology
- Noise, dust and odour
- Traffic and highways
- Heritage impact
- Water management

The resolution was proposed and seconded, and following a unanimous vote in favour, it was

**Resolved:**

That planning permission be **granted** subject to:

The completion, within 3 months, of a legal agreement including the following matters:

- Submission of a revised restoration scheme in the event that ESS/63/06/COL is implemented by 11 May 2015.
- The applicant to use best endeavours to upgrade proposed permissive rights of way and existing PROW so that they can be used for cycling;
- A Monument/Conservation Management Plan for Grymes Dyke, in consultation with English Heritage;
- Landscape Management Plan for medium to long term management of the site beyond the 5-year aftercare period;
- The formal implementation of a Local Liaison Group;

and conditions covering the following matters:

1. COM1 – Commencement by 11 May 2015 and notification to the MPA of such commencement.
2. COM3 - Compliance with submitted details.
3. CESS7 – Revised restoration in event of suspension of operations.

4. BESPOKE - Submission of elevations and layout drawings including surfacing of access road, colours of plant and traffic calming methods associated with the DSM plant, recycling facility and associated mobile plant parking area, processing plant, quarry workshop, concrete plant, site offices, visitor parking and lorry parking, within 3 months of the date of permission.

5. HOUR2 – Hours of working (mineral specific):

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays

No stripping, movement, temporary or permanent placing of soils before 0730 hours on any day.

6. BESPOKE - Hours of operation for the DSM Plant:

0500 – 2000 hours Monday to Friday

0500 – 1800 hours Saturdays

No deliveries of HGV movements other than between:

0700– 1800 hours Monday to Friday

0700– 1230 hours Saturdays.

7. BESPOKE - Hours of operation for the recycling plant:

0700 – 1830 hours Monday to Friday

0700- 1230 hours Saturdays.

8. BESPOKE - Hours of operation for concrete plant:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays.

9. BESPOKE - No freestanding stockpiles of aggregate shall be stored within the DSM operational area.
10. BESPOKE - The DSM shall use only indigenous sands.
11. WAST2 – Skips to be incidental to main use.
12. BESPOKE - The recycling plant shall process only dry inert 'Type A' waste and road planings/construction waste.
13. BESPOKE - All waste residues from recycling process to be removed from site each week.
14. BESPOKE - No handling, processing or storage of waste outside of the permitted recycling area.
15. VIS2 – Stockpile heights not to exceed 6.1m in recycling area.
16. BESPOKE - Processing plant used only in connection with sand and gravel from Colchester Quarry.
17. BESPOKE - Quarry workshop used only for the repair of plant and vehicles associated with the quarry and no other use.



18. BESPOKE - No topsoil, subsoil, overburden or soil making material to be removed from site.
19. LAND1 – Landscape scheme including detailed landscape/restoration proposals, surfacing of footpaths, tracks and fencing, detailed sections, depths of excavation and contours within 3 months of date of permission.
20. LAND2 – Replacement landscaping.
21. BESPOKE – Progressive stripping, extraction and restoration to ensure Stanway and FWFF are restored concurrently and in a phased manner.
22. AFT1 – Aftercare scheme to be agreed.
23. AFT2 – Drainage of restored land.
24. ARC1 – Advance scheme of archaeological investigation.
25. EC03 – Protection of legally protected species.
26. LS2 – Soil movement scheme.
27. LS3 – Machine movement scheme.
28. LS4 - Stripping of top and subsoil.
29. LS5 – Maintenance of bunds.
30. BESPOKE - 'Soil Bund 12' to be in place prior to commencement of any works other than formation of the access track.
31. BESPOKE - Soil Bund 12 shall be no higher than 2m in height.
32. BESPOKE - Soil bunds 13 and 14 shall be no higher than 3m in height.
33. LS8 – Soil handled in a dry and friable condition.
34. LS10 – Notification of commencement of soil stripping.
35. LS11 – Notification of soil placement.
36. LS14 – Final soil coverage.
37. BESPOKE - Height of temporary stockpiles of soil-making material not to exceed height of boundary bunds.
38. BESPOKE - No imported material to FWFF.
39. HIGH2 – Vehicular access from Warren Lane only.
40. BESPOKE - Hedge to be kept cut back to maintain visibility along Warren Lane.
41. HIGH3 – Surfacing/maintenance of access road and Warren Lane shall be swept.
42. HIGH4 – Prevention of mud and debris on highway.
43. HIGH6 – Lorry sheeting.
44. HIGH5 – Vehicle movements associated with recycling site no more than 70 movements of up to 32t gvw per day.
45. BESPOKE - No mineral shall be imported to the site from Bellhouse beyond the timescales permitted by ESS/07/01/COL/REV (or as subsequently varied).
46. POLL1 – Surface and foul water drainage, including for the DSM plant and recycling area.
47. POLL6 - Groundwater monitoring and mitigation if levels impact on nearby private wells.
48. LGHT1 – Fixed lighting restriction.
49. BESPOKE - Reptile mitigation strategy.
50. BESPOKE - Construction Environment Management Plan.
51. BESPOKE - Ecological Management Plan.
52. NSE1 - Noise limits for all permitted site operations:

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The Bungalow	52dB LAeq
Dyer's Road	53dB LAeq
Egremont Way	51dB LAeq
Randoms	53dB LAeq
Heath Road/Grymes Dyke Way	50dB LAeq
Wiseman's Farm	50dB LAeq
The Nook	50dB LAeq.

- 53.NSE2 – Temporary operations (not to exceed 70dBA).
- 54.NSE3 – Monitoring noise levels and the submission of a scheme of mitigation should noise levels be exceeded.
- 55.NSE5 – White noise alarms.
- 56.NSE6 – Silencing of plant and machinery.
- 57.DUST1 – Dust suppression scheme for all permitted operations.
- 58.POLL4 – Fuel/Chemical storage.
- 59.CESS2 – Cessation and removal from site of sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge, workshop and related infrastructure by 31 October 2026.
- 60.CESS2 – Cessation and removal from site of the inert recycling operation and associated mobile plant parking area by 31 December 2037.
- 61.CESS2 – Cessation and restoration of FWFF area within the application site within 7 years of commencement of operations at FWFF and restoration of the entire site by 31 December 2037.
- 62.RES1 – Stones to be picked.
- 63.MIN1 – No importation except via conveyor from Bellhouse.
- 64.WAST1 – Waste type restriction.
- 65.GPDO1 – Removal of PD rights beyond the areas shown on drawing B30/489 dated February 2005.
- 66.BESPOKE – Scheme for pumps used for dewatering to be submitted and approved within 3 months.

## 9. Park Farm, Chelmsford

The Committee considered report DR/38/14 by the Director for Operations, Environment and Economy.

The Committee noted that the report seeks an extension to complete the Section 106 on an existing agreement, and seeks an additional year to allow time to sort out certain legal agreements out with the developers.

The resolution was proposed and seconded, and following a unanimous vote in favour, it was

**Resolved:**

- 1 The Committee re-endorse the previous decision to grant planning permission subject to the amended head of terms for the legal agreements and planning conditions (with additional condition for EMP) as set out below.

Heads of terms of the legal agreement(s)

- A) Within 1 month the prior completion of a S106 Legal Agreement to secure obligations to cover the following matters:
- Not to commence implementation of the mineral/backfill development until lawful commencement of GBP development (CCC application ref: 09/01314/EIA).
  - Prior to commencement of the mineral development to obtain approval from ECC of the construction and environmental management plan as required by CCC application ref: 09/01314/EIA, subject to Chelmsford City Council being in a position confirming they intend to approve the same construction and environmental management plan.
  - Prior to commencement of dewatering of the application site to obtain approval from ECC of the drainage management system (in particular with respect to the settlement pond and discharge of water resulting from dewatering and surface water from the application site) as required by CCC application Ref. 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same drainage management system.
  - Groundwater monitoring outside the application site as described within the application and Environmental Statement
  - Scheme of mitigation to be submitted should the water level in ponds outside the site drop significantly due to activities associated with the mineral/backfill development.
  - Requirement for applicant to serve Unilateral Undertakings (UU) (the wording of which to be agreed in advance with MPA) on licensed abstractors. The UUs obligating to put licensed abstractors on mains water supply should there be significant detrimental impact upon water abstractions resulting from the mineral/backfill development.
  - Early implementation of planting on the north and west boundary of New Hall School, as proposed by planning application CCC Ref: 09/01314/EIA.
  - Access/egress to and from the public highway for vehicles associated with the mineral/backfill development only at locations as approved under planning application CCC Ref: 09/01314/EIA.
- B) Within 12 months, the completion of a legal agreement under the Planning Acts or such alternative forms as may be agreed by the Director for

Operations: Environment and Economy and the County Council's Legal Officer, to amend the scheme of obligations relating to the application site as currently set out within the existing s52 legal agreement associated with planning permissions CHL/1890/87 and CHL/1019/87 to take account of the proposals.

Planning permission be granted subject to the conditions

Conditions relating to the following matters:

- COMM1 Commencement within 5 years
- COM3 Compliance with Submitted Details
- PROD 1 Export restriction - no greater rate than 325,000 tonnes per annum
- CESS5 Cessation of Mineral Development within 4 years, cessation of landfilling and restoration within 8 years except for restoration of boundary with Bulls Lodge Quarry extraction
- CESS3 Removal of Ancillary Development
- CESS7 Revised Restoration in Event of Suspension of Operations
- HOUR2 Hours of working (Mineral Specific)  
07:00 to 18:30 hours Monday to Friday  
07:00 to 13:00 hours Saturdays  
and at no other times or on Sundays, Bank or Public Holidays.
- The schedule of work and timescales shall be carried out to accommodate the infrastructure delivery plan set out in the proposal of application ref. 09/01314/EIA
- South and east facing slopes of stores of overburden and subsoil shall be no greater than 1:3 and shall be top soiled and seeded in first available planting season and subject to a programme of maintenance
- LGHT1 Fixed Lighting Restriction
- ECO3 Protection of Breeding Birds
- Submission of method statement with respect to removal of hedgerow
- Scheme of mitigation should ponds within the site dry due to mineral operations
- 10m standoff to all retained hedgerow and hedgerow trees
- NSE1 Noise Limits
- NSE2 Temporary Noisy Operations
- NSE3 Monitoring Noise Levels
- NSE5 White Noise Alarms
- NSE6 Silencing of Plant and Machinery
- HIGH3 Surfacing/Maintenance of Haul Road
- HIGH2 Vehicular Access
- DUST1 Dust Suppression Scheme – including source of water for dust suppression
- POLL6 Groundwater Monitoring
- Flood risk mitigation in accordance with FRA Dec 2011
- Details of method of soil stripping and placement
- LS4 Stripping of Top and Subsoil
- LS5 Maintenance of Bunds

- LS8 Soil Handled in a Dry and Friable Condition
- LS10 Notification of Commencement of Soil Stripping
- LS12 Topsoil and Subsoil Storage
- ARC1 Advance Archaeological Investigation
- No material other than overburden, subsoils and excavation waste (except topsoils) shall be disposed in the void
- POLL 4 Fuel/Chemical Storage
- POLL 8 Prevention of Plant and Machinery Pollution
- Scheme for removal of suspended solids from surface water run-off
- RES4 Final Landform
- Interim restoration scheme to rough grassland for phases where infilling complete, but redevelopment under GBP development not planned within 6 months
- Submission of restoration details for northern boundary area as indicated hatched on ES4.16 ensuring levels tie in with those permitted as part of CHL/1890/87 or any subsequent amendment
- Nature and use of infilling materials in accordance with report by URS Mineral Extraction and Backfill dated May 2012 and ensure the made up ground over which the Radial Distributor Road associated with application Ref 09/01314/EIA being dealt with by CCC is backfilled with appropriate material and compacted to finished levels to support the new RDR design requirements.
- MIN1 No Importation
- WAST6 No Crushing of Stone
- GPDO2 Removal of PD Rights
- Scheme of mitigation should ponds inside the site dry due to mineral operations
- No extraction or infilling at the site 4 years after commencement until the submission and approval of a reassessment of the impact of the proposals on ecology and the water environment.
- Submission of details of use of surplus topsoils
- Submission and approval of Ecological Management Plan prior to commencement of material operations

#### 10. **Statistics**

The Committee considered report DR/40/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

#### 11. **Committee protocol and public speaking policy**

The Committee considered report DR/41/14, which had been circulated as a late addition to the agenda.

The paper sought:

- to rationalise the wordings found in the Committee Protocol and the Public Speaking Protocol with regard to the publication of meeting papers
- to update the Public Speaking Protocol with regard to reporting of

meetings, in the wake of the new rights given to the public by the Openness of Local Government Bodies Regulations 2014.

The resolution was proposed and seconded, and following a unanimous vote in favour, it was

**Resolved:**

That the following changes to the 'Public Speaking at the Development and Regulation Committee' edition dated November 2010 are adopted:

The words "The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website "are added in substitution for the following existing text, with any minor variations that the context may require:-

- page 2, 2<sup>nd</sup> full paragraph, 3<sup>rd</sup> sentence 'The report is available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'; and
- page 4, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence 'The agenda and reports for the Committee are published and are available for public inspection at least seven working days in advance of the Committee.'
- Page 6, 2<sup>nd</sup> full paragraph, 3<sup>rd</sup> sentence 'The report will be available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'

And that the following words are deleted from the Committee Protocol, updated 31<sup>st</sup> May 2013: page 7, fifth paragraph, 3<sup>rd</sup> sentence 'Except with the approval of the Chairman, no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.'

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

The Committee noted that the next meeting will be held on Friday 24 October 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 2.17 pm.

Chairman





committee                      DEVELOPMENT & REGULATION

date                              24 October 2014

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Extension of time of 2 years to the period for commencement of development (condition 1) of planning permission granted by the Secretary of State Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE), allowing the date of commencement to be extend from 2 March 2015 to 2 March 2017. The planning permission being for “An Integrated Waste Management Facility comprising:**

- **Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators;**
- **Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals;**
- **Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel;**
- **De-inking and Pulping Paper Recycling Facility to reclaim paper;**
- **Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void;**
- **visitor/education centre;**
- **extension to existing access road;**
- **provision of offices and vehicle parking;**
- **and associated engineering works and storage tanks in accordance with application number ESS/37/08/BTE dated 26 August 2008 (as amended)**

Location: **Rivenhall Airfield, Coggeshall Road (A120), Braintree**

Ref: **ESS/41/14/BTE**

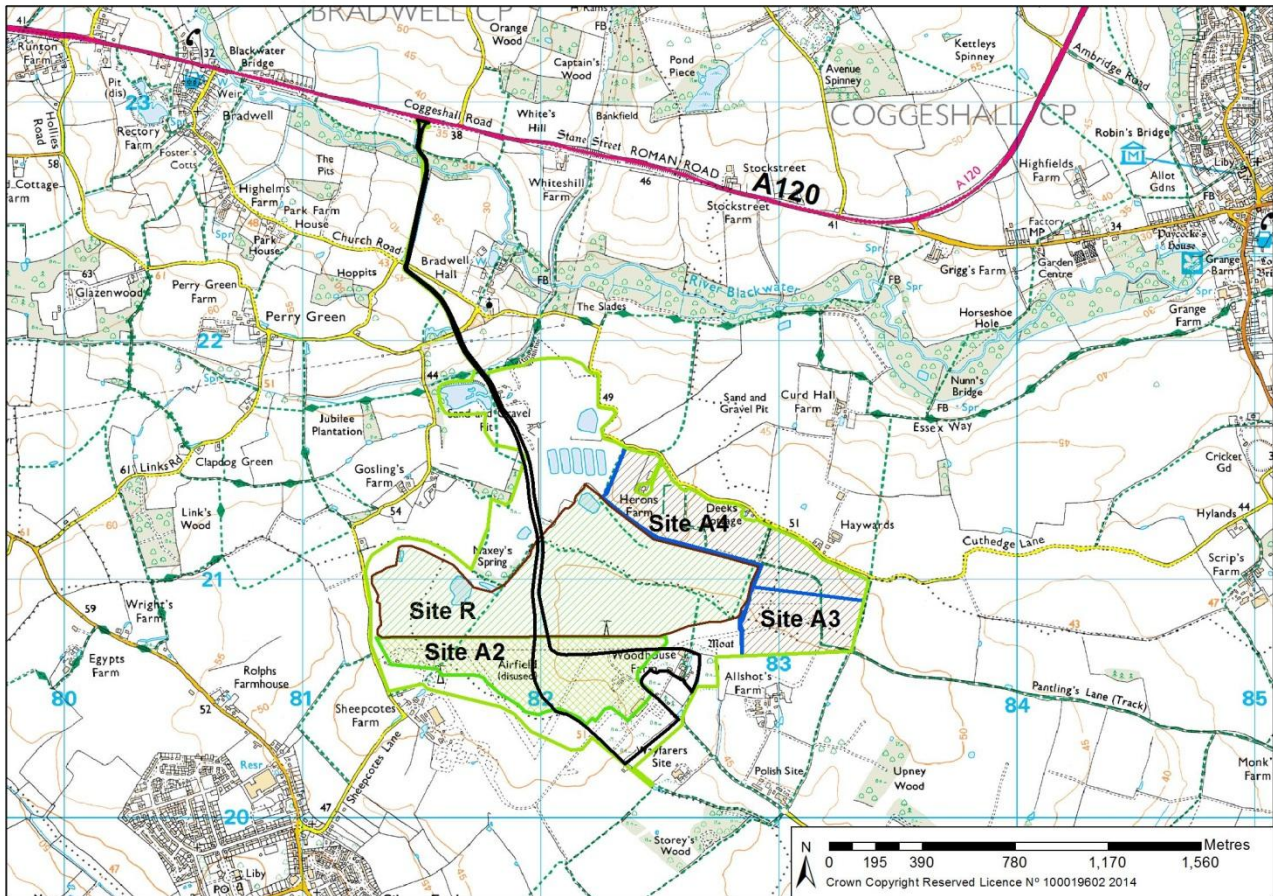
Applicant: **Gent Fairhead & Co Ltd**

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Report by Director of Operations: Environment and Economy

Enquiries to: Claire Tomalin Tel: 03330 136821

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



## 1. BACKGROUND

The planning application for the above development known as the Rivenhall Integrated Waste Management Facility (IWMF) was submitted in August 2008 and was accompanied by an Environmental Statement. The application was “called-in” for determination by the Secretary of State (SoS). The Committee nonetheless considered the application in April 2009 and resolved to that had the decision been left to the Waste Planning Authority the development would have been approved subject to conditions and a legal agreement.

The Call-In Public Inquiry was held in Sept/Oct 2009 and the Secretary of State issued the Inspectors report and decision on 2 March 2010, granting planning permission subject to 63 conditions and a legal agreement.

To date the planning permission has not been implemented.

Condition 1 requires the development to commence before the expiration of 5 years from the date of the permission i.e. by 2 March 2015.

In June 2011 the applicant submitted details with respect to conditions 53 and 54 relating to an updated ecological report and Habitat Management Plan. The conditions were discharged, but due to the delay in implementation of the development a further ecological report would be required before commencement of development.

The planning permission has been the subject of two applications for Non Material Amendments (NMA). The first application NMA was made in August 2012 (ESS/37/08/BTE/NMA) sought to divide the development into 2 stages, this went beyond what the authority considered could be dealt with as an NMA and the application was subsequently withdrawn. A second NMA was made in September 2012 (ESS/37/08/BTE/NMA2). This sought to amend the wording of condition 2 (application details) to include a phrase normally included by the MPA as standard. The phrase makes it clear where other conditions of the permission or details are approved under conditions of the permission, are different to those set out in application details (controlled by condition 2) then those of the subsequent conditions prevail.

There had been a previous planning permission (ESS/37/06/BTE) for a waste management facility on the same site by the same applicant which was granted in February 2009, with this planning permission expiring in February 2014 (although the applicant had confirmed that there was no intention to implement this earlier permission).

The planning application for the IWMF included extraction of 415,000m<sup>3</sup> (747,000 tonnes) of sand and gravel. In 2011 planning permission was granted for site A2 of the then emerging Minerals Local Plan. This planning permission (ESS/32/11/BTE) gave separate planning permission for working of the sand and gravel within the site of the IWMF as well as areas outside of the footprint of the IWMF. However, 100,000 tonnes of sand and gravel remains unworked within the south of the IWMF site located under an area of TPO Woodland.

## **2. SITE**

The site is located east of Braintree, approximately 3km south east of Bradwell village, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall. The application site totals 25.3 hectares and includes the proposed access road from Coggeshall Road (A120 trunk road).

The area for development of the IWMF lies on the southern part of the former Rivenhall airfield, now largely removed following mineral extraction as part of Bradwell Quarry. The site is located approximately 1.7km south of Coggeshall Road and includes Woodhouse Farm and its buildings and includes the 6ha area identified as a “preferred location for waste management” (WM1) in the WLP.

The site for the IWMF overlaps with Bradwell Quarry where sand and gravel extraction with low level restoration to agriculture/biodiversity/water and woodland is anticipated to be completed by 2018, however further preferred/reserved sites are allocated in the MLP which would extend the life of the quarry if granted.

The site for the IWMF site comprises areas of former mineral working currently permitted to be restored at low level. The IWMF site includes the Grade II Listed Woodhouse Farm buildings and areas of TPO woodland.

The site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape.

Located on the old airfield to the west of the site is a 48m (above natural ground level) radar mast positioned next to Hangar No. 1, approximately 370m west of the site. The landform around the site forms a flat plateau at about 50m AOD. There are limited elevated viewpoints from which to oversee the site, but there are some views from higher ground to the north east.

The nearest residential properties not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the site at 400m and 450m respectively from the proposed waste management facility. To the north east on Cuthedge Lane lies Haywards 950m from the proposed waste management facility, Deeks Cottage at 860m and Herron's Farm at 720m from the proposed waste management facility and 460m from the site access road. To the west of the site on Sheepecotes Lane lies Sheepecotes Farm 470m from the site boundary, Gosling's Cottage at 900m from the site boundary, Gosling's Farm 900m north west of the site boundary, Goslings Barn 880m from the site boundary and Greenpastures 470m north west of the site boundary. Properties to the southwest within Silver End village lie over 1km from the site boundary. Parkgate Farm lies south of the site approximately 1km from the site boundary. 200m to the east of the haul road lies Bradwell Hall.

The proposed access route utilises the existing junction with the A120 and the access road which currently provides access to Bradwell quarry. The access route crosses the River Blackwater and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan 2005 - BDLP). The access road is two lane from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two lane south of Ash Lane. The crossing points on Church Road and Ash Lane are both single width only.

Apart from the access road the land the subject application site has no designations within the BDLP.

There are three County Wildlife Sites within 3 km of the site at Maxeys Spring, Storeys Wood and Blackwater Plantation.

There are a seven Grade II Listed properties in the vicinity of the site, including, Allshots Farm (400m away) and Sheepecotes Farm (470m away) located to the east and west of the airfield respectively. To the south west Bower Hall (1.2km away) and to the south east Porter's Farm (1.3km away) and to the north west Goslings Farm (900m away), to the north east Curd Hall (1.3km away) and finally to the east of the haul road Bradwell Hall (200m away from haul road).

Three footpaths (FP's 19, 57, 58), including the Essex Way, are crossed by the existing quarry access road and the extended access route would cross the FP35. There is also a public footpath No. 8 routed through the eastern part of Woodhouse Farm.

### **3. PROPOSAL**

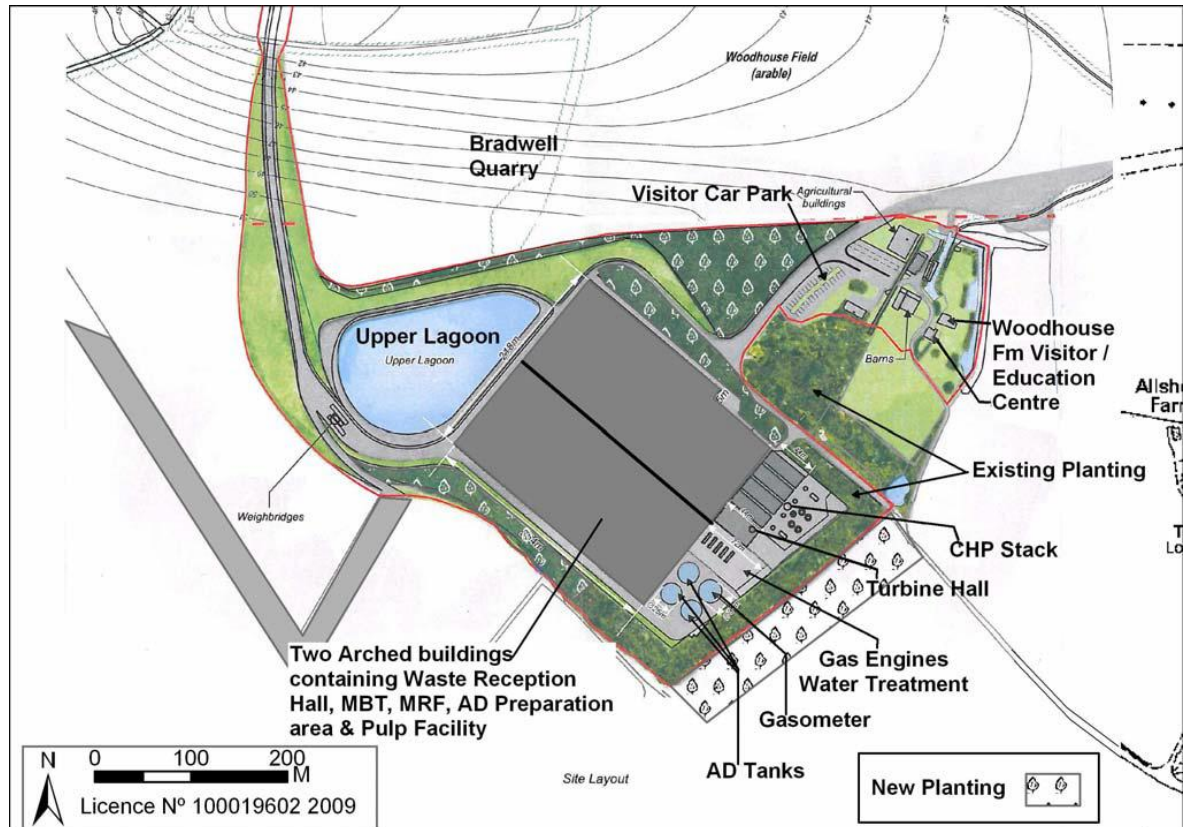
The application is to extend the time limit for implementation by 2 years, until 2



March 2017.

Application ref ESS/37/08/BTE was accompanied by an Environmental Statement. This application ref ESS/41/14/BTE has been screened for EIA and a formal opinion has been issued to state that an EIA was not required.

No other changes are proposed to the currently approved development.



The proposal is for an Integrated Waste Management Facility comprising the following elements

- Anaerobic Digestion (AD) plant;
- Materials Recovery Facility (MRF);
- Mechanical Biological Treatment (MBT) facility
- De-inking and pulping paper recycling facility to reclaim paper;
- Combined Heat and Power (CHP) Plant;
- Extraction of minerals and overburden;
- Visitor/Education Centre;
- Extension to existing access road;
- Provision of offices and vehicle parking;
- Associated engineering works and storage tanks.

The application site is a total area of 25.3 ha and area is made up of the following elements:

6ha (approximately) for the waste management facility including buildings and

structures

2.6ha for the redevelopment of Woodhouse Farm

11.9ha including the fresh water lagoon and proposed areas of landscaping

3.8ha for the construction of the extended haul road

1ha the existing haul road to the quarry to be utilised by the proposals.

The proposal is to provide an integrated waste management facility that would deal either with Municipal Solid Waste (MSW) and/or Commercial and Industrial (C & I) waste from within Essex and provide a waste paper processing facility for largely the East of England Region. The waste would be non-hazardous. By way of further explanation the constituent parts of the proposal are described in more detail in Appendix A.

#### 4. POLICIES

The following policies of the Essex and Southend Waste Local Plan (WLP) adopted 2001, Mineral Local Plan (MLP) adopted 2014, the Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BDLP) provide the development framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>MLP</u>	<u>BCS</u>	<u>BDLP</u>
Waste strategy	W3A			
Receipt of Essex wastes only	W3C			
Flooding and surface water	W4A			
Surface & ground water	W4B			
Suitable access to regional route	W4C			
Composting within buildings	W7A			
Support for anaerobic digestion and composting	W7C			
Incineration of waste	W7G			
Preferred locations for waste management	W8A			
Siting, design, external appearance of buildings, landscaping and mitigation of adverse effects	W10B			
Development control criteria	W10E			
Hours of working	W10F			
Safeguarding/improvements to Rights of Way	W10G			
Preferred and reserve sites for sand and gravel extraction		P1		
Presumption in favour of sustainable development/ Sustainable development locations		S1		
Protecting and enhancing the environment and local amenity		S10		

Access and transportation	S11	
Mineral site restoration and afteruse	S12	
Development management criteria	DM1	
Planning conditions and legal agreements	DM2	
Primary processing plant	DM3	
Countryside		CS5
Promoting accessibility for all		CS6
Natural Environment and Biodiversity		CS8
Built and Historic Environment		CS9
Industrial & Environmental Standards		RLP 36
Pedestrian Networks		RLP 49
Transport Assessments		RLP 54
Pollution control		RLP 62
Air quality		RLP 63
Contaminated land		RLP 64
External Lighting		RLP 65
Water supply and land drainage		RLP 71
Water quality		RLP 72
Landscape Features and Habitats		RLP 80
Trees, Woodland, Grasslands and Hedgerows		RLP 81
Protected species		RLP 84
Rivers corridors		RLP 86
Protected Lanes		RLP 87
Layout and design of development		RLP 90
Alterations, extensions and changes of use to Listed Buildings and their settings		RLP 100
Archaeological Evaluation		RLP 105
Archaeological Excavation and Monitoring		RLP 106

The original application was determined against the Waste Local Plan 2001, Braintree District Local Plan 2005, but was also determined against the MLP 1996 now replaced by the MLP 2014 and PSS10 as published in 1999. Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) was revised in March 2011

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF combined and streamlined all planning policy except for waste, PPS10 (2011) continues to apply. Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF, while the NWMPE and PPS10 are material considerations in planning decisions.

The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan

unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans 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). It is considered this is applicable to the WLP, BCS and BLP. The consistency of WLP policies is set out in Appendix B

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Braintree District Council originally intended to create a Local Development Framework which it was envisaged would supersede the Local Plan Review in its entirety. In this regard, the BCS was adopted on 19 September 2011 and it was anticipated that the remaining BLP policies would be replaced by those to be contained in a Site Allocations and Development Management Plan. During a meeting on 30 June 2014 it was however resolved not to proceed with the Draft Site Allocation and Development Management Plan. Work has now instead commenced on a new Local Plan, which will set out the Council's strategy for future development and growth up to 2033. This includes building the right number and types of houses, developing the appropriate type of retail and recreational facilities, getting the right office and industrial spaces, creating opportunities for local jobs and protecting our wildlife, landscapes and heritage. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered is at a sufficient stage to have significant weight in the determination of this application.

## **5. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – No objection. While BDC raised objection to original application, it does not consider there has been any material change in waste planning policy since the determination of the application. However, BDC



urge WPA to undertake a careful consideration and thorough testing of the key assumptions behind the needs case in light of any changes in provision treatment capacity and markets for pulped paper that have occurred in the last 4-5 years. Should the WPA be minded to grant planning permission it should be subject to all conditions previously imposed.

ENVIRONMENT AGENCY: No objection

HIGHWAYS AGENCY: No objection

DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES (National Planning Casework Unit): No comments.

ESSEX WILDLIFE TRUST: No comments received

RSPB: No comments received

CPRE: No comments received

ESSEX RAMBLERS ASSOCIATION (ERA): No comments received

BRITISH HORSE SOCIETY: No comments received

HIGHWAY AUTHORITY: No objection

HIGHWAY AUTHORITY (Public Rights of Way): No comments received

COUNTY COUNCIL'S NOISE, LIGHTING & AIR QUALITY CONSULTANTS: No objection subject to re-imposition of conditions of SoS decision.

PLACE SERVICES (Ecology): Object subject to further information. A Biodiversity Validation Checklist has been completed identifying the need for a mitigation plan. This document should be supplied and appended to this planning application  
Comment: Objection withdrawn following submission of previous ecological mitigation details submitted in response to conditions of the IWMF and Bradwell Quarry permissions. In addition conditions would be re-imposed requiring updating of the mitigation if implementation is not undertaken within 12 months of the last updating report.

PLACE SERVICES (Trees): No objection

PLACE SERVICES (Landscape): No objection

PLACE SERVICES (Historic Environment): No objection subject to an additional condition. Woodhouse Farm and the ancillary buildings are listed buildings that are on the Buildings at Risk register and are buildings of historic value. Their conservation to new uses would ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. A condition is required securing the implementation of a programme of historic building recording in accordance with a written scheme of investigation in accordance with the NPPF.

BRADWELL PARISH COUNCIL: Object. The A120 is already congested and cannot take any more traffic, application surveys are more than 5 years old new survey should be undertaken in consultation with Highways Agency. Understand that the bridges cannot take heavy loads. These bridges were never subject of planning applications or Environment Agency authorisation and considered by Bradwell PC to be linked to problems of flooding in the village. If there are problems they should be subject to further works and replaced in necessary.

Comment: The bridges on the private haul road are adequate to take the loads necessary to construct and operate the IWMF, certain heavier loads require management to ensure the weight is spread evenly across the bridge(s), but this is an operational matter for the developer.

KELVEDON PARISH COUNCIL: Object for the following reason:

- Concerned that changes are proposed as part of the application
- Concerned that road infrastructure has not improved and in fact roads maintenance has reduced and thus infrastructure now worse than before.
- Concerned if A120 were closed that traffic would be directed through local villages
- Understand the markets for wastes have changed such there is no need for the facility.
- Details as to control of emissions remains vague and unclear how if type of waste changes that the controls would be appropriate.
- Still uncertainty over height of chimney.
- An extension of time would leave the community with a continued period of uncertainty.

SILVER END PARISH COUNCIL: Object on the following grounds:

- Permission has been in place for sometime and do not consider the development will ever take place
- Concerned that not all traffic would be via A120 as some traffic for quarry has been from the south.
- Understand there is an issue with bridges on the haul road.
- Support the views of Rivenhall Parish Council

RIVENHALL PARISH COUNCIL (adjacent): Object on the following grounds:

- There has been a long period for implementation of this development, and certainty as to its development remains unclear.
- Also there is uncertainty as to the form of the development an application having been made and then withdrawn to develop the site in 2 stages.
- There have been various parties interested in developing the facility, but these have all not gone forward, leaving uncertainty as to whether the facility will ever be developed.
- The application implies there might be changes to the facility and that there is still a need for incineration.
- The granting of extraction within site A2 has facilitated the IWMF and should not have been granted.
- The application implies there would be waste coming from a greater

catchment than that set out in the original planning application and controlled by conditions of the planning permission. Importation of waste from further afield would be unsustainable.

- No clear need case has been put forward taking on board that other facilities have subsequently been submitted including Courtald Road MBT, Halstead AD, Great Blakenham, Ipswich – Energy from Waste
- Application implies incineration capacity could be extended
- The traffic impacts of the proposal should be reassessed in light of additional traffic on the A120
- Application wrongly states Rivenhall only facility capable of handling SRF arising from Courtald Road facility
- No Environmental Permit has been obtained from the EA and concern was raised that the permitted chimney height was inadequate to meet the requirements of the EA
- Concern that traffic would need to access from the south, particularly heavy loads due to weight constraints on the bridge crossing the River Blackwater
- Due to time delay consider new habitat, landscape and access surveys are undertaken, prior to determination.

COGGESHALL PARISH COUNCIL (adjacent): No comments received

FEERING PARISH COUNCIL (adjacent): Object.

- Consider changes have been made to the application including the height of the chimney which would have unacceptable landscape impact.
- Concerned that traffic A120 has increased and thus facility would cause further problems.
- Requests the authority consider whether it is environmentally friendly to transport waste over long distances to the site and whether the facility is necessary.

LOCAL MEMBER – BRAINTREE – Witham North: Request application considered at Committee for the following reasons:

- Long planning history of various waste developments, which have changed in nature and increased in scale.
- Concern that which to develop something different having sought application to develop site in 2 stages a few years ago.
- Application explains how there have been various attempts to find backers for the scheme that have not come to fruition. Extension of times leaves uncertainty for further 2 years as to whether the site will ever be developed.
- The granting of mineral extraction in site A2 an unallocated minerals site should not have been permitted as while the mineral could be extracted, this was only if the waste developed were to be commenced.
- The application documentation implies a greater catchment area than that permitted by the planning permission and a greater capacity for the CHP plant.
- The stack height remains uncertain, until an Environmental Permit application is made to the EA.

LOCAL MEMBER – BRAINTREE – Braintree Eastern: Any comments will be reported verbally.

## **6. REPRESENTATIONS**

2 properties were directly notified of the application. 16 letters of representation have been received. The details of the comments are set out in Appendix C. The main points are summarised below:

- An extension of time would give a further period of uncertainty as to whether the IWMF would ever be developed
- The A120 is already congested and the additional traffic would exacerbate this pre-existing problem
- Concern that the scale and nature of the development will change
- Concern that the catchment for the development will increase
- Do not consider there is the need for the facility in Essex, with improved recycling and development of other waste facilities.
- Concern that the chimney stack would be higher
- Concern that there has been no application to EA for Environmental Permit.

## **7. APPRAISAL**

The key issues for consideration are:

- Justification for additional time to implement the planning permission
- Need for IWMF
- Environmental Impact & Impact on local amenity
- Highways
- Length of extension of time to commence development

### **A JUSTIFICATION FOR ADDITIONAL TIME TO IMPLEMENT THE PLANNING PERMISSION**

The Communities and Local Government Guidance ‘Greater Flexibility for Planning Permissions’ was issued on 23 November 2009.

It sets out the procedure for applicants to use to apply to their local planning authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

The procedure is formally referred to as an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission.

The procedure was introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Originally the provisions applied only to permissions which were granted on or before 1 October 2009. However, an additional 12 months was added via a statement made by the Secretary of State in September 2012. Since application Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) was granted on 2 March 2010 the applicant is entitled to apply for an extension of the implementation date.

The applicant has explained that it is still their intention to develop the IWMF. Various attempts have been made since the grant of planning permission with different partners to move the development forward, but due to the impacts of the recession the partners for various reasons have withdrawn from the project. The applicant has now refinanced and considers they are in a position to develop the IWMF. However there are number of conditions and obligations that must be satisfied prior to commencement of development and additional time is being sought to enable the project to be brought forward and allow enough time for consideration and determination of details required by condition and legal obligation prior to commencement of development.

The guidance issued in November 2009, does refer to EIA development, such that it was envisaged that large scale development that was previously supported by Environmental Statement might be subject of extension of time for commencement. The need for a further EIA was considered and a Screening Opinion issued not requiring a further EIA although some updating information has been provided by the applicant. It was considered there had been no material change in policy or other material considerations, such that the proposal was likely to give rise to any different significant environmental effects as those considered in the determination of the application that would warrant a further EIA.

It is considered that the guidance was introduced to allow a longer period for implementation of development that had not come forward because of the recession and that the proposed development is such a project. There are a number of conditions and obligations which require discharge prior to the implementation. The nature of the detail required by these conditions is likely to require consultation and some of the details are likely to be relevant to the Environmental Permit required from the Environment Agency, such that their discharge is not a formality and could take several weeks if not months to determine. The applicant has stated it is their intention to commence development before 2 March 2015 and has recently held the first meeting of the Liaison Committee which is required to be formed at least 6 months before the commencement of development. It has also been stated that submissions required by conditions and obligations are likely to be forthcoming in the next few months.

It is therefore considered that there is justification for an extension of the commencement of the development subject to the proposals still being in

conformity with current policy and not giving rise to an unacceptable adverse impact.

## B NEED FOR THE IWMF

The main policy changes since the grant of permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) are considered to be:

- The introduction of the National Planning Policy Framework (March 2012), which has superseded Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas
- CLG EU Waste Technical Guidance Note (Dec 2012)
- National Waste Management Plan for England (NWMPE) December 2013
- The revision of PPS10 in March 2011. In light of the NWMPE a consultation draft PPPS10 was published in July 2013, but a final version has not been published,
- The abolition of the Regional Spatial Strategy (RSS) - East of England Plan,
- The abolition of the Essex & Southend Structure Plan
- The adoption of the Minerals Local Plan
- The emerging Essex & Southend Waste Local Plan – Preferred Approach 2011
- Adoption of the Braintree District Core Strategy

The main policy implications arising from the new and emerging national planning policy and guidance are:

- Presumption in favour of sustainable development, the need to consider the three dimensions of sustainable development, Economic, Social and Environmental with an emphasis on growth.
- Duty to co-operate, with the abolition of the RSS Waste Planning Authorities must engage with adjacent authorities recognising the cross boundary movement of waste.
- Seeing waste as a resource to contribute to renewable energy solutions, climate change and carbon change.

The implications of these changes are discussed further in the sections below.

The need for the IWMF was considered by the SoS and it was stated in the SoS decision letter dated 2 March 2010 that “He agrees that the proposal would help to deliver sustainable development by driving waste management up the waste hierarchy, and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. He also agrees that it would help to reduce carbon emissions and would have benefits in terms of climate change.”

Concern has been raised by several consultees that the supporting application indicates that the proposals are changing; extending the catchment from which

waste might be sought and the capacity of the various treatment elements of the proposal. The current application is only for a change to condition 1 an extension of the commencement period by 2 years. All other conditions would remain unchanged, including those that control the scale and catchment for the IWMF. Any changes to the scale and catchment of the facility would need to be the subject of separate applications and would have to be considered on their individual merits against current planning policy and guidance

The principle of the waste hierarchy and seeing waste as a resource has been reinforced and re-emphasised by National planning policy since the Public Inquiry in 2009, namely within the NWMPE, the revised PPS10 March 2011 which sought to take on board the requirements of EU Waste Directives. PPS10 was updated in March 2011 but continues to have the objective of sustainable waste management in accordance with the waste hierarchy, namely waste management in the following order: prevention; preparing for re-use; recycling; other recover (including energy from waste); and disposal. The IWMF includes a Materials Recycling Facility as the last opportunity to recover recyclables from the waste stream. The IWMF includes Anaerobic Digestion (for food and green waste) and a Mechanical Biological Treatment facility to produce a residue suitable for use in Combined Heat and Power; these treatments are considered “other recovery”. The emerging PPS10 (Consultation draft) July 2013 continues to have the objective of sustainable waste management in accordance with the waste hierarchy and in addition places particular emphasis on the desire for Energy from Waste plants to be Combined Heat and Power, using the heat directly which is more efficient. The proposed IWMF includes a CHP plant utilising the heat and steam in the paper pulp plant. The paper pulp plant facility would take paper recovered from the waste stream and would utilise it to create recycle pulp that can then be used in paper manufacture.

In terms of local waste policy, the Waste Local Plan 2001 saved policies remain the adopted policies for waste in Essex and Southend and the IWMF was considered by the SoS to be largely in conformity with the Waste Local Plan.

Work has commenced on a new replacement waste local plan and a Preferred Approach document was produced in 2011. In light of the various changes in waste policy and guidance highlighted previously, it has been decided to produce a new Preferred Approach stage. Within the 2011 Preferred Approach the IMWF was safeguarded as a preferred site with dual allocation status as “safeguarded Permitted IWMF sites (within Preferred Approach 4) and Preferred Site Allocations for IWMF (within Preferred Approach 5).

The Preferred Approach 2011 recognised that there are 3 permissions for major waste management facilities, one being the IWMF at Rivenhall. The second is at Courtauld Road, with a sorting facility and MBT which has been implemented and will once commissioned (likely Oct/Nov 2014) largely deal with Municipal Solid Waste required to be managed by ECC as Waste Disposal Authority. The Courtauld Road facility will produce a residue which would require either to be used for energy recovery or landfilled, whilst the initial contract for this residue would probably see it utilised overseas, there is in the future potential for the residue to be utilised at the Rivenhall facility as fuel in the CHP plant, but this

would be dependent on contracts. The other facility at Stanway Colchester has planning permission for a major waste facility including MBT and landfilling of the residue; the planning permission has not been implemented and expires in May 2015. A planning application at the same site has been resolved to be granted that would see the site utilised for inert waste disposal. However, there is still potential for an extension of the commencement period to be made with respect to MBT/landfill permission, but this would require changes to vary the restoration scheme, but this is uncertain.

As part of the evidence base for the replacement Waste Local Plan, Capacity Gap reports have been produced, both in 2013 and 2014. It should be emphasised that little weight can be attributed to these documents as they have not been tested at EiP.

Assuming all three major waste management facilities were implemented it was noted in the WGR for 2013 that there was still a need for additional treatment and recovery capacity within Essex & Southend. The CGR 2014 has assessed the C & I waste arisings to be managed and in light of best practice have used different estimating calculations for waste arisings into the future to those within the CGR 2013 and has concluded that if all 3 facilities were to implemented there would be excess capacity. However as stated above it is uncertain the Stanway facility will be developed. In addition the WCG report 2014 recognises that the data with respect to C & I waste is not robust and thus the WPA is commissioning consultants to try and provide more robust data on which to base an assessment of need for the next Waste Local Plan Preferred Approach, such that arisings used in the CGR could be an over or under estimate of the true position.

As explained only very limited weight can be given to Waste Local Plan Preferred Approach and its evidence namely the waste CGRs, as the plan is at such an early stage.

Braintree District Council have not objected but asked for consideration to be given to the need for paper pulp facility. Since the determination of the original application in 2010, a de-ink paper pulp facility and paper mill have been developed at Kings Lynn. However these paper pulp facilities mainly deal with the recycling of newsprint paper and manufacture of new newsprint paper. The facility at Rivenhall is proposed to deal with recycling of higher grade paper with the intention to manufacture paper pulp for use in high grade paper not newsprint, such that it would not be in direct competition with the Kings Lynn facility. The Sittingbourne facility has had some changes to its production since 2012 and does have some capacity to produce high grade recycled paper, but the applicant considered there is still demand for high grade pulp within the country and development of the facility would encourage recycling and separation of higher grade papers to the de-ink pulp facility and that there is a demand for manufactured high grade pulp board.

In light of the current national waste planning policy and guidance the principle of pushing waste up the hierarchy remains an important factor in determination of waste planning applications and the where possible to see waste as resource to provide energy. In both instances the Rivenhall proposals meet with these



objectives. In addition emerging evidence within the emerging replacement Waste Local Plan would indicate that there is still a need for the capacity provided by the Rivenhall facility to treat C & I waste, particularly as it increasingly uncertain the Stanway facility will come forward.

The application does refer to waste coming from further afield than Essex & Southend, however planning conditions (conditions 27, 28 & 30) of the existing planning permission control the source of waste, such that waste MSW or C & I (except waste paper) shall come from Essex & Southend, SRF from Essex & Southend, also from East Of England (as defined by the now abolished RSS) subject to certain constraints, while the source of waste paper is controlled such that no more 50% may arise from outside of the East of England region. Any changes to these conditions would require to be subject of a planning application and would have to be considered on its individual merits against current planning policy and guidance at that time.

The Waste Planning Authority does have a “duty to co-operate” as introduced by the Localism Act 2011 and as part of this has to recognise the cross county movement of waste. In addition it has to be recognised that with the abolition of the RSS the requirement for regional and sub-regional self-sufficiency has been replaced by the duty-to cooperate and PSS10 advocates that waste should be disposed of at one of the nearest appropriate installations.

The IWMF would provide a local facility for management of C & I waste arising within Essex for which there is a need indicated by the recent WCG reports. The facility would also provide a facility in the East of England for recycling of high grade paper. The facility is the only permitted energy from waste plant in the County and could utilise SRF from the Courtauld Road facility but as said this would be dependent on contracts.

With respect to existing Essex & Southend Waste Local Plan 2001 the Rivenhall site includes in part a preferred site for major waste management as defined in WLP policy W8A. Other sites for major waste management facilities have either been withdraw for use for such purposes or are subject of planning permission which prevents their development for major waste management facilities.

With respect to MLP 2014, there remains 100,000 tonnes of mineral permitted to be extracted; this permitted reserve is included with the minerals Landbank for Essex and thus is protected by Policy P1. The removal of material is necessary to facilitate the lowering of the facility into the ground to minimise its visual and landscape impact. The development of the IWMF would result in the loss an area of TPO woodland to enable this remaining extraction, but mitigation including additional areas of woodland are proposed as part of the development and areas of additional woodland have already been provided in the area as part of the mineral developments. It is therefore considered the mineral extraction is in accordance with MLP policy P1 and DM1.

It is therefore considered both in terms of national, particularly PPS10 and local policy the Rivenhall facility is in conformity and there are no grounds on need to withhold permission for a further period of implementation. However it is

necessary to consider whether there have been any other materials considerations or changes such that the environmental impact of the proposals would be different to those considered as part of the determination of the original application and what period of extension is appropriate.

## C ENVIRONMENTAL IMPACT & IMPACT ON LOCAL AMENITY

With publication of the NPPF and the National Planning Policy Guidance (NPG), much of the planning guidance (except waste) against which the planning application was considered has been superseded by these documents. In addition certain policies of the Braintree Local Plan 2005 have been superseded by the Braintree Core Strategy 2011. However the objectives have not materially changed and are embodied in the new policy and guidance, such that it is considered the consideration of environmental and amenity issues would not change.

Cumulative impact is a factor to be considered as part of an EIA. There have been two applications for mineral extraction at Bradwell Quarry since the determination of the IWMF planning, site A2 (ESS/32/11/BTE) which includes the IWMF site as well as extraction in land to the east and west of the IWMF and there is a resolution to grant planning permission for extraction in land north east of the IWMF sites A3 and A4 (ESS/24/14/BTE). Both of these applications have been supported by EIAs and have considered the cumulative impact of their operation at the same time as the construction and operation of the IWMF. In both instances subject to mitigation controlled through conditions and legal obligations there have been no unacceptable adverse environmental effects. There have been no other material changes that would significantly change the environmental effects arising from the development from the delay in the development of the IWMF.

The County's Ecologist with respect to this application did raise concern that the application relied upon mitigation provided as part documents discharged as part of the original IWMF planning permission and documentation submitted with the subsequent mineral applications, without their submission with the application. These have subsequently been submitted and the County Ecologist has now satisfied that the mitigation is adequate. The conditions relating to ecology would be updated to reflect the submission of previously approved details, but still require updating information if the reports became out of date.

The County's Historic advisor has commented that while the repair and re-use of the Listed Woddhouse Farm and buildings is secured through legal obligations, there is no requirement for prior recording of the historic features of the buildings. The need for a Heritage Statement was introduced by PPS5 in 2010 which has subsequently been superseded by para 128 of the NPPF. An additional condition has therefore been requested such that prior to any works/conversion to the buildings a record shall be made of the historic features of the building. This is separate to a Listed Buildings consent that would also be required prior to any works to the Listed Buildings.

Concern has been raised by local residents as to the impact of the proposals from, noise, dust, light and emissions. These factors were considered as part of the

original application and no changes are proposed to the operation of the IWMMF as part of this application and it is concluded that subject to the mitigation proposed as part of the original and current application and secured through conditions and obligations there would be no unacceptable adverse impact on amenity. A review of environmental legislation and guidance particularly with respect to matters considered by the original EIA by the applicant has concluded that there have been no material changes to the criteria against which the original assessment was undertaken. Thus the original conclusions that the IWMMF would not give rise to unacceptable adverse impact are still sound.

Concern has been raised with respect to the height of the chimney, that the proposed 35m height would be inadequate. The acceptability of the stack height will be a matter considered by the Environment Agency as part of the consideration of the Environmental Permit. It is acknowledged that energy from waste facilities have been permitted with higher stacks; however stack height is only one factor in ensuring the dispersion rates are satisfactorily met. If the stack height was found to be inadequate any increase in the stack height would require a planning application, with consultation in accordance with the SCI, and the application would have to be considered on its individual merits.

It is considered that other than the need for a Heritage Statement there have been no significant changes in policy and guidance or material changes that mean the assessments with respect to environmental impact and impact upon local amenity are not still sound, and that subject to re-imposition of all those conditions and obligations attached to the original consent, the imposition of a condition for historic recording and compliance with the ecological mitigation as set out in the additional documents submitted, there is no justification to withhold permission on environmental or local amenity issues.

## D HIGHWAYS

Concern has been raised by Parish Councils and local residents about the impact of the additional traffic that would arise from the development. The IWMMF was considered in the knowledge that Bradwell Quarry was likely to still be operating at the same time as the IWMMF and it was concluded that the proposals would not give rise to highway safety and capacity issues both in terms of the A120 and the local highway network, namely the crossing points across the Church Road and Ash Lane. Since determination of the IWMMF there have been subsequent highways assessments as part of the EIAs for extensions at Bradwell Quarry; site A2 in 2011 and this year (2014) for site A3 and A4. The Highway Agency and Highway Authority were consulted on both scope of the EIAs and the applications and account was taken in these minerals application of the potential for the development of the IWMMF at the time as the mineral development. The Highway Agency was satisfied with the submitted information and has raised no objection to both of these minerals applications on highway and safety grounds in the knowledge the IWMMF permission could still be implemented. The Highway Agency and Highway Authority have raised no objection to the current application and the conditions and obligations with respect to highways would be re-imposed.

Therefore there are no grounds for refusal of planning permission on highway

grounds and the application is in accordance with WLP policy W4C.

## E LENGTH OF EXTENSION OF TIME TO COMMENCE DEVELOPMENT

The planning permission was granted such that development was required to commence within 5 years of development. Government guidance currently recommends that development should be granted requiring a 3 year period for commencement. It has historically been recognised that large scale development such as mineral and extraction and development of waste management facilities do require a longer lead in period such that 5 years is seen as an acceptable period for implementation. The current application would see the period for commencement extended to 7 years. It is acknowledged that the recession has delayed project requiring significant finance as that proposed, but it must be acknowledged that an extended period for implementation had already been allowed.

As to whether this is the right facility, in the right place, at the right time it is considered that the development continues to conform with the extant Waste Local Plan policy. The replacement WLP should be given no weight as it is not at a stage to provide analysis of the need for the facility and based on the current anticipated timetable of pre-submission draft in February 2016, Examination in Public in July 2016 and adoption in December 2016 (assuming no slippage), the WLP will not be available to allow timely determination of this application.

Views have been expressed by local residents and councils that the delay in implementation is more a response to the lack of need for the facility rather than the economic downturn. It is acknowledged that at the time of the Public Inquiry there was a need for a facility to treat Municipal Solid Waste, which has subsequently been met by a facility at Courtauld Road, shortly to commence operation. However there is no substantiated evidence to demonstrate that there is no need for the facility. The applicant has stated that they now have the finance and it is their intention to develop the IWMF in the near future. While applications to discharge conditions and obligations have not been made as yet it is understood that submissions are imminent. It is acknowledged that the application to the EA for an Environmental Permit may have a bearing on some of the details of the submission for conditions, taking these factors into account; it does seem likely that implementation might be delayed beyond March 2015. However, it is not considered that such delays are likely to stall the project for a further two years. A two year extension (to March 2017) would also take the commencement date beyond the anticipated adoption date for the replacement waste local plan (December 2016) which would have further considered the need and likelihood for implementation of the IWMF.

The legislation to allow extensions of time for commencement was to allow planning permissions not to expire while the recession was still occurring. Government advice is that the recession finished in May 2014 (UK gross domestic product GDP back to pre 2008 levels), such that the applicant has only had 10 months post recession to bring the development forward.

Overall taking the above factors into account, it is considered that while a further

period is justified to bring implementation of such a large and complex project, which requires significant finance and the need for other permits, it is not considered that an additional 2 years is justified. It is considered a more appropriate period would be 1 year as this would allow 22 months after the recession for the project to be implemented and would allow the permission to remain live during the emergence of the Waste Local Plan. If the development has not been implemented by March 2016, then there would be considerable uncertainty as to whether the facility is needed or viable.

It should be noted that unless new legislation is introduced, if planning permission was granted for an extension of time for commencement until March 2016 no further extension of time for commencement of development could be made. However, the applicant does have the right of appeal against the reduction of the in the extension period for commencement of the development.

## **8. CONCLUSION**

While there have been changes in policy since determination of the application namely the publication of the NPPF, NPPG, NWMPE and an updating of PSS10, the objectives of these documents remains that of sustainable management of waste in accordance with the waste hierarchy without giving rise to unacceptable adverse impact on the environment and local amenity.

The IWMF provides an integrated facility with opportunity to recover recyclables prior to recovery thus facilitating sustainable waste management in accordance with PSS10 (2011) and the CHP element is in line with emerging objectives of the revised PPS10 consultation draft (29 July 2013). It would provide a management facility for C & I waste arising in Essex & Southend as indicated in the recent CGP reports and has potential to provide a facility to utilise SRF from the Courtauld Road facility, subject to contracts. It is therefore considered to be in conformity with WLP policies W3A, W3C, W7A, W7G and W8A and MLP policy S8.

As defined with the National Planning Policy Framework there are however three dimensions to sustainable development: economic, social and environment. Whilst the aforementioned is a benefit in an environmental role (in pushing waste management up the hierarchy) there are a number of other considerations within the environmental role and the economic and social roles that are applicable to this application.

The facility would create new employment areas and it would be likely to support other local businesses bringing and economic activity to the area. However, from a social and environmental perspective it is accepted that that such uses do have the potential to give rise to amenity impacts. There are no changes to the operation of the IWMF as part of the application and even taking into account changes in local and national policy with respect to environmental and local amenity issues, subject to the re-imposition of the SoS conditions, and new conditions as outlined earlier (with respect to ecology and historic recording) and a deed of variation to ensure the original legal obligations remain extant, it is considered there would be no unacceptable adverse impacts that would warrant refusal of planning permission. The proposal is therefore considered to be in accordance with MLP

policies S10, S11, S12, DM1 and DM3, WLP policies W4A, W4B, W4C, W10B, W10E, W10F and W10G, BCS policies CS5, CS6, CS8 and CS9 and BDLP policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.

The application was for a two year extension to the commencement of development. While it is considered that the recession has likely delayed the taking forward of the project, in light of the Government view that the recession ceased in May 2014, it is considered that an additional year would be adequate to ensure all those prior to commencement condition and obligations and other permits, namely the Environmental Permit from the EA required prior to commencement could be secured by 2 March 2016 i.e. over the next 16 months and that a 2 year period has not been justified. In addition a 2 year extension would take the life of the permission beyond the anticipated adoption of the replacement Waste Local Plan.

## **9. RECOMMENDED**

That planning permission be **granted** subject:

- 1) The conditions as imposed by the Secretary of State with respect to Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE), subject to the following changes
  - a) Amendment of condition 1 to allow implementation within 1 year of the 2 March 2015
  - b) Incorporation of the amendments to condition 2 approved under the non material amendment ref ESS/37/08/BTE/NMA2)
  - c) Addition of a condition with respect to the requirement of historic recording of Woodhouse Farm and buildings prior to any works to these buildings and updating and amending conditions with respect to ecology.

The full wording of conditions is set out in Appendix C

- 2) A deed of variation to ensure the new planning permission remains subject of the obligations of the original s106 associated with Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE)

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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

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

The Minerals and Waste Planning Authority has engaged with the applicant over several months prior to submission of the application, advising on the validation requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

#### **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Witham North

BRAINTREE – Braintree Eastern

### Description of IWMF proposals

Anaerobic digestion (AD) plant would treat mixed organic waste (MOW) either food and/or green waste at approximately 85,000 tonnes per annum (tpa), producing biogas converted to electricity through biogas generators and a compost suitable for use in agricultural and horticultural uses.

Materials Recovery Facility (MRF) for mixed dry recyclable waste e.g. paper, plastic, glass, metals. These dry recyclables would be from kerbside collections (100,000 tpa) and/or recovered from the dried waste following treatment in the MBT. The collected dry recyclables may arrive in various mixes depending on the District Councils'/businesses particular recycling schemes and therefore would require sorting which would be achieved using machinery such as trommel screens, ballistic separators and density sorters. The recyclable materials would then be bulked up for export for further reprocessing. The MRF would also process output from the MBT to recover any recyclables.

Mechanical Biological Treatment (MBT) facility for the treatment of 250,000 tpa of municipal and/or commercial and industrial wastes to produce a solid recovered fuel (SRF). Within the MBT waste would be shredded and dried. The MBT would consist of 5 "Biodrying halls" each with a 50,000 tpa capacity. The shredded waste would be laid in windrows within the halls and continuously moved by cranes down the halls with air flow being created via perforated concrete floor. The process would take about 12 -15 days and would reduce the waste in mass by about 25%.

De-inking and pulping paper recycling facility to reclaim up to 360,000 tpa of paper and card received from within East of England Region and London and that recovered at the MRF. The paper and card would initially be treated with steam to create a "floc". The floc would be passed through pulping machinery and through processes of flotation and de-inking to emerge as wet pulp before being dewatered and dried. Once dried the de-inked paper pulp would be formed into boards and bulked up and transported off site for manufacture of graphic or tissue paper. It is anticipated a maximum of 199,500 tpa would be exported from the site.

Combined Heat and Power (CHP) Plant utilising a total up to 360,000 tpa solid recovered fuel (SRF). The total would include SRF produced by the MBT (up to 109,500 tpa), rejects from the MRF (up to 10,000 tpa) and SRF imported from the Waste Management Facility within Essex which could include SRF from the Courtauld Road, Basildon, plus pulp process waste sludge (up to 165,000 tpa). The CHP plant would consist of four 90,000 tpa boiler lines. The CHP would produce electricity, heat and steam. The energy generated would be used to provide electricity for use within the IWMF and export to the national grid and the heat and steam would be used directly in the paper pulp facility.

Extraction of minerals – in the original proposals in order to enable the buildings to be partially sunken below ground level, it was proposed that 760,000m<sup>3</sup> of Boulder Clay, 415,000m<sup>3</sup> of sand and gravel and 314,000m<sup>3</sup> of London Clay would be extracted. A



large proportion of this extraction has taken place as part of working site A2, but there still remains, a quantity of clays and sand and gravel (100,000 tonnes) minerals to be extracted. Where possible the minerals would be utilised in construction of the facility or exported from the site. Sand and gravel could be processed at Bradwell Quarry, subject to a further planning permission related to that site.

Visitor and Education Centre – the Listed Woodhouse Farm house and associated buildings would be refurbished and used as a visitor and education centre, providing an education facility in connection with operation and products of the Waste Management Facility. It is also proposed to provide an area for a local heritage and airfield museum.

Extension to existing access road – the existing access road to Bradwell Quarry would be extended approximately 1km south through the quarry workings to the proposed facility. All traffic would only use the A120 to access the site, utilising the existing junction for Bradwell Quarry. The haul road would be an 8m wide metalled road located into an existing and extended cutting. The crossing points with Church Road and Ash Lane would be improved with additional speed ramps, lighting and signing, but would remain single lane.

Provision of offices and vehicle parking – offices would be provided within the IWMPF. A staff and visitors car park would be developed west of Woodhouse Farm and would not be used by HGV traffic.

Energy Production – 36-43MW per annum of electricity would be generated on site from a combination of energy generated from biogas from the AD process (3MW per annum) and between 33-40MW per annum spare energy from the CHP plant. Approximately half the energy would be utilised on site enabling approximately 21MW per annum to be exported to the National Grid.

#### Buildings and Plant

The facility would comprise 63,583 m<sup>2</sup> of partially sunken buildings and treatment plant situated on the south-eastern edge of Rivenhall Airfield providing employment for around 50 people.

The proposed building to house the Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) and Pulp Production Facility consists of two arch roofed buildings adjacent to each other, each measuring 109m wide x 254m long x 20.75m to their ridges. Both buildings would have “green” roofs, reducing their visual impact and providing a new area of habitat to enhance bio-diversity.

To the south of the main buildings there would be:

- A water treatment building 40m x 72m x 21m;
- A Combined Heat and Power Plant 78m x 44m x 31m high with a stack of 35m above original ground levels;
- A Turbine hall and Electrical Distribution hall 23m x 44m 10m, plus electrical distribution gear on the roof;
- Flue gas and exhaust air clean up complex 33m to 45m x 72m x 24m;
- 3 Anaerobic Digestion (AD) tanks approx. 28m in height and approximately 25 m

in diameter;

- A gasometer 30m diameter and 28 metres in height.

The extracted air from all the processes on site would be used as combustion air for the CHP, so that the CHP stack would be the only stack.

The main structures, except the stack at 35m, would be no higher above surrounding ground level than the hangar that was previously located on the site (approximately 12.5m maximum height).

#### Existing and Proposed Habitats, Planting & Screening

Approximately 1.6 hectares of woodland in the south eastern part of the site would be removed involving the loss of 2 trees (G1 & G4) covered by Tree Preservation Orders (TPO), 2 trees were removed as part of extraction with site A2 and 2 TPO groups of trees (W2 & W3) leaving a strip of woodland approximately 20m around the void.

The 'American Oaks' on site which would be felled have been authenticated as native English Oaks. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development as well enhance the biodiversity value. In addition 19.1ha of open habitats would be lost, including areas of grassland, arable land, bare ground, mitigation proposed includes approximately 1.2ha of new species rich grassland and the management of 1ha of existing grassland south of Woodhouse Farm to improve its species richness. In addition to that proposed in the application the applicant has now committed to provide an additional area of new species rich grassland of approximately 0.6ha east of Woodhouse Farm.

The Waste Management Facility would be sunken below natural ground within the void created by the extraction of the mineral and overburden. In order to maximise the void space the sides of the void would be constructed with a retaining wall. The void would be approximately 16m deep, such that the ridge of the arched buildings would be approximately 10m above natural ground levels and the tops of the AD and gasometer tanks would be 12m above ground levels. The CHP stack would be 35m above original ground levels. Cladding materials would be dark in colour to ensure that they generally blend into the existing landscape, woodland backdrop, distant horizon and immediate surroundings.

New planting at existing ground levels is proposed on the south west and north east side of the two main buildings, approximately 20m wide. New hedging (2km in total) on either side of the extended haul road is proposed as well as enhanced planting between the car park and Woodhouse Farm buildings. An additional block of woodland planting is also proposed northeast side of the site along with long term management of existing woodland to enhance its screening and ecological value. In addition a 45m wide belt (approximately 1.2ha) of trees adjacent to the woodland on the south side of the proposal. The applicant has also committed to implement the proposed planting and woodland management within the first available season following issue of any planning permission.

#### Lighting

The proposal is situated within a light sensitive area and therefore low level lighting with timers and solar sensitive detectors would be fitted to the exterior of the plant

and installed at a low level to prevent light pollution. Internal lighting levels would be reduced to approximately 5 lux. For security purposes at the end of the working day or 23:00 hours whichever occurs first.

#### Waste type and throughput

The facility has been designed to import and recycle or dispose of up to 853,500 tonnes waste annually comprising the following.

Mixed dry recyclables (MSW or similar C & I )	100,000 tpa
Mixed organic waste (MSW or similar C & I)	85,000 tpa
Residual MSW and/or C & I	250,000 tpa
Waste paper and card	331,000 tpa
Imported SRF	87,500 tpa
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Totals imports	853,500 tpa

The through put capacity of each element of the waste management facility and therefore the total treatment capacity is as follows

Materials Recycling Facility	up to 287,500 tpa
Anaerobic Digestion	up to 85,000 tpa
Mechanical Biological Treatment (MBT) Plant	up to 250,000 tpa
Paper pulp facility	up to 360,000 tpa
CHP	up to 360,000 tpa
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	up to 1,342,500 tpa

In reviewing the importation of waste figures against those of processing capacity it must be remembered that some of the imported waste would pass through one or more processes within the facility. For instance the output of the MBT plant would also be passed through the MRF, allowing recovery of recyclables. The remaining un-recyclable output from the MBT plant would then provide up to 109,500 tpa of SRF utilised in the CHP plant. Similarly the MRF is anticipated to provide an additional 29,000 tpa of paper and card for the paper pulp facility. The 360,000 tpa of card and paper processed through the de-ink paper pulp facility is anticipated to provide approximately 110,000 to 165,000 tpa of waste by products suitable as SRF for the CHP plant.

#### Traffic Generation

The waste management facility would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day, with approximately 90 Light Goods Vehicle (LGV) or car movements associated with staff, deliveries and visitors (including approximately 2 coach movements a day). During the construction phase the IWMF would generate 195 HGV movements in and 195 HGV movements out.

#### Environmental Control

Waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising potential for nuisances such as odours, dust and litter which could otherwise attract insects, vermin and birds.

Regular monitoring for emissions, dust, vermin, litter or other nuisances would be carried out by the operator to meet the requirements of the Environmental Permit that would be required by the Environment Agency.

#### Hours of operation

Proposed hours of operation for the receipt of incoming waste and departure of outgoing recycled, composted materials and treated waste would be 07:00 to 18:30 Monday to Friday and 07:00 to 13:00 Saturday with no normal deliveries on Sundays, Bank and Public Holidays. The only exception would be, if required by any contract with the Waste Disposal Authority that the site is expected to accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays (although this is unlikely as these are now contracted to be taken to Courtauld Road). Due to the continuous operational nature of the waste treatment processes, the waste management facility would operate on a 24 hour basis but not involve external activity for large scale plant or vehicle movements outside the normal operating hours for the receipt of waste.

During the construction period of 18 to 24 months the proposed hours of operation would be 7:00 to 19:00 seven days a week.

#### Water management

The IWMP includes a water treatment facility. All surface water outside the buildings would be kept separate from drainage systems within the buildings. External surface water from roofs and hardstandings and from groundwater pumped during construction would be collected and stored within the upper lagoon proposed to the north of the buildings, which would be below natural ground levels. All drainage and water collected within the buildings and used in the paper pulp process facility would be purified through an on site water treatment facility. It is anticipated that the IWMP would be largely self-sufficient, by utilising rain/surface water, only requiring some importation of water which could be sourced from New Field Lagoon, which is part of the drainage system for the restored mineral working to the north or from abstraction points (subject to the appropriate licences), or obtained from the mains.

#### Other details

The tipping areas and internal reception bunker would provide a form of buffer storage of approximately 2 days of imported waste within an internal reception bunker to ensure that waste processing and treatment operations run continuously and that there is spare capacity in the event of temporary shutdown of the waste management facility.

An archaeological investigation on those parts of the site to be stripped or excavated would be carried out prior to stripping of soils. A retaining wall would be created prior to the extraction of minerals to create the void. These materials would be removed over or utilised in the restoration of Bradwell Quarry.

CONSIDERATION OF WLP POLICIES

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
W3A	<p>The WPAs will:</p> <p>In determining planning applications and in all consideration of waste management, proposals have regard to the following principles:</p> <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> <p>In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</p> <p>Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex and Southend waste management needs as defined in policies W3B and W3C.</p>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS 10</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum)</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities,</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposal with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS 10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
		<p>groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care’.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS 10 and the Framework.</p>
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council’s highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate</li> </ol>	<p>Paragraph 21 (i) of PPS 10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the Framework states that ‘Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.</p> <p>Policy W4C is in conformity with Paragraph 34 in that it seeks to locate development within areas that can accommodate the level of</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>and there would be no undue impact on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	<p>traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS 10.</p>
W7C	<p>The WPAs will seek to work with WDAs/WCAs to provide and support composting schemes and anaerobic digestion facilities as a method of treating putrescible waste materials and with the aim of producing a soil improver or growing medium and, where possible, recovering energy. Proposals for anaerobic digestion facilities will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• the waste management locations identified in schedule 1 (subject to policy W8A);</li> <li>• other locations, subject to policies W8A and W8C</li> <li>• in association with other waste management development;</li> <li>• in association with sewage treatment works and intensive livestock units;</li> <li>• as part of district heating schemes; provided the development complies with all other relevant policies of this plan.</li> </ul>	<p>See explanation notes for Policy W3C and W8A as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>
W7G	<p>Proposals for incineration of waste may be permitted at the locations identified in schedule 1 (subject to compliance with the requirements of policy W8A) or at other locations (subject to the requirements of policy W8B), provided the following requirements are also met:</p> <ul style="list-style-type: none"> <li>• incineration without energy recovery will not be permitted except in specialised cases</li> <li>• emissions to air and water from the process will not materially endanger human health or harm the environment. In deciding whether this requirement is met, the WPAs will assume that the necessary controls are exercised under environmental protection legislation and that the pollution</li> </ul>	<p>W7G is considered to be in conformity with PPS10 as it seeks to drive waste up the hierarchy and seeks to require energy from waste.</p> <p>See explanation notes for Policy W3C and W8A as these are relevant and demonstrate conformity with the Framework and PPS 10.</p> <p>PPS 10 supersedes 'BPEO'</p>



REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>control regime operates effectively, and will take into account whether the process proposed is the best practicable environmental option (BPEO) for the particular waste stream</p> <ul style="list-style-type: none"> <li>• in considering the application of BPEO, there will be a presumption against incineration until the targets agreed for household waste recycling by the local authorities have been tested</li> <li>• provision is made for the recycling or other management of all residues, including the means of disposal to landfill where that is the BPEO.</li> </ul>	<p>PPS 10 supersedes 'BPEO'</p> <p>PPS 10 supersedes 'BPEO'</p>
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C);</li> <li>• The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</li> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of</li> </ul>	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> <li>– allocate sites to support the pattern of waste management facilities set out in the RSS in accordance with the broad locations identified in the RSS; and,</li> <li>– allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.</li> </ul> <p>The WPA has identified strategic sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the</p>

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	waste which would not otherwise be obtained.	JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.
W10B	For all proposals for waste management facilities the WPA will require the submission of a full planning application which should include the siting, design and external appearance of buildings, plant, equipment and storage facilities, landscaping and suitable measures to mitigate and control unacceptable adverse effects, including noise and artificial lighting.	Policy W10B is in conformity with the Framework in that the policy is concerned with good quality design and thus the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on</li> </ol>	Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>the highway network (see also policy W4C);</p> <ol style="list-style-type: none"> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	
W10F	Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.	<p>Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including by conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity, while seeking to impose conditions to minimise this adverse effects, policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>
W10G	Applications for waste management facilities should include measures to	Paragraph 75 requires planning policies to protect and enhance

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	safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing.	<p>public rights of way and access. As such, opportunities for improvement and incorporation of better facilities for users should be sought.</p> <p>It is therefore considered that Policy W10G which seeks to safeguard and improve the Public Rights of Way network is in conformity with the requirements of the Framework.</p>

# Summary of representations

Observation	Comment
Planning approval has progressed from stipulation that 'no buildings should be larger than former WW2 hanger' to proposal for one of the largest waste sites in Europe.	The acceptability of the scale of the proposal was established as part of the consideration of the original application. No changes are proposed as part of this application
History of approved schemes not being developed	Each application has to be considered on its individual merits
RCF was granted with a condition excluding burning of waste. eRCF application quickly followed with increased thermal capacity (incineration) and increased catchment.	The acceptability of CHP was established as part of the consideration of the original application
eRCF could have been built before recession hit.	The recession had started before planning permission was granted.
Application for 2 year extension provides no evidence that waste plant will be built in that period; documents detail failed attempts to secure agreements to proceed and do not justify increased need for waste incineration.	The legislation to allow an extended period for commencement of development was introduced to allow permissions to remain "live" for longer which had been delayed due to the economic recession
Proposed catchment and expansion and trade with the continent unsustainable as 100% of waste will be carried by road through Essex.	The application is for an extension of time only
Documents imply that incineration capacity could increase.	The acceptability of the scale of the proposal was established as part of the consideration of the original application. No changes are proposed as part of this application
Even if the capacity is to stay the same, traffic on the A120 has got heavier since the eRCF application was submitted and crashes happen all too often.	See Appraisal
Highways should be asked to review the application for a time extension; up to 404 HGV movements per day would use the A120 near Bradwell.	See Appraisal
Rivenhall is not the only site capable of burning the residues from Basildon MBT (under construction); ECC has agreed to go out to contract to take Basildon outputs for burning to fill time-gap between Basildon coming on stream and Rivenhall being completed.	The use of Rivenhall for use of residue from Courtauld Road facility would be dependent on contracts
TPO woodland would have to be destroyed and the minerals beneath quarried. The void would need to be secured with huge retaining walls. All conditions and legal requirements would need to be completed. The plant would then need to be built – potentially not by one contractor. Only when fully operational could it take Basildon outputs.	The elements described form part of the already permitted proposals and are controlled by conditions
Inquiry findings on the incinerator emissions inconclusive as EA would not comment on proposed stack height, but that no incinerator had been licenced in the UK with a chimney height of 35m for many years and that in 2009 typical stacks were 70m or more.	The IWMF would need to obtain an Environmental Permit from the EA. If the stack was found to be too short any increase in height would need to be subject of a further application.
Applicant has confirmed that in last 5 years no application has been made for an EA licence; contributes to uncertainty re development and stack height.	An environmental Permit application requires the developer to know the exact nature/manufacturer of the plant. It is known that pre-application discussions have been held with the EA.
Separate planning consent for stack higher than 35m	Any application for an increased stack height

would be of significant public interest due to the location of the site in open countryside.	would be subject to full consultation in accordance with the SCI
Applicant also proposes expansion of the range of materials incinerated, which could affect the assessment of the pollutants emitted.	No changes are proposed to the nature of the waste.
Object on the grounds of adverse effects on local residents.	See Appraisal
Environmental pollution; noise, light and tall chimney stack billowing smoke	See Appraisal
Health effects of toxins emitted from the plant	See Appraisal
Concerns for public safety due to frequency and movements of heavy lorries	See Appraisal
Cumulative effects of proposed development and Bradwell Quarry	See Appraisal
Local road infrastructure is inadequate; concerns local lanes used by pedestrians and cyclists will be used as rat-runs	See Appraisal
Blighting and devaluation of property values in the vicinity of the plant	Not a planning issue
Query economic viability of plant and concerns waste from outside ECC will be required	The catchment of the facility is controlled by condition, any change would need to be subject of a further planning application
Non-compliance Braintree Local Plan	See Appraisal
Public opinion that plant not wanted or needed; more suited to the Thames estuary	See Appraisal
Contravention of Article 8 of the European Convention of Human Rights	The application was subject of consultation in accordance with the SCI
Developers are now rethinking their options and need to keep current ones open; inconsiderate and demonstrates contempt towards the people affected	See Appraisal
Unreasonable and self-serving for ECC to place additional uncertainty on the people affected by the development by granting extension by two years	Central Government legislation provides opportunity to extend the period of commencement. ECC Waste Management have contracted MSW to be taken to the Courtauld Road facility.
Fresh planning application required to demonstrate commercial contracts and sustainability	See Appraisal
Originally objected to the size of project and the height of the chimney necessary to make pollutants safe; now no reason to extend project	Only an extension of the commencement period is proposed
Further delay would affect viability of the plant as local councils in particular "up their game" on recycling. Rivenhall will need material that is now being recycled.	Waste collection authorities control where kerbside collected recyclables are reprocessed. Municipal solid waste is shortly to be dealt with at Courtauld Road which includes a Material Recycling Facility.
Applicant has had sufficient time to commence development	See Appraisal
Proposal would affect Grade II listed buildings; Woodhouse Farm and a pump.	Impact upon the setting of the Listed Building was considered as part of consideration of the original application
Proposal does not conform to Braintree District Council Core Strategy 2011 and Local Plan Review 2005	Waste proposals have to be considered against National and Local waste planning policy as well as the District Local Plan
Proposal would affect many local footpaths and generate significant traffic during construction and operation	Impact upon public rights of way was considered as part of consideration of the original application
There are considerable changes to the materials and processes from the original planning approval; now even harder to justify proposal as recycling has	Only an extension of the commencement period is proposed

increased significantly.	
Any increase in the height of the chimney will be a constant eyesore in what is otherwise a rural/farming environment.	No change to the height of the chimney as proposed as part of the application
Incinerators should be situated where there is an existing infrastructure to deal with the vehicle movements and provide nil inconvenience to neighbouring residential areas. The ideal position for new incineration plants should be on existing landfill sites with existing infrastructure to deal with the vehicle movements, existing workforce, and would not create a Nuisance to neighbouring residential areas.	The principle of a waste facility in this location has been previously established.
Road network at Rivenhall cannot cope with an additional 400plus HGVs per day. A120 will have to be widened and dual carriage, with a stop on right hand turns and a new access road built to Rivenhall. Access via Kelvedon will be dangerous both for the residents and existing vehicles that currently cause traffic problems in Kelvedon. HGVs will create noise and fume pollution.	See Appraisal
Rivenhall site is a place of 'natural beauty' local flora and fauna will be damaged by the development.	Ecological mitigation was proposed as part of the and has been reiterated as part of the proposals
Chimney will be seen from many houses in Kelvedon, which is as unacceptable as the traffic and the pollution from the site.	See Appraisal
Proposed development will create a nuisance residents of Kelvedon	See Appraisal
A contrived delay to amend the application by stealth; request that ECC re-evaluate the necessity of the entire development.	The application is for an extension of the commencement period only
Other facilities now sufficiently catering for local needs and it would be incomprehensible to develop a site to handle waste from other areas	See Appraisal
The road access is even more congested on a regular basis.	See Appraisal
"The Community Group" objects to the application on the grounds that so much has changed since the original permission was granted that the project needs re-appraisal.	See Appraisal
There are now anaerobic digesters in the County and recycling rates have increased significantly. As such, the balance between the viability and the environmental impact weighed up by the Inspector following the Public Inquiry has now changed.	The IWMF is permitted to receive Commercial & Industrial waste. MSW is now to be managed at Courtauld Road
Technical factors, such as height of flues, have now changed.	The facility would require an Environmental Permit issued by the EA
Recycling and Composting Facility (RCF) permission reference ESS/38/06/BTE, which provided for 404 HGV daily movements, is no longer extant and the highway situation should be looked at afresh in light of current situation on the A120 and A12.	See Appraisal
Inspector acknowledged in 2010 that the volume of traffic on the A120 has reached practical capacity and sections are regularly congested. Traffic congestion is now worse.	See Appraisal
Combined effects of conditions 3, 34 and 36 mean that the hours when HGV can enter and leave the site covers the whole peak periods when congestion of the A120 is chronic, particularly at the Galleys Corner	See Appraisal

Roundabout and the A120/A12 Junction.	
Now that economy has picked up, traffic will increase. Stansted Airport is also operating at only 50% of its approved passenger capacity.	See Appraisal
To approve the application would go against the approved Transport Strategy, which was based upon assumed planned growth figures for the Braintree district which are hopelessly out of date. The latest growth projections for the Braintree district are some 180% higher than previously planned. Such growth will add further traffic congestion.	See Appraisal
Recent spending of £650,000 on the Gallery Corner roundabout has nothing to ease congestion at this notorious bottleneck.	See Appraisal
Conditions 5, 27 and 41 amounts to self-regulation, which does not work.	5 (lorry movements), 27 (waste source records) & 41 (noise monitoring). Monitoring details would be provided by the operator, but if there was concern that these were inaccurate independent monitoring could be undertaken by the WPA
Condition 8 requires that vehicles shall access and egress the site only via the access onto the Coggeshall Rd junction. Experience with Bradwell Quarry suggests that the condition is of no effect as drivers not directly employed by the company are not covered.	Only access via the A120 is permitted by the development. Some members of the public do access the haul road despite signage to indicate it is private road.
HGV drivers ignore safety warnings at the Ash Lane and Church Rd junctions with the haul road and there have been several near misses and accidents. Approval would exacerbate the problem and members will be culpable for any accidents.	See Appraisal
Mineral Planning Authority have been lacking in checking compliance with planning approvals. It has been left to residents bring failings to attention. No reason to think IWMF will be any better.	A programme of routine monitoring is undertaken on all mineral sites. Compliance with conditions would be monitored
If applicants are intent on trying to progress the IWMF, the applicant ought to submit a fresh planning application with an application for an Environmental Permit at the same time, as recommended by DFRA Guidance.	An Environmental Permit would be required before the development could commence operation.
Proposed facility is not an appropriate use of Grade I agricultural land, it should be placed in an area of poor agricultural land/ previously developed land/ already degraded land.	The loss of agricultural land was considered and considered not be unacceptable.
Environment Agency has previously indicated that a stack height above 35 this would be required but that it was not likely that such a consent would be granted.	Any change to the height of the stack would require a planning application, which would have to be considered on its merits.
HGV movements associated with the waste transport are not sustainable on the road network and approval would exacerbate increased accidents.	See Appraisal
No evidence that "energy from waste" would benefit the local community	The facility would provide a waste management facility for waste generated in the Essex and local areas as controlled by condition.
Not true to say that the only place for the output of the Basildon plant to go is Rivenhall since the facility at Rivenhall would not be ready for some years and the requirement from Basildon MBT needs to be met in the very near future.	The use of residue from Courtauld Road in the IWMF would be subject to contract.
Insufficient public notice. Minimum legal requirements have been satisfied, however, it has not been well	Planning application advertised in accordance with the Statement of Community Involvement



publicised planning application and the council has failed in its duty of care to uphold a transparent and democratic process.	
The application has numerous changes and should not be viewed as a time extension, but a new planning application with a full public consultation.	No changes are proposed, only an extension to the commencement period.
Uncertainty for the local population	It is acknowledged that it would create a further period of uncertainty
Original business case for this development has not been met.	The facility is permitted to handle both MSW and C & I and therefore could be built as a merchant facility without the ECC waste contract.
Temporary planning consent for the access road has lapsed and is now in contravention of planning permission.	The haul road is permitted to be retained for Bradwell Quarry and would be shared by the IWMF
The applicant / landowner at the time of the original application was/is a Conservative councillor in London. This is a clear conflict of political interest as the Conservative party make up the majority of the Essex County Council. No disclosure.	This is not a planning issue. The Development & Regulation committee is made up of Members across the political groups. Ultimately the original application was determined by the SoS
'Planning Creep', by way of multiple applications. An underhanded method to get larger and larger facilities, including incineration, approved through the planning process.	Each individual planning application has to be considered on its merits
eRCF was not built not due to recession, but because business case was unsound.	No comment
Approximately 2 years ago the applicant tried to vary the consent for the eRCF (unsuccessfully) to split the plant into 2 phases, building the incinerator first. The whole aim would seem to be incineration and is not an integrated waste management facility.	The application to develop in 2 phases was withdrawn.
ECC aware that the unallocated mineral under the waste site could only be dug if the waste site was to proceed. Why did ECC grant consent for this site when it was not allocated and not needed to meet planning requirements?	Mineral beneath the IWMF was already included within the County's mineral landbank and landbank at that time was such that it was likely to fall below 7 years
Highways Agency should review the application (based on future predications for A120 traffic levels) for a time extension based on a new traffic study from the applicants.	See Appraisal
If approved, conditions should be attached to the approval including; a requirement for Environment Agency to issue a license for the incinerator stack, clarification of legality of the Blackwater Aggregates access road, a new traffic study, and s106 agreement to provide highway funding, funding to compensate for loss of amenity and reduction in property prices, funding for installation of pollution monitoring devices.	No changes other than a an extension of time are applied and there have been no material changes in policy or other material considerations which require further mitigation other than those set out within the appraisal.
There have been considerable changes to the proposals. Given the significance of the changes it is not appropriate to allow an extension and the whole case should be reviewed.	See above
Local authorities are making good progress in recycling more waste and reducing the need for landfill and incinerators. Construction of a large waste site and incinerator will prove a counterproductive measure and a financial disincentive to recycling efforts.	The facility would is unlikely to receive MSW and therefore would not impact upon LA recycling
Economic viability of a large site is difficult yet the proposed location is not suited to a large scale plant.	See Appraisal
No improvement in the roadways around Rivenhall. If a	See Appraisal

large waste site is deemed necessary, then a more suitable location with access less reliant on road haulage, away from centres of population and without high levels of environmental damage should be identified.	
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## Planning conditions

Conditions as imposed by Secretary of State, incorporating the approved Non Material Amendment (ESS/37/08/BTE/NMA2) and amendment to condition 2 as applied for (ESS/41/14/BTE) and additional condition arising from consideration of the application.

Condition 16 suggested by the MPA was not used by the Secretary of State (SoS), such that there were 62 conditions. The unused number has now been removed such that all conditions from condition 16 inclusive and onwards have been renumbered. With the addition of the condition relating to the need for recording of the Woodhouse Farm and buildings, there are 63 conditions.

- 1 The development hereby permitted shall be begun before the 2 March 2016. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.
- 2 The development hereby permitted shall only be carried out in accordance with planning application PINS Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) dated 26 August 2008 and drawing numbers:

Drawing number	Drawing title
1-1	Land Ownership & Proposed Site Plan
1-2	Proposed Planning Application Area
1-4	Access Road Details
1-5A	Typical Arrangement and Architectural Features of the eRCF
1-8	Schematic Arrangement of Woodhouse Farm
1-9	eRCF Simplified Process Flow
1-10	eRCF Integrated Process Flow
3-3	Site Plan Layout
3-8C	eRCF General Arrangement
3-12C	eRCF Detailed Cross-Sections
3-14A	eRCF Upper Lagoon & Wetland Shelf
3-16	Services Plan
3-19B	eRCF General Arrangement
8-6	Landscape Mitigation Measures
IT569/SK/06	Proposed Improvements to Site Access Road Junction with Church Road
IT569/SK/07	Proposed Improvements to Site Access Road Junction with Ash Lane
19-2B	Tree Survey
19-3B	The Constraints and Protection Plan
19-5	eRCF Base Plan Woodhouse Farm

and

As amended by planning application ESS/41/14/BTE dated 5 August 2014,

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letter from Holmes and Hills dated 5 August 2014, "Business development since obtaining planning permission" by R Keeble dated August 2014, "Overview of the adequacy of the existing EIA Assessment" by Honace dated August 2014, "Changes in case for need since September 2009" by R Keeble dated August 2014, Essex Biodiversity Checklist dated 4 August 2014 and letter from Holmes & Hills and enclosures dated 16 October 2014.

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

- 3 The total number of Heavy Goods Vehicle (HGV1) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IWFM2) hereby permitted shall not exceed the following limits:  
404 movements 202 in and 202 out per day (Monday to Friday);  
202 movements 101 in and 101 out per day (Saturdays);  
and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.  
  
1An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.  
2 IWFM shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.
- 4 The total number of HGV vehicle movements associated with the construction of the IWFM (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:  
404 movements 202 in and 202 out per day (Monday to Sunday).  
No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.
- 5 A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.
- 6 No development shall commence until full details of the extended access road and the layout of the cross-over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been

submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross-over points shall be implemented in accordance with the approved details.

- 7 No works on the construction of the IW MF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.
- 8 No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.
- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.
- 10 No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.
- 11 No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.
- 12 No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.
- 13 No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.
- 14 No development shall commence until details of the design of the stack serving the IW MF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:
  - (a) elevations, sections and plan views to appropriate scales and construction details;
  - (b) samples of the finish of the stack to provide a mirrored reflective surface; and
  - (c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality

of the surface of these materials.

The stack shall be constructed and maintained in accordance with the details approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved

- 15 No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in.
- 16 No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.
- 17 No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.
- 18 No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
- 19 No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.
- 20 No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.
- 21 No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.

- 22 No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 23 No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.
- 24 No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.
- 25 The market de-inked paper pulp plant shall only source its heat steam and energy from the IWMF with the exception of periods of start-up and maintenance and repair of the IWMF.
- 26 No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.
- 27 (i) SRF shall be sourced internally from the IWMF or within the administrative boundaries of Essex and Southend-on-Sea.  
(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source SRF from these sources and there remains capacity within the IWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.  
(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.
- 28 No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.
- 29 (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa)

shall be sourced from outside the administrative boundaries of the East of England Region.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

30 No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.

31 All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

32 No vehicle shall leave the IWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

33 No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:  
07:00-18:30 hours Monday to Friday; and,  
07:00 -13:00 hours Saturdays;  
and shall not take place on Sundays, Bank and Public Holidays

except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

34 The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

35 No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours:  
07:00 and 18:30 hours Monday to Friday; and,  
07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays  
except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

36 No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point



where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.

- 37 Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour ) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties Location	Criterion dB LAeq 1 hour
Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	49
The Lodge	47
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47
Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

- 38 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1 hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

- 39 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

- 40 Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. 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 four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning

Authority. After the first year of operation of the IWMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

- 41 For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.
- 42 No lighting for use during excavation of materials or construction of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 43 No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 44 No development shall commence until a detailed phasing scheme for the construction of the access road for the creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

45 No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.

46 Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition 3 and no movement of soils shall take place:  
During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

3 The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

47 No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

48 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed 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 within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

49 Prior to the commencement of development, details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.

50 (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site during excavation of materials and construction of the IWMPF

(b) No beneficial occupation of the IWMPF shall commence until a scheme and

programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) ; The suppression of dust caused by handling, storage and processing of waste; and
- (ii) Dust suppression on haul roads, including speed limits.

In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

- 51 (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.  
(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.
- 52 An ecological survey shall be undertaken such that it is no more than 2 years old by the date of commencement of development, this survey shall update the information contained within the Environmental Statement and submitted and approved on 27 July 2011 in accordance with condition 53 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE). The information approved was letter dated 19 May 2011 from Golder Associates with accompanying form Ecology report dated October 2010. The updated ecology report shall be used to assess the impact of the development and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development, the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.
- 53 No development shall commence until an habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) and the Habitat Management Plan dated May 2011 [as amended by emails from Golder Associates dated 13 July 2011 (18:22) and attachment and 18 July 2011 (15:30) and attachment] submitted in May 2011 in accordance with condition 54 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and approved on 27 July 2011 has been submitted to and approved in writing by the Waste Planning Authority. The amended plan shall include:  
(i) Description and evaluation of the features to be managed; (ii) Ecological trends and constraints on site that may influence management; (iii) Aims and objectives of management; (iv) Appropriate management options for achieving aims and objectives; (v) Prescriptions for management actions; (vi) Preparation

of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); (vii) Personnel responsible for implementation of the plan; and, (viii) Monitoring and remedial/contingencies measures triggered by monitoring. The development shall be implemented in accordance with the approved amended plan.

- 54 No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.
- 55 Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.
- 56 No development shall commence until details and a timetable for implementation for all bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.
- 57 Any tree or shrub forming part of the retained existing vegetation or the planting scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of construction of the IWMF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.
- 58 No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.
- 59 No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWMF for the period of the excavation of materials and construction of the IWMF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.

- 60 No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.
- 61 Prior to commencement of development, details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles, shall be submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.
- 62 Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to “Stop” rather than “Give Way”. The details shall be implemented as approved.
- 63 No development shall take place until a written scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse/Brewhouse & pump) has been submitted to and approved in writing by the Mineral Planning Authority. The written scheme and programme of historic building recording shall be implemented prior to the commencement of any demolition, works or conversion of any kind taking place at Woodhouse Farm and buildings.

**DR/43/14**

committee                      DEVELOPMENT & REGULATION

date                              24 October 2014

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**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Erection of a two storey extension to provide three classrooms and ancillary space; cycle/scooter parking; and amendments to the levels of the south-western playground**

Location: **Staples Road Primary School, Staples Road, Loughton, Essex, IG10 1HR**

Ref: **CC/EPF/42/14**

Applicant: **Essex County Council**

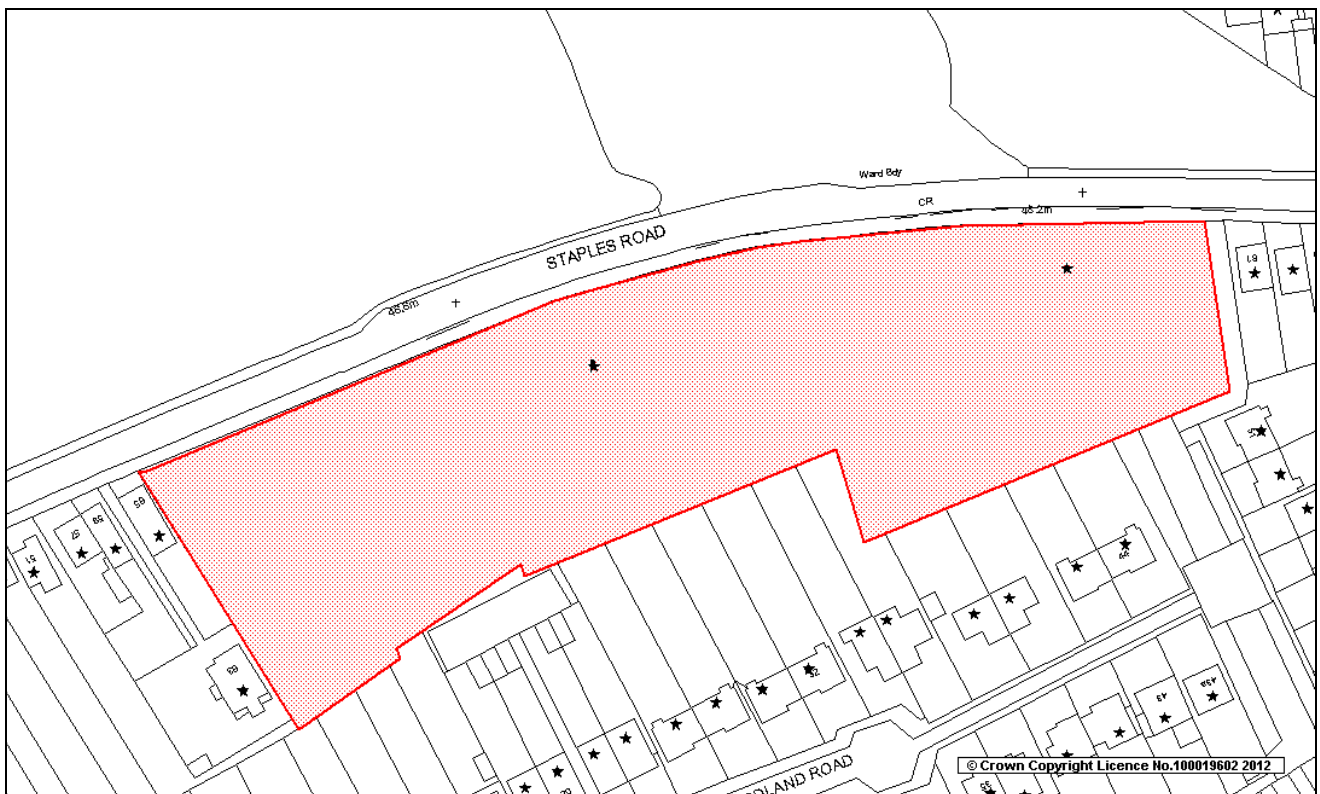
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Report by Director of Operations; Environment and Economy

Enquiries to: Gemma Bright Tel: 03330 136 814

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

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## **1. BACKGROUND & SITE**

Staples Road Infant and Junior School site is situated to the south of Staples Road and to the north west of Loughton Town Centre, in a predominantly residential area. Residential properties adjoin the school boundary to the east and west in Staples Road and to the south in Woodlands Road. There are significant ground level changes between the northern boundary (Staples Road) of the site and the southern boundary.

The school site is separated from Epping Forest (to the north of the site) by Staples Road. The area to the north of Staples Road is protected by a number of environmental statutory and non-statutory designations including SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and within the Green Belt. The school site is not covered by any of these statutory designations.

The school site falls within the Staples Road Conservation Area.

The existing school buildings are located along the northern boundary of the school site, with the Infant School to the east and the Junior School to the west. There is a relocatable classbase in the Infants School playground to the south of the school buildings. There are hard play areas in the southern portion of the site, although there are no playing fields. The original school building, although not nationally listed, is contained within the Epping Forest Historic Environment Record and therefore a locally listed building.

There are separate pedestrian entrance and exit points to both the Infants and Junior School buildings all via Staples Road.

There are no dedicated car parking spaces for the school and the only vehicular access, is reserved for emergency fire and safety access, which is to the west of the school buildings.

A brick wall base (approx. 1.6m high) with further wire mesh fencing above (to a total of approx. 3m high) forms the majority of the boundary treatment around the eastern, southern and western boundaries of the school site. A combination of black metal railings, brick piers and gates run along the northern boundary of the school site. Along this northern boundary is some low level vegetation, but also includes two large and well established pine trees adjacent to the northern perimeter and existing school buildings.

There have been a number of planning permissions on site. Most recently CC/EPF/36/14 was granted permission by the Secretary of State, to allow the demolition of a redundant outbuilding adjoined to the southern boundary wall. Planning permission was required for this demolition due to its location in the Conservation Area. The removal of this building has provided the school with increased hard play space of 77m<sup>2</sup>.

Prior to this, there have been a number of extensions to the school, the most recent being CC/EPF/06/11 for a single storey extension to the entrance lobby and upper floor extension for Reception Room, together with remodelling works to undercroft. This resulted in a pastiche imitation of the Victorian detail, within the



centre of the school buildings. There have been further extensions, namely CC/EPF/20/07, which amended CC/EPF/78/06 which involved the demolition of an existing kitchen & dining block and construction of a 2 storey building for the provision of a new kitchen, dining area & ancillary storage facilities; with an entrance lobby & corridor connections to the existing school buildings.

## **2. PROPOSAL**

The proposal has been put forward to assist in accommodating a growing number of children within the catchment area. The proposal would result in an additional 90 pupils and six staff. The main aspect of the proposal is the erection of the two storey extension, within the school boundary to the west of the existing school buildings. This would provide three additional classrooms (one on the ground floor and two on the upper floor) and ancillary facilities. These include classroom and external stores, cloakroom and toilet facilities, corridors and the plant room. This would amount to 314m<sup>2</sup> gross internal area.

The extension would not directly adjoin the existing building, which benefits from local listing status. Instead a linking corridor would join the existing building to the proposed new development. The proposal is located on an area of hard standing currently used as hard play space and would result in a total external footprint of 360m<sup>2</sup> and height of 10m, although the base is slightly lower than the adjacent existing building.

The proposal is set back from the existing buildings due to topography, the two large pines on the northern boundary and the footpath linking the playground to Staples Road.

The appearance of the building is proposed to be of contemporary design; simple in form and detail, which contrasts to the Victorian decorative arts and crafts style detail of the adjacent buildings. The gable ends are proposed in brick with the 'English bond' coursing broken with alternate projecting headers at first floor and above. The gable ends would be articulated to complement the ornamental gables on the existing buildings. The east and west elevation would be brick tile and different colours and textures in diaper patterns to bring a layer of variation and interest to the elevations. The windows would be set out symmetrically to retain the formal rhythm set out by the existing buildings. These would consist of white aluminium frames for thermal insulation, maximise daylighting, whilst minimising overheating through solar gain within the building.

As part of the proposal, the currently uneven hard playground would be levelled. This would involve using some material cut from the ground beneath the new extension but there would still need to be 177m<sup>3</sup> of material imported to achieve this.

The extension would be used during the hours of 07:00 to 17:30 Monday to Friday

## **3. POLICIES**

The following policies of the Epping Forest District Local Plan Adopted 1998 and alterations 2006 (EFDLP) provide the development plan framework for this

application. The following policies are of relevance to this application:

Policy Title	Policy Number
Protecting the quality of the rural and built environment	CP2
Sustainable building	CP5
Urban form and quality	CP7
Sustainable transport	CP9
Conspicuous development	GB7A
Epping Forest	HC5
Character, Appearance and Setting of Conservation Areas	HC6
Development Within Conservation Areas	HC7
Local list of buildings	HC13A
Areas of nature conservation	NC1
Adverse environmental impacts	RP5A
Playing fields (LL6)	RST14
Educational buildings outside the greenbelt (LL5)	CF5
Design of new buildings	DBE1
Effect on neighbouring properties	DBE2
Design in Urban areas	DBE3
Loss of amenity	DBE9
Edge of Settlement	LL3
Protection of urban open spaces	LL5
Partial development of urban open spaces	LL6
Adequacy of provision for landscape retention	LL10
Transport Assessments	ST3
Road Safety	ST4
Travel Plans	ST5
Vehicle Parking	ST6

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

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Epping Forest District Local Plan (EFDLP) (adopted January 1998) and Alterations (adopted July 2006) is considered further in the report.

The development has been subject to pre-application consultation with Officers at Essex County Council and Braintree District Council, together with statutory and non-statutory consultees. The application includes a public involvement programme.

#### **4. CONSULTATIONS**

The application has been subject to two periods of consultation, the second focused consultation followed amendments to the design of windows and change in materials.

EPHING FOREST DISTRICT COUNCIL – No objection. The proposed extension is contemporary in design, but takes from the existing school building in its form, scale and facing materials. The contemporary design has a minimalist finish, does not compete or attempt to replicate the existing building and clearly denotes a new phase in the building's growth. Its lower eaves and ridge heights gives it a subservient appearance in relation to the school and the proposed narrow link allows the be read as a distinct entity. Proposal adheres to policies HC6 and HC7 as the development would not be detrimental to the character or appearance of the conservation area and it is sympathetic to the area in terms of its scale, massing, height and layout.

The access and parking for this school are far from ideal. It is noted many children walk to school or from cars parked a little distance away and it would be unreasonable to object to 3 extra classrooms on grounds of inadequate parking and aggravation of congestion issues in Staples Road. It would be advisable if the school travel plan is updated and it aims communicated to the parents.

NATURAL ENGLAND – No objection

ESSEX FIRE & RESCUE – No comments received

COUNTY COUNCIL'S NOISE CONSULTANT – No objection

COUNTY COUNCIL'S LIGHTING CONSULTANT – No objection, subject to a condition preventing fixed lighting to be until further information is submitted and approved.

SPORT ENGLAND – No comments to make

HIGHWAY AUTHORITY – No objection, subject to 2 conditions requiring:

- No development/groundworks/demolition until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.
- No beneficial occupation of the development until a school travel plan shall be submitted to and approved in writing by the Local Planning Authority

PLACE SERVICES (Ecology) – No objection

PLACE SERVICES (Trees) – No objection subject to implementing the measures set out in the submitted tree survey

PLACE SERVICES (Landscape) – No objection

PLACE SERVICES (Historic Environment) – No objection

PLACE SERVICES (Historic Buildings & Urban Design) – No objection, subject to a condition requiring:

- That the red plain tiles are substituted for the orange sand faced brick tiles
- The diaper pattern should be used
- Prior to construction large scale drawings to be submitted for approval to

show an elevation of the diaper pattern and detailed drawings of no more than 1:20 of the eaves and windows.

LOUGHTON TOWN COUNCIL – Object on the following grounds:

- School is unsuitable for expansion as this would reduce the already limited play space, impacting on health
- Lack of on-site parking
- Increased traffic congestion in Staples Road inconveniencing residents further
- North elevation is bland and does not enhance the streetscene in the Conservation area

LOCAL MEMBER – EPPING FOREST – Loughton Central – Objects to the design (particularly of windows) which contrast badly and inappropriately with the existing building. Satisfied with the educational need. Any further comments received will be reported

## 5. REPRESENTATIONS

27 properties were directly notified of the application. Seven letters of representation have been received, two of which were specifically in response to the changes in design. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
School entry policy is not strict enough to ensure pupils are only from the catchment area, so the premise of demand is false	Noted
The school has already been expanded to capacity, alternatively build in to the roof space	See Appraisal – section A
Constrained site: bounded by dwellings on three sides and the forest to the north	See Appraisal – section A
Build a new school elsewhere	See Appraisal – section A
Expand other smaller schools in the area (Whitebridge, Alderton, Thomas Willingale, Hereward & St. John Fisher Catholic) as this would have less residential/Highways/Play Space impacts than here	See Appraisal – section A
Staple Road primary is already much bigger than the average size primary school (Ofsted)	See Appraisal – Section A
Design of windows is out-of character with the conservation area.	See Appraisal – Section B
Continued piecemeal expansion damages design	See Appraisal – Section

integrity of the school	B
Proposal is of inferior design to the existing buildings	See Appraisal – Section B
Contrary to the Conservation Area Appraisal and Management Plan, which prevents unacceptable changes to the frontage	See Appraisal – Section B
Use of red bricks instead of London Yellow Stock bricks is inappropriate	See Appraisal – Section B
Despite the design changes, the windows still appear out-of-character, bleak and unfriendly	See Appraisal - Section B
There has been no survey of residents parking or parking provision	See Appraisal – Section C
No additional parking is proposed which is unacceptable, there is no off-street parking for homes on Staples Road and limited on-street parking	See Appraisal – Section C
Parents park on the pavement: this will be exacerbated resulting in safety issues for wheelchair users	See Appraisal – Section C
All surrounding roads are used for school parking, they cannot accommodate more staff and parents	See Appraisal – Section C
Proposals to introduce a goods vehicle loading bay will already increase parking pressures – should use other methods eg fixed access times/smaller delivery vehicles	Proposal is not part of this application See Appraisal – Section C
Due to before and afterschool clubs / Governors meetings etc parking/highway impacts are not restricted to the school day	See Appraisal – Section C
It is impossible for 2 cars to pass, so parents perform 3 point turns rather than using the turning head	See Appraisal – Section C
Shoppers, commuters, delivery vehicles, tradesmen, waste collection and container vehicle frequent the areas	Beyond the control of the applicant
Speed limit should be reduced to 20mph to reduce emissions and protect the forest, residents and children	Noted
It is not a planned modern estate, with modern pavements/roads	See Appraisal – Section C
Parents do not actually walk children to school as	See appraisal - Section

suggested / not realistic to expect this on wet cold dark days	C
ECC's Bikeability training is not available until year 5	See Appraisal – Section C
Irresponsible to promote walking/cycling due to traffic	See Appraisal – Section C
Why is underground discussed, if it is for children within the catchment area?	This was considered for access for teachers
ECC seeks to improve air quality, safety on the transport network and provide sustainable access, this proposal is not consistent with this	Noted
Ashley Grove is omitted from reports	Noted
Directly opposite the school is Epping Forest	See Appraisal – Section G
Surface flooding from the forest and cracked Victorian water pipes will be worsened by raising the playground height and may flood adjacent properties	See Appraisal – Section F
Raising the playground level will cause vibration and damage flagstones around adjacent properties manhole covers	See Appraisal – Section F
Requires conditions on working hours during demolition/construction	See Appraisal – Section D
There is insufficient playground space, which will be worsened	See Appraisal – Section D
Other schools in the area have playing fields and sufficient hard play space. Staples Road does not and pupils have to travel off-site for sports	See Appraisal – Section A

## 6. APPRAISAL

The key issues for consideration are:

- A. Need & principle of this location
- B. Design, Layout and Impacts on the Historic Environment
- C. Highways Impacts
- D. Impact on Play Space
- E. Surface Water and Drainage Impacts
- F. Residential Impacts
- G. Landscaping, Trees & Ecology

## A NEED & PRINCIPLE OF THIS LOCATION

The NPPF requires Planning Authorities to give great weight to the need to expand or alter schools (para 72), which in summary is of great importance to ensure sufficient school places are available to meet the needs of new and existing communities. This supports the social sustainability theme, which is one of the three corner stones on which the NPPF is built.

More locally there are a number of Epping Forest District Council Policies which guide development towards certain locations. Policy CP7 (Urban form and quality) states 'new development in all urban areas which results in overdevelopment, unsympathetic change or loss of amenity will not be permitted' but does permit the use of higher densities where compatible with the character of the area concerned and urban design controls.

The Staples Road Primary School is a long and narrow site, constrained between Staples Road to the north and the adjacent dwellings and associated car parking to the south on Woodland Road. The result is that the main school buildings are located in the northern portion of the site, with the hard play area along the extensive southern boundary. There are no playing fields on site.

The applicant states that the driving force for this application is the need to provide sufficient school places for the anticipated demand in Loughton. It is specified that in 2014/15 there would be a deficit of 20 school places resulting from new housing developments in the area. This is forecast to rise to a deficit of 47 pupil places by 2017/18. It is stated that this would require an additional 1.5 forms of entry by 2017/18. The need for additional school places in Loughton is therefore considered to be justified. The proposal would increase the current pupil role of 520 pupil places (there are currently 525 children attending the school) to 610 pupil places.

Representations have been made which suggest this school is not appropriate for further expansion due to the constrained nature of the site. Responses consider there may not be a need to increase the pupil numbers as it cannot be certain that all of the existing and future pupils would be from the catchment area. Other responses suggest other local schools should be expanded, the roof space of the existing building should be used, or a new school should be constructed elsewhere, where there would be fewer impacts. It was considered an inappropriate site as it does not have any playing fields and the hard play space would be impacted.

Submitted alongside the planning application was an 'options study', which reviewed the other local schools which could potentially be extended to accommodate the extra pupils. Later submitted were further justifications as to why Staples Road was considered the most appropriate school to be developed. In summary, Staples Road was considered by the applicant to be the most appropriate location for expansion due to:

- A conversion of the roof space could not reach safety or building standards required of classrooms;

- An entire new primary school (and associated costs) cannot be justified elsewhere to meet the demand of a 0.5 form of entry;
- Alderton Infant & Junior Schools:
  - Expansion is already being pursued (in preparation for September 2014) as it is the most appropriate school for redevelopment, this however still requires 15 spaces per year to be provided elsewhere;
  - Would require the implementation of split classes (mixed age groups in classes, which is not considered the appropriate education experience for pupils;
  - Would lead to the creation of a 'supersized' school at Alderton with a combined roll of 735;
  - Development would affect the playing field, which would require a MUGA pitch to be installed and likely to receive objection from Sport England as the exception tests could not be met;
- Hereward Primary School:
  - Has already been recently expanded in 2011;
  - Development would lead to loss of heavily used SEN classbase;
  - Dining room would need to be increased in size;
  - Would result in loss of hard spay space, possibly requiring a MUGA, so likely to receive objection from Sport England, as the exception tests could not be met;
- Thomas Willingale
  - Development would be required on playing field and/or hard play area, which would require a MUGA pitch to be installed and likely to receive objection from Sport England as the exception tests could not be met;
- St. John Fisher Catholic Primary School:
  - This is a Catholic School, and therefore is usually a 'first preference' choice of families of that religious background. The trend indicates that demand is currently falling for places at St John Fisher Primary School;
  - Development would be required on playing field and/or hard play area, which would require a MUGA pitch to be installed and likely to receive objection from Sport England as the exception tests could not be met;
- Whitebridge Infant & Junior School:
  - Demand is located in the North of Loughton, and therefore not in the catchment area of Whitebridge, and would not address 'locational need';
  - Would result in significant distances for pupils to travel each day;
  - The school itself would require major structural reorganisation in order to begin to provide for key stage 1 pupils.

A further important material consideration is that Staples Road Primary is the 1<sup>st</sup> preference choice of many parents for their children within the local area.



It is considered that there is a justified need for additional pupil places within the Loughton area, due to the increased demand from additional housing. Following the further justification submitted and the emphasis of the NPPF requiring 'great weight' to be placed on the need to expand or alter schools, on balance the general principle of expanding the Staples Road school in favour of other schools in the local area is accepted, despite being a highly constrained site. This is subject to there being no further material considerations which outweigh the principle of using this location.

## B DESIGN, LAYOUT & IMPACT ON THE HISTORIC ENVIRONMENT

With regards to the potential impact on the historic environment, Section [72](#) (1) of the Listed Building and Conservation Area Act 1990 (LBCAA) states, inter-alia that in considering whether to grant planning permission for development that would affect any buildings or other land in a conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Additionally, the NPPF places great importance on both good design in proposals and the importance of protecting the Historic Environment. Paragraph 56 of the NPPF states inter alia that great importance is attached to the good design: a key aspect of sustainable development and indivisible from good planning which should contribute positively to making places better. With regards to the Historic Environment, the NPPF (part 12) similarly recognises that heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance, with any loss requiring clear and convincing justification, particularly if a loss of a significant (designated) asset would result. At paragraph 131, the NPPF states that in determining planning applications the LPA should take account of "the desirability of new development making a positive contribution to local character and distinctiveness" In this instance there is no loss of a heritage asset. However, if there is considered to be less than substantial harm, this should be weighed against the benefits of the proposal. It notes that not all elements of a Conservation Area would necessarily contribute to its significance.

More locally, there are a number of policies within the EFDC development framework regarding the historic environment. In respect to this application the applicable policies are Epping Forest (HC5), Character, Appearance and Setting of Conservation Areas (HC6), Development Within Conservation Areas (HC7) and Local list of buildings (HC13A). These in combination would only permit a development where it would not be detrimental to the character, appearance or setting of the conservation area. Any applications in Conservation Areas need to be of particularly high design standard to be:

- Sympathetic (in terms of scale, density, massing, height, layout, building line, landscape and access) to their character and appearance;
- Provide visually interesting roofscape in keeping with the character;
- Use of traditional facing materials, already evidence in the district;
- Have facades that provide appropriate horizontal and vertical balance, with proportionate wall to window ratio and incorporate visual intricacy compatible with facades of historic buildings.

Policies HC5 and HC13A give special consideration to Epping Forest and locally listed buildings respectively, which prevents granting of permission for proposals that could prejudice the historic nature and wildlife value of Epping Forest, or its function as an open space, or the locally listed building.

The local design policies relevant to this site consist of Design of new buildings (DBE1) and Design in Urban areas (DBE3). Together these require new proposals to:

- Respect their setting (in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing);
- Affect the street scene appropriate to their use or function, use appropriate vernacular materials;
- Use the surrounding spaces to respect character, provide suitable enclosure for intended users, whether this be private, semi-private or public spaces
- Ensure front elevations face outwards and contain main entrances.

The Sustainable Building (CP5) policy requires proposals to conserve energy (by minimising usage through building form, orientation thermal mass, fenestration, natural ventilation), water and other resources and protect environmental features and where appropriate include renewable energy facilities.

It is considered that all of these local Heritage and Design policies are consistent with the aims and objectives of the NPPF.

The application site is located within the Staples Road Conservation Area, which has a recently updated (April 2014) Character Appraisal and Management Plan, and is a material consideration in the determination of this application. Staples Road is a conservation area and abuts the York Hill conservation area (to the northeast). The area (and associated road network) has developed organically through time (not a planned modern estate resulting in lack of footpaths, parking and narrow roads) with distinct characters which require protection through the conservation area designation. Specifically, there are a number of reasons for Staples Road to be designated as a conservation area as described in the Character Appraisal, namely:

- Unaltered streetscape;
- Examples of work by notable 19th century architects;
- Variety of colours, textures and materials employed in frontages, creating a rich visual 'tapestry';
- Examples of innovative architectural features (particularly found on the school buildings);
- Association with important historic events (e.g. uses of the buildings during WWII)
- Former uses of buildings (e.g. no. 3 Melbourne cottage previously a retreat house for impoverished children)
- Links to notable historic figures (e.g. Robert Hunter, George Pearson)
- The distinctive forest edge location. Long, narrow building plots are orientated north to south, maximising woodland views;
- Tranquil location (with the exception of school drop off and collection)

times).

In particular the character area appraisal requires significant views both within and out of the conservation area are preserved and, where possible, enhanced and further strengthens the policy with regards to the use of traditional materials and that development should make a positive contribution to the character.

The school building adjacent to the proposal is not a nationally recognised heritage asset of importance, but is designated as a local listed building and therefore benefits from special consideration. Other buildings within the local list are Shaftesbury Retreat House and Forest Villa, which are located towards the western end of the Conservation area, where it is considered there would be minimal effect from proposed development. There are five other key buildings of townscape merit (one of which includes the new school hall, built between the locally listed elements of the school), but are considered to be beyond the influence of the proposal. It is noted that the view across the playground from Staples road towards the rear of the dwellings on Woodland Road is a key view from within the Conservation Area.

In addition, Policy ST4 (Road Safety) recommends refusal for any proposal that would result in excessive adverse effects on the character of an area, through the generation of additional traffic. It is considered of particular relevance as the proposal would affect the entire length of the Staples Road Conservation Area. The Transport Statement suggest that up to 183 pupils arrive by car at present which could increase by 30 as a result of the proposal. Initially this could result in 213 pupils arriving to school by car at the beginning and end of the school day, but if the targets within the Travel plan are realised would reduce to 177 pupils in three years. Due to the current levels of access by car, it is considered that in terms of the effect of additional movements in relation to the Character of the Conservation Area and therefore complies with policy ST4 in this respect.

The proposals have been designed in such a manner to respect the spacing and rhythm of the existing school buildings, in so far as the proposed gable ends are orientated north/south, facing the road to respond to the existing buildings. The decision was taken to set the main footprint away from the existing building with a limited link that minimises built intervention to the current built form.

The extension would be set back from the existing school, by 2m, and the ridge would be at a lower level to the original building, reflecting the subservient status of the building from the adjacent original Locally Listed building. This location also serves to preserve the existing black railings forming the boundary treatment and the current pedestrian footpath in to the playground area and protect the two well-established mature pine trees, which appear as a key feature of the street scene.

The decision was taken by the applicant to propose a building of simple form and detail, in contrast to the decorative arts and crafts style of the original building. In pre-application discussions with the both the Epping Forest and Place Services Historic Advisors, this was considered an appropriate approach to use as a pastiche method, may not result in enhancement of the conservation area, as the fine architectural details cannot be replicated in the current day.

Following objections from the County's historic advisors and concerns raised by local residents, the detail of the materials has been revised, to include varying colours and textures of brick tiles to the side elevations to create variety and interest. The gable ends (north and south elevations) would be 'English bond' red brickwork with interest created with alternate projecting headers and the gable end above the lower ground level. On these elevations there would be soldier header and sill to window surrounds. There would be large fixed windows on both north and south elevations, with an RAL coated aluminium frame coloured dark grey.

The east and west elevations have been revised to incorporate patterns created by using different textures and colours to create variety in the large elevation and create visual interest. The windows located on these elevations has also been revised, which result in an increased number of windows which now vary in size, to further reduce the concerns of the monotonous and institutional looking concerns voiced in objections. The materials and colours of these windows would continue to be RAL coated aluminium opening windows coloured dark grey. Similarly, the opening roof lights would be made from the same material, in the same colour.

On the east and west elevations, to maintain the simple form it is proposed to conceal the aluminium RAL coated (black) gutter along the eaves. The projecting gable end of the north and south elevation serves to conceal the black downpipes from the concealed gutters along the eastern and western elevations.

The windows have been designed to balance natural daylight, overheating, natural ventilation and useable internal wall space for classrooms. Increasing the size of the windows would reduce their operability by primary school children and increase the overheating through thermal gain.

The corridor link from the existing building would consist of sheet metal, pigmented zinc in Pigmento red colour. There would also be a large fixed window to the lower floor on the southern elevation of the link corridor, in the same colours and materials of as the fixed windows on the southern gable end.

The external door to the plant room, on the western elevation would be RAL coated steel of an undetermined colour (which would require further submission of details by condition, should permission be granted).

There have been a number of objections stating that the proposed design is inferior to the existing buildings, and proposals should enhance the street scene and not detract from it, as required in the conservation area appraisal and management plan. It is acknowledged that 'good design' is extremely subjective to the individual, and the contemporary style which has been proposed for the development is not satisfactory to everybody. However, it is accepted that the contemporary approach to the extension is suitable in this location in principle, as advised by ECC and Epping District historic environment officers and Essex County Council, due to the inability to replicate the fine detailing of the arts and crafts style of the main buildings. It is considered possible that a pastiche design would look out of place and risk detracting from the main buildings and

conservation area.

There was one local objection to the piecemeal nature of the development and the fact that this damages the integrity of the Conservation Area. Conversely, a number of representations cited the 'unaltered streetscape' as objections. It is considered that this most recent proposal represents the next phase of the school's development. The Staples Road Conservation Area evolved organically over time, to which the Conservation Area appraisal note there is a rich visual tapestry with examples of innovative architectural features. The school hall developed during the 1990's has been listed as a key building of townscape merit, which illustrates the evolving nature of the street. The management plan looks not to prevent future development, but manage developments that are needed sensitively within the Conservation Area. The school has evolved continually for a century, since its initial development to allow the school to meet the needs of the families in the catchment area. This proposal represents the latest stage of evolution, with the need of the development has been fully established in section A.

More specifically, there has been several objections to the design of the windows within the proposals, including the local County Member for Loughton Central and Loughton Town Council, noting that despite the design changes, the windows still appear out-of-character, bleak and unfriendly. Importantly, Place Services (Urban Design) had concerns regarding the original elevations void to solid relationship, and their 'institutional' arrangement, which is specifically noted within policy HC7. Following further negotiations and submission of design details, one representation states that larger, more light admitting, windows can only improve teaching ability. Furthermore, the County historic building and urban design advisors are satisfied with the design, including window details submitted, subject to a condition, should planning permission be granted. The condition would require the following details to be submitted:

- The red plain tiles substituted for the orange sand faced brick tiles;
- The diaper pattern should be used;
- Prior to construction large scale drawings to be submitted for approval to show an elevation of the diaper pattern and detailed drawings of no more than 1:20 of the eaves and windows.

Additionally there has been one local objection made to the use of red brick tiles on the eastern and western elevations, and the red English bond brickwork on the northern and southern elevations. The representation considered this inappropriate as London Yellow Stock bricks is used within the rest of the school. This has been addressed following the submission of amendments to brick and tile pattern details are satisfied with the materials and the above required condition from the consultees.

It is considered that the Sustainable Building (CP5) policy has been adhered to through the provision of the aluminium framed, which offer excellent thermal insulation and therefore conserves energy by preventing heat loss as much as is practicable. Additionally the provision of windows assists with natural ventilation and reduce the need for internal lighting.

In summary, it is considered that it has been suitably demonstrated that the setting of the locally listed adjacent school building and Conservation Area would be preserved conforming with Section [72](#) (1) of the Listed Building and Conservation Area Act 1990 (LBCAA), the NPPF or local policies HC5, HC6, HC7, HC13A, DBE1, DBE3, CP5 or ST4 regarding heritage assets and design. It is also considered that the design is in accordance with the recently updated (April 2014) Character Appraisal and management plan for the Staples Road Conservation Area.

## C HIGHWAYS IMPACTS

Sustainable transport is a key NPPF topic (section 4) as it is relevant to all three sustainability strands (social, environmental and economic). The NPPF requires reductions in emissions and congestion, with safe and suitable access. Specifically, paragraph 38 requires primary schools to be located within walking distance of most properties. Paragraphs 39 to 41 in particular relate to parking but only in relations to setting local parking standards, by local authorities. It does however indicate that Local Authorities should take in to account the accessibility of the development, the availability of and opportunities for public transport and the overall need to reduce the use of high-emission vehicles.

There are several local policies relating to Highways and access within the Epping Forest Local Plan. Policy CP9 (Sustainable Transport) requires schemes to be use/promote sustainable forms of travel and transport and importantly ensure access by all sectors of the community, including the mobility impaired and provide for a safe and efficient transportation network that improves the accessibility of local communities.

ST3 (Transport Assessments) and ST5 (Travel Plans) require relevant proposal to have a transport assessment and travel plan submitted respectively. Both of these have been submitted as part of the application. ST3 additionally notes that if there are significant implications are identified, these should be reduced to acceptable levels within the proposal, which may be subject to legal agreements to ensure that the measures are implemented, if permission is granted.

ST4 (Road Safety) states permission would only be granted where the proposal either well related to the road hierarchy, unlikely to increase congestion, not be detrimental to highway safety, would not have excessive adverse traffic generation effects, on the character of the area through which the new traffic would move. The policy requires suitable mitigation measures (which may be subject to legal agreements) to address any road safety issues.

Finally, policy ST6 (Vehicle Parking) requires proposals to be accordance with the most up to date adopted parking standards. At present, this is the Essex Adopted Parking Standards (2009) requires 1 space per 15 pupils, with the result of a 610 primary school requiring 41 parking spaces, of which 2 should be allocated for disabled parking.

Access to the Primary school is gained from Staples Road to the north of the site, which separates the school site from Epping Forest. Staples Road is accessed

from York Hill, directly linking to the High Road (A121) and subject to a 30mph speed limit. York Hill serves a number of other residential roads to the north west whilst Staples Road continues in a south westward direction. Formally, Staples Road was a 'through road', but currently to the west of Shaftsbury, the road is only available for pedestrian/emergency access. At this location there is a turning head for vehicles entering the road from the York Hill end.

There are various parking restrictions along the length of Staples Road, which leaves little opportunity for parking by teachers and/or parents. The predominant area of unrestricted parking is on the northern side of Staples Road (adjacent to Epping Forest) along the school's frontage. Staples Road varies in width between 5.6 and 5.8 metres, which should be wide enough for two cars to pass. However, on-street parking restricts in both designated and undesignated areas the free flow of traffic.

The Transport Statement identifies that the Highway Authority has confirmed that Staples Road experiences a number of issues surrounding congestion and parking, and a looking in to measures to address these.

The application suggests as a result of the proposal an additional 6 full time equivalent staff would be required, who would be encouraged to use public transport through the updated travel plan, but may need to use the car if sustainable travel modes are not available. In addition, it is estimated that of the additional 90 pupils 34% would be taken to and from school by cars and car share arrangements. This would result in up to an additional 30 car movements per peak travel period. Again, the updated travel plan encourages increased use of sustainable travel options to school, suggesting that 10% of pupils arriving by car would reduce by 10% across the entire 620 pupil places in three years. Long term this would result in a total of 177 pupils arriving to school by car/car share.

#### Vehicular Traffic Impact - Parking

Due to the constricted nature of the site, the school has no dedicated staff/visitor car parking area on-site and no additional parking is proposed as a result of the application, despite an additional 6 full time equivalent staff being required. The northern side of Staples Road (adjacent to the Epping Forest) is used by the staff during the school day, and also by parents at drop off and collection times. There is severely restricted off road parking for the residents of Staples Road, with the predominant parking being residents on-road parking.

There have been a number of objections from local residents, all of which describe the current lack of parking in the area, and the inconvenience cause at pupil drop off and collection times. Other issues described were parking of vehicles in the turning circle, in front of driveways and/or on pavements, restricting access for the less mobile/wheelchair users, which causes health and safety concerns. Additional comments consider that less parents walk their children to school than is assumed in the transport statement and travel plan. There were other representations noting that there have been consultations on separate proposals to introducing a good vehicle loading bay has not been addressed and would reduce car parking spaces further.

As part of the Highway Authority's response officers acknowledge there are local issues regarding the short-term parking by parents within the vicinity of the school; however, this is for a limited period at the beginning and end of the school day during term time. It is noted that these issues are not dissimilar to problems experienced near to schools across the county. They also note that there are no parking restrictions being considered for this proposal as there is a parking scheme currently being progressed. The North Essex Parking Partnership has informed the Highway Authority that an informal consultation on a residents parking scheme was not supported at this location so this option would not be pursued as part of this application.

#### Vehicular Traffic Impact - Congestion & Safety Impacts

There have been a number of objections noting the congestion experienced already in Staples Road, in particular restricting access to dwellings for residents. The parking situation in Staples Road affects the congestion experienced here. This appears to be prevalent at times when parents are dropping off or collecting their children's, although objections also note the school is not the sole cause of the congestion, which is also hampered by shoppers and commuters, which is beyond the control of the applicant. These responses consider the increase of 6 full time equivalent staff and 90 pupils would exacerbate the current situation.

The applicant has demonstrated to the satisfaction of the Highway Authority that the likely generated vehicle movements of an additional 90 pupils is likely to be no more than 20 a day. The applicant has assumed that as the pupils would be from the catchment area that at least two thirds would not be travelling by car, as is currently the case. Consequently the Highway Authority consider the proposal would only have a very minimal impact on the existing situation along Staples Road and therefore would not be detrimental to highway safety, capacity or efficiency at this location. It is therefore considered that the proposal is in compliance with policy ST4.

#### Sustainable Methods of Transport

The submitted travel plan and transport statement both serve to identify the current methods of travelling to school and the projected results if the proposal were to be permitted. A number of objections have been raised by local residents in terms of the quality of the submitted documents, and specifically relating to the contents therein.

Firstly, one objection noted there had been no there has been no survey of residents parking provision and another questioned the accuracy of the submitted documents in terms of transport. This was two-fold; firstly considers that the statement that parents walk children to school is utterly false and secondly the accuracy of survey data collected is questioned due the number of assumptions and their cumulative effect on the data. The Highway Authority has reviewed the submitted documents and has no reason to disagree with its approach. It is therefore considered that these documents are able to be relied upon in the determination of the application.

Further representations note that it is not safe to encourage more children to walk



or cycle from home or the nearest bus stop, due to the already impractical, unsafe, narrow and broken pavements. A further noted that only children in the upper years of the school are able to take their bike ability test and so it is inadvisable for younger children to use bicycles to school.

The Highway Authority has noted in its response that the school would be updating and monitoring their travel plan as part of the application. The Highway Authority stated it is clear from the submitted plan content that the school would be doing everything possible to promote sustainable modes of travel to and from school by encouraging parent, pupils and staff to walk/cycle to school where possible and discourage inappropriate parking. As such, the Highway Authority does not object to the proposal on this matter, but requires the school prepares an updated travel plan. The principle of this has been agreed with the applicant and a suitable planning informative could be imposed should permission be granted.

### Construction Traffic Impact

In addition to the potential operational impacts on the Highway, the construction traffic may also have an impact, so must be considered, although this would only be for a temporary period. A further representation objected as there are no fixed times proposed for delivery vehicles to reduce traffic flow and obstruction issues.

The Transport Statement suggests that the on-site construction traffic would be less than the proposed extensions daily traffic movements (30 per peak hour, as noted above), and therefore would not have implications on the wider traffic network. The statement also alludes to the submission of a construction management plan and that construction vehicles would not be permitted between 08:15 to 09:15 and 14:45 to 15:45 hours to avoid conflicts and amenity issues for residential and school related traffic.

The Highway Authority does not object to the proposal with respect to the construction traffic impact, subject to a pre-commencement condition being applied to any grant of permission. This would require the submission and approval in writing by the County Planning Authority of a Construction Method Statement detailing the provision of the following clear of the highway:

- safe access into the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities

In conclusion, in terms of highway impacts, it is noted that there are longstanding issues regarding congestion and parking problems experienced in Staples Road. The submission of the travel statement and travel plan are considered by the Highway Authority to be of a sufficient standard. It is therefore considered that the proposal satisfies ST3 and ST5. The potential maximum increase of 20 vehicles is not considered significant enough to warrant refusal of planning permission under policies ST3, ST4 and ST6. With regards to construction traffic, it is estimated that during this temporary period there would be less vehicular movements generated, than during the occupation of the extension. However, to

ensure highway safety is maintained a condition would be applied to require the submission and approval of a pre-commencement condition for a Construction Method Statement should planning permission be granted. The information contained within the travel plan is sufficient to satisfy policy CP9, provided a condition is attached to any permission granted to ensure an updated travel plan is submitted and approved in writing by the County Planning Authority prior to beneficial occupation of the extension. Therefore in terms of highways there is considered to be no harm significant enough to warrant refusal of this application, and it complies with the relevant policies contained within the adopted local development framework or the NPPF.

## D IMPACT ON PLAY SPACE

One of the cornerstones of the NPPF is the social sustainability aspect, of which Health and wellbeing plays a considerable part, as it looks to promote healthy communities. Within paragraph 74, the NPPF states inter alia that existing open space (including playing fields) should not be built on unless this space is surplus to requirements in the local area, the loss would be replaced, or existing provision would be improved to mitigate the loss.

Within the Epping Forest District Local Plan and Alterations (2006) provides more local consideration of playing fields through policies CF5 (educational buildings outside the Green Belt) RST14 (Playing fields) LL5 (protection of urban open spaces) and LL6 (partial development of urban open spaces). Both policies CF5, LL6 and RST14, in combination would only permit some additional development on existing school sites, if it:

- Does not involve the loss of any playing fields;
- The total loss of or excessive adverse effect upon open space.
- Provided the predominantly open nature of the remainder of the site is retained and does not ;
- The scheme provides/enhances recreational potential of the remainder of the site and/or there is appropriate alternate provision provided;
- There is an excess of sports pitch provision in the area.

All of these policies are considered to comply with the aims and objectives of the NPPF. In addition, all of these policies specifically relate to playing fields, rather than hard play space. However, it is considered that in the absence of on-site playing fields, it is appropriate to apply these policies to the hard play area.

It is important to note that on-site there is no playing field provision, with only hard play space provision (totalling 2,558m<sup>2</sup> for the Junior school currently), with field based sports utilising the local cricket field. ECC are in the process of arranging a formal agreement so that this field and an additional field will be available to them. It must be noted that the BB99 guidelines<sup>1</sup> require an area of Hard Play (Informal and social) of approximately 1,300 m<sup>2</sup> for a 610 place school. Therefore, there would remain an excess of 1,258m<sup>2</sup> as a result of the proposal. At present, there is a marked netball pitch on the hard surface, but this is impacted upon by the uneven and sloping nature of the site. The hard play surface is made of tarmac,

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<sup>1</sup> Building Bulletin 99 (2nd Edition): <http://dera.ioe.ac.uk/6318/1/BB99%20revise.pdf>

is relatively narrow and runs the length of the site on the southern boundary.

It is noted within the application that there are 3 structures located on the hardplay space, further limiting the potential:

- An outbuilding adjoined to the southern boundary wall  
Planning permission CC/EPF/36/14 was granted for the outbuildings demolition. In effect, this provides the school with increased hard play space of approximately 77m<sup>2</sup>.
- A pre-fabricated temporary classroom, further east on the site  
As part of this application, this would be removed, which would provide a further 90m<sup>2</sup> hard playspace.
- An arbour (next to the outbuilding) for outdoor learning, not affected by the proposal.

When all of this is taken in to consideration against the total footprint of the proposed new extension (360 m<sup>2</sup>), overall this would constitute a loss of 11m<sup>2</sup>. The location of the proposal is sited adjacent to the existing building, which is considered to comply with policies CF5, LL5, LL6 and RST14, in so far as the predominantly open nature of the remainder of the site is retained.

As part of this application, to address the net loss of 11m<sup>2</sup> of hard play space, it is proposed the south-west corner of the site would be filled to improve the levels for playing sport, which would result in a maximum increase in height of 880mm at the boundary. This would be achieved through the use of retaining gabions around the perimeter using on site material from the development footprint (cut and fill), but would also require importation of 177m<sup>3</sup> material to help raise the ground. The result would be the provision of a recreational sized netball court, set out to Sport England requirements.

There have been a number of objections from local residents and Loughton Town Council, regarding the lack of playing fields associated with the school, the reduction in hard play space and the resulting impact on the health and wellbeing of the pupils. Sport England however do not have any comments to make in relation to the proposal.

On balance, it is considered that the overall loss of 11m<sup>2</sup> of hard play space is not significant to warrant refusal of this application (in terms of excessive adverse effect on open space), particularly as this is significantly above the DfE recommendations for this sized school. Although it is not ideal that the playing fields used are not within the school site, the use of these would not be further impinged upon by these proposals. Although there would be a small overall reduction (even when considering the removal of the outbuilding (CC/EPF/36/12) and the temporary classbase, this is mitigated through the enhanced recreational potential through the provision of a recreational sized netball court, set out to Sport England requirements. It is therefore considered to comply with policies CF5, LL5, LL6 and RST14, in relation to hard play space provision and therefore not contrary to NPPF's requirement for social sustainability and health and well-being.

## E SURFACE AND DRAINAGE IMPACTS

The NPPF places great emphasis on meeting the challenge of flooding, requiring planning authorities to take full account of flood risk. Development should be directed to areas with lower risk of flooding.

Epping Forest policies relating to flooding encompass CP2 (Protecting the Quality of the Rural and Built Environment), U1 (infrastructure adequacy), U2 (Development in flood risk areas), U3A (Catchment Effects). These all aim to managing the demand for water resources and sewerage infrastructure by controlling the location, scale and phasing of development, ensuring proper regard to the adequacy of the existing water infrastructure and prevent significant adverse effects upon flooding and/or foul water infrastructure

The application is not located within an area at a high risk of flooding, as defined by the Environment Agency flood risk zones. It is therefore in accordance with policy U2. The proposal would raise the level of the playground in the south-western corner to mitigate for the loss of hard play space. This would result of a maximum increase in height by 880mm.

There have been a number of responses received, detailing concerns of exacerbating existing pooling problems on the playground, from surface water runoff from the tarmacked area and Epping Forest. Additionally there have been concerns raised relating to the structural integrity and capacity of the underground Victorian foul water pipes.

As a result of the concerns raised the applicant has provided further information in support of the application. Confirmation from Thames Water has been provided, stating they do not have any concerns regarding the proposed increase in foul water flows from the development and a net reduction is expected in surface water flows.

In addition, the applicant states that there is proposed to be a drainage channel to be positioned inside the boundary line, running the length and width of the re-graded playground. This shall be sized accordingly to intercept and re-direct all surface water accumulating in this area, down and into the below ground drainage system. This is however, not shown within the sections provided. It is therefore considered appropriate to impose a condition, requiring the dimensions of this to be submitted and agreed in writing by the County Planning Authority prior to construction to ensure the compliance with national and local policies.

With the addition of an appropriate pre-commencement condition to ensure that any surface water pooling is managed within the site, it is considered there is no reason to refuse permission on these grounds. It is considered to be in compliance with policies CP2, U1, U2, U3A and the NPPF, as it would not lead to significant increase in surface water flooding, or result in exceedance of the foul water infrastructure capacity.

## F RESIDENTIAL IMPACTS

One of the core planning principles contained within the NPPF seeks to protect

local and residential amenity to ensure that proposals are socially sustainable. More locally, there are a number of policies within the EFDC development plan, specifically loss of amenity (DBE9), effect on neighbouring properties (DBE2) and adverse environmental impacts (RP5A). These in combination, look to prevent development that would have excessive local and residential amenity impacts by way of noise, vibration, air, ground water, light pollution, visual impact, overlooking, loss of daylight/sunlight or other disturbance.

Noise: As with any construction project, there would be some increased noise during the construction of the extension. One response resulting from the consultation suggests a condition should be implemented to restrict working hours during construction to reduce disturbance to local residents. Additionally, there could also be some increase due to the increase of 90 pupils within the site once it is operational.

However, the ECC's Noise Consultant has no concerns regarding the information regarding noise contained within the application (either during the construction or operational phase of the development) and therefore has no objection to the proposals. It is therefore considered that there is no reason to refuse the application on noise grounds.

Lighting: As part of the application plan number A050 (rev A) 'Proposed elevations' (dated May 2014) was submitted with regards to the locations of the proposed external lighting. These have been located on the southern, western and northern elevations. Later further information submitted in the form of luminaire data and lighting effects calculations.

The Lighting consultant has no objection to the proposed lighting information submitted thus far, but this is subject to the submission of further details by condition. Should planning permission be granted this would be a pre-commencement condition requiring the submission of additional information to be submitted and approved in writing by the Local Planning Authority. The information required would be as follows:

- Details of the location, height, tilt, lighting controls, lighting design, illuminance levels, uniformities and spill light contour lines on to Ordnance Survey mapping;
- The details shall include a design summary to include an overview of the lighting design
  - This must include the Lighting Standards that been applied and justification for these standards. This must ensure the lighting is designed to an appropriate lighting standard to allow children and adults safe passage around the school when there is poor visibility but would minimise the potential nuisance of light spillage on the local environment, adjoining properties and highways;
  - Comments on the wildlife habitats in the area that maybe affected by light.

Raising the playground level: Part of the application resulting in the raising of the playground level in the southwest corner of the site to provide a more level

playing surface within the hard play area. This would involve using some material cut from the ground beneath the new extension but there would still need to be 177m<sup>3</sup> of material imported to achieve this.

A number of objections relate specifically to this aspect of the proposal. Specifically these note that this could:

- Exacerbate problems caused by considerable underground and surface water flowing from the Forest;
- Result in vibration during construction, potentially cause further cracking around local manhole flagstones and damage the underground Victorian pipes therefore causing further flooding;
- Be very expensive and is not necessary as part of the proposal;
- The greater height would result in more balls and stones being thrown over the fence on to adjacent dwelling roofs.

As discussed in the section above (section D of this report) there is a need to improve the hard play space within the school as part of the proposal to increase the pupil numbers of the school and small net loss of hard play space resulting from the proposal.

It is not considered that the increase in height of the playground in its south-western most corner would significantly increase the amount of objects landing within adjacent properties.

As discussed in section E of this report, it is not considered that any part of the proposal would significantly increase the amount of flooding experienced within the local area, either during the construction or operation of the extension.

It is considered that this aspect of the development could have some impacts on residential amenity. Although it is not considered significant enough in terms of local or national policy to warrant refusal of the planning application, it is considered necessary to incorporate a condition restricting the hours of construction, as noted earlier in this section of the report.

General Amenity: A number of responses note that the local residents quality of life is diminishing, and that they are tolerant of the school and its activities during the school day, but afterschool clubs and meetings beyond the school day increase the problems experienced.

In light of the above sections of this report it is not considered that the general amenity of local residents would be significantly reduced as a result of this proposal. Additionally, the impacts of the afterschool clubs and meetings could not be rectified with the refusal of this application, as these are an essential part of the schools existing activities.

In summary, although both the construction and operational phases could have some impacts on the residential amenity, it is not considered that with the imposition of appropriate conditions that the impact of the proposal would be so significant that it would be contrary to policies DBE9, DBE2, RP5A or the NPPF. Therefore, it is not considered appropriate to refuse permission for the application,

subject to conditions requiring additional information regarding lighting and restriction on the hours of construction.

## G LANDSCAPING ,TREES & ECOLOGY

One of the three main strands of sustainability (according to the NPPF) is environmental sustainability, which requires, protection and enhancement of the natural environment.

More locally, policies CP2 (protecting the quality of the rural and built environment), NC1 (SPAs, SACs, and SSSIs), RP5A (adverse environmental impacts) and LL10 (adequacy of provision for landscape retention) consider the natural environment. These all look to maintaining the quality of the environment, using the urban fringe appropriately, preserving and enhancing the biodiversity, especially for protected species and/or at nationally and internationally valuable sites. Policy LL10 specifically relates to protection of trees and man-made features of interest. All of these policies are considered to concur with the NPPF as they all look to protect and enhance the environmental sustainability.

Ecology: A Preliminary Ecological Appraisal has been submitted, which included screening for the need of Habitats Regulations Assessment, stating further assessment was not necessary. At the point of submission, the proposal was screened by the County Planning Authority, where this was confirmed.

The submitted Phase 1 survey concludes that the majority of the site is of negligible ecological value as it comprises hard surfaced playground. There is a hedge and specimen trees along the northern boundary of the site, but did not identify signs of protected species including bats.

There has been no objection from the Place Services ecologist, so long as works are sensitive to nesting birds and undertaken between 31st March and 1st September. It is considered this would warrant a condition to be attached, should planning permission be granted.

In addition Epping Forest (SSSI and SAC) is located adjacent to the site, opposite Staples Road. The submitted assessment considered that the likelihood of adverse impacts to this designated site to be is very low and insignificant in terms of effects on the qualifying features of the SAC. However, the report made recommendations made in relation to minimising noise and dust pollution, which the Place Services ecologist considered should be adhered to (para 3.3.2). Again, this would warrant the imposition of appropriate condition(s) should the proposal be granted.

With the imposition of appropriate conditions, it is considered that the proposal is in accordance with policies CP2, NC1, RP5A and therefore the NPPF in relation to biodiversity, protected species and the nationally/internationally designated Epping Forest.

Landscaping & Trees: The Arboricultural Impact Assessment in accordance with BS5837:2012 has been submitted in support of the application. It states the most important trees in proximity to the scheme are the two mature pines and a less mature example of the same species adjacent to the northern boundary. There

are further trees within the hedge forming the northern boundary treatment, but these are at greater distance from the proposal.

It is thought these pines were planted as a deliberate landscape feature and are therefore important in terms of policy LL10, as they dominate the street scene. These are already constrained area separated from the proposed development by the footpath from the school playground and Staples Road itself.

It is noted that the proposed development has been sited to reduce any impact of the foundations on the Root protection area of the two dominant pine trees. However, the arboricultural report recommend the following:

- The small immature pine is removed to protect the viability of the 2 mature specimens
- There should be no below ground excavations within the root protection area of the 2 mature pine specimens
- A defined tree protection area/barrier must be submitted and approved in writing by the county planning authority to restrict damaging above ground activities to all trees on site.
- A strategy for tree canopy reduction must be submitted and approved in writing by the county planning authority to restrict impacts on the canopy as a result of construction activities/shading of the new building.

There has been no objection from Place Service (Trees) or Place Services (Landscape) regarding the impacts on existing tree stock, subject to the recommendations set out within the Arboricultural Impact Assessment.

It is considered that the recommendations of the Arboricultural Impact Assessment could be required by conditions, in the event that permission is granted. This would include protection of the Root protection area of the feature pine trees in the north that the proposal is in compliance with policy LL10 and therefore the NPPF.

## **7. CONCLUSION**

Following the submission of additional details, it is considered that there is a justified need for the increase in pupil places within the Loughton catchment area and that Staples Road primary school is the most appropriate location for this expansion. Although this is subject to no significant material considerations suggesting otherwise.

Importantly the Staples Road Primary school is located within the Staples Road conservation area and the extension would be linked (via a corridor) to a locally listed building. Through the initial design process, pre-application discussion and improvements made to the proposal as a result of the consultation of the application, a modern approach has been taken to the extension (rather than a patishe replication). This has been amended in response to concerns to alter the gable ends and projecting header course on the northern and southern elevations, the solid to void relationship on the eastern and western elevations, and the inclusion of a diapering effect to create patterns of textures and colours on the large western façade.



Although it is noted that 'good design' is extremely subjective to the individual, as a result of these changes, it is considered that it has been suitably demonstrated that the adjacent school building of local heritage importance and the nationally important conservation area, in principle, would not be impacted upon as to be contrary to Section [72](#) (1) of the Listed Building and Conservation Area Act 1990 (LBCAA), the NPPF or local policies HC5, HC6, HC7, HC13A, DBE1, DBE3, CP5 or ST4 regarding heritage assets and design. This is subject to the submission of further information by condition, which would require large scale drawings to be submitted for approval to show an elevation of the diaper pattern and detailed drawings of no more than 1:20 of the eaves and windows and detailing the use of orange sand faced brick tiles rather than red brick tiles. It is also considered that the design is in accordance with the recently updated (April 2014) Character Appraisal and management plan for the Staples Road Conservation Area.

In terms of highway impacts, it is noted that there are longstanding issues regarding congestion and parking problems experienced in Staples Road. Proposals which could exacerbate this is a concern of local residents, however, some of the objections received are beyond the applicants control, and would not be improved with the refusal of the application. The submission of the travel statement and travel plan satisfies policies ST3, ST5 and CP9 provided a condition is attached to any permission granted to ensure an updated travel plan is submitted and approved in writing by the County Planning Authority prior to beneficial occupation of the extension. The potential maximum increase of 20 vehicles is not considered significant enough to warrant refusal of planning permission under policies ST3, ST4 and ST6. To ensure highway safety is maintained during the construction activities, a condition would be applied to require the submission and approval of a pre-commencement condition for a Construction Method Statement should planning permission be granted. Therefore in terms of highways there is considered to be no harm significant enough to warrant refusal of this application, and it complies with the relevant policies contained within the adopted local development framework or the NPPF.

With the expansion of the school building footprint, there were concerns regarding the impact on hard play space within the school site, particularly as the school does not benefit from playing field on site, requiring pupils to travel to such facilities. It has been suitably demonstrated that with the demolition of the outbuilding permitted (planning ref: CC/EPF/36/14) and the removal of the temporary classbase as part of this application that there would only be a net loss of 11m<sup>2</sup> of hard play space. In light of this minimal loss, the proposal incorporates the improvement of the existing hard play space, by creating a level playing court, in accordance with the specifications set out by Sport England. It is therefore considered that the proposal should not be refused on these grounds through policies CF5, LL5, LL6, RST14 and not be contrary to NPPF's requirement for social sustainability and health and well-being.

The development is not located in an area at risk of flooding as identified by the Environment Agency. With the addition of an appropriate pre-commencement condition to ensure that any surface water pooling at the south western portion of the site is managed within the site, it is considered there is no reason to refuse permission on these grounds, as it is in compliance with policies CP2, U1, U2,

U3A and the NPPF, as it would not lead to significant increase in surface water flooding, or result in exceedance of the foul water infrastructure capacity.

A number of concerns were raised regarding impacts on residential amenity, including noise, lighting, construction effects of raising the playground level and general loss of quality of life. Although both the construction and operational phases could have some impacts on the residential amenity, it is not considered that with the imposition of appropriate conditions that the impact of the proposal would be so significant that it would be contrary to policies DBE9, DBE2, RP5A or the NPPF. Therefore, it is not considered appropriate to refuse permission for the application, subject to conditions requiring additional information regarding lighting and restriction on the hours of construction.

With regards to potential impacts on ecology, landscaping and trees there is no reason to refuse the application, by way of policies CP2, NC1, RP5A or LL10. It is considered that the proposal is in compliance with the NPPF in relation to biodiversity, protected species and the nationally/internationally designated Epping Forest. This is subject to the inclusion of conditions with any planning permission to ensure the recommendations contained within the Preliminary Ecological Appraisal and Arboricultural Impact Assessment.

Following the assessment of the consistency of the adopted local policies (to accord with paragraph 214 of the NPPF), it is considered that all of the policies considered within this report are in compliance and generally consistent with the aims of the NPPF. In particular, it is considered that the three strands of sustainability (Environmental, Social and Economic) as outlined within the NPPF, have been considered and incorporated within the proposals. This is particularly evident in the economic and social requirements to locate additional pupil spaces within the Loughton school catchment area and the improvement of the hard play space. Environmentally, the project incorporates measures to minimise energy consumption, by minimising usage through building form, orientation thermal mass, fenestration, natural ventilation.

On balance therefore, it is considered that the proposal conforms with the relevant policies of the Development Plan, taken as a whole and the policies relied upon in this report are considered to be consistent with the Framework. The proposal is considered acceptable subject to the imposition of appropriate conditions.

## 8. RECOMMENDED

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

- 1 The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the details submitted by way of the application (dated 25 June 2014), together with the planning statement dated June 2014, the Design & Access Statement (dated June 2014), the statement of community involvement (dated June 2014), the

heritage statement (dated June 2014), the Staples Primary School travel plan – by Richard Jackson ref: 45654 (dated June 2014), the Transport Statement - by Richard Jackson ref 45654 (dated June 2014), the tree survey and arboricultural impact assessment report (dated May 2014), Ecological Assessment including a screening opinion with respect to the habitat regulations assessment process (dated May 2014), the biodiversity checklist dated 20 June 2014, Additional justification for the expansion of Staples Road Primary School dated 22 September 2014, Addendum to the Design & access statement and Heritage Statement dated September 2014 and drawing numbers:

- 45654/C/001 (rev B) 'Proposed Drainage Layout' dated 19 June 2014;
- 7533/A001 (rev PL) 'Location Plan' dated May 2014;
- 7533/A005 (rev PL) 'Existing Site Plan' dated June 2014;
- 7533/A035 (rev PL) 'Proposed Site Plan' dated May 2014;
- 7533/A036 (rev A) Proposed Detail Site Plan dated 4 July 2014
- 7533/A006 (rev PL) 'Existing Detail Site Plan' dated June 2014;
- 7533/A020 (rev PL) 'Existing Elevations' dated May 2014;
- 7533/A050 (rev B) 'Proposed Elevations' dated 19 Sept 2014
- 7533/A015 (rev PL) 'Existing Site Elevations photo montage' dated June 2014;
- 7533/A012 (rev PL) 'Existing Roof Plan' dated June 2014;
- 7533/A042 (rev PL) 'Proposed Roof Plan' dated 24 June 2014;
- 7533/A011 (rev PL) 'Existing Upper ground Floor Plan' dated June 2014;
- 7533/A041 (rev PL) 'Proposed Upper ground Floor Plan' dated May 2014;
- 7533/A010 (rev PL) 'Existing lower ground Floor Plan' dated June 2014;
- 7533/A040 (rev PL) 'Proposed lower ground Floor Plan' dated May 2014;
- 7533/A055 (rev PL) 'Proposed Sections' dated May 2014;
- 7533/A046 (rev PL) 'Playground Works Cross Sections' dated June 2014;

Together with the information contained in the following emails:

- Vincent & Gorbing, entitled 'RE: Staples Road- Extension Validation – Addendum' dated 04 July 2014
- Vincent & Gorbing, entitled 'RE: Staples Road- Extension Validation – Addendum'(including plan numbers A036 (Rev A) 'Proposed detail Site Plan' dated May 2014 and A050 (Rev A) 'Proposed elevations' dated May 2014) dated 11 July 2014;
- Vincent & Gorbing, entitled 'RE: Staples Road demolition application CC/EPF/36/14 and extension application CC/EPF/42/14' (including documents 'Exterior lighting ref PA662692 (dated 21 August 2014) and letter from Thames Water (dated 26 August 2014)) dated 27 August 2014.

Except as varied by the following conditions:

- 3 No development shall take place until details of the materials to be used for the external appearance of the building have been submitted to and approved in writing by the County Planning Authority. Without prejudice to the foregoing, the details shall include information demonstrating that the red plain tiles have been substituted for orange sand-faced brick tiles and large scale drawings to show an elevation of the diaper pattern and detailed drawings of no more than 1:20 scale of the eaves and windows. The development shall be implemented in accordance

with the approved details.

- 4 The development hereby permitted shall not be constructed unless during the following times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays.

In addition, no construction traffic will be permitted to access the site between the hours of:

08:15 to 09:15 and 14:45 to 15:45 hours Monday to Friday

and at no other times, including on Sundays, Bank or Public Holidays.

- 5 No development shall take place until a construction management plan and appropriate plans have been submitted to and approved in writing by the County Planning Authority. The construction management plan shall include the following:
- a) Identifying the access to be used for the construction vehicles
  - b) Alternative emergency access arrangements for the duration of the construction period
  - c) The location of the contractors plant site, and measures to be incorporated to segregate it from the main school buildings and pupils.
- 6 No fixed lighting shall be erected or installed until details of the location, height, tilt, lighting controls, lighting design, illuminance levels, uniformities and spill light contour lines on to Ordnance Survey mapping has been submitted to and approved in writing by the County Planning Authority. The details shall include a design summary to ensure the lighting is designed to an appropriate lighting standard to allow children and adults safe passage around the school when there is poor visibility but would minimise the potential nuisance of light spillage on the local environment, adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 7 No development shall take place until a detailed scheme to accommodate intercept and re-direct, all surface water drainage arising from the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved scheme and maintained *for the development hereby permitted*.
- 8 No development shall take place (including ground works) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County 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 or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

- 9 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the County Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

### **Informative**

Prior to the beneficial occupation of the development it is advised that an updated School Travel Plan including monitoring arrangements is prepared, in liaison with the Highway Authority, and subsequently implemented in full.

### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

The proposed development would be located within distance to a European site (Epping Forest SAC/SPA) and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site, either individually or in combination with other plans or projects.

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

### **EQUALITIES IMPACT ASSESSMENT:**

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 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) (Amendment No.2) Order 2012

## **LOCAL MEMBER NOTIFICATION**

LOCAL MEMBER – EPPING FOREST – Loughton Central

## **BACKGROUND PAPERS**

Consultation replies  
Representations



**DR/44/14**

committee DEVELOPMENT & REGULATION

date 24th October 2014

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**COUNTY COUNCIL DEVELOPMENT - ENFORCEMENT OF PLANNING CONTROL**

Unauthorised Development: **Unauthorised temporary access and removal of shrubs**

Location: **Land at Holy Cross School Tracyes Road, Harlow, CM18 6JJ**

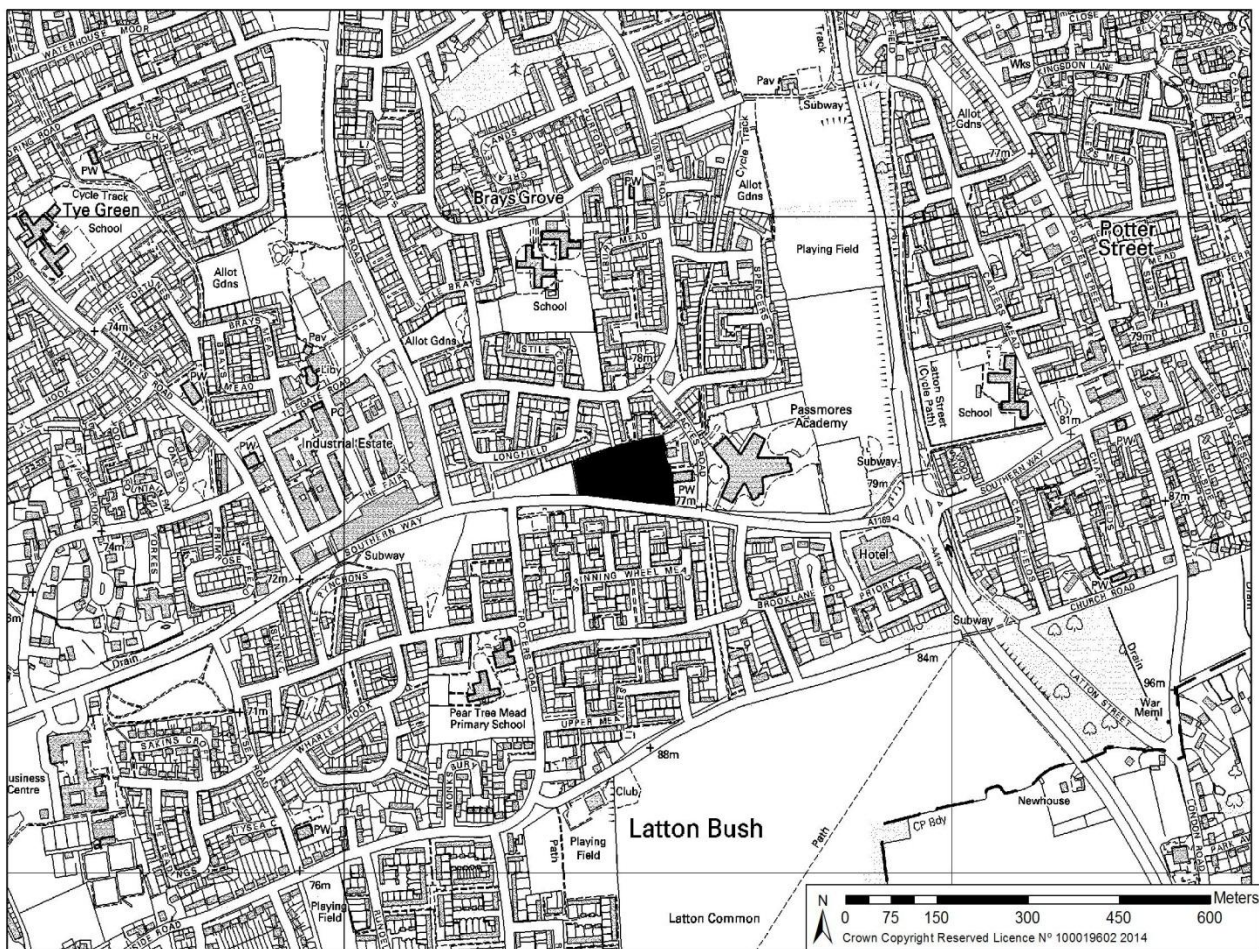
Ref: **ENF/0614**

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Report by Director of Operations, Environment and Economy

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Enquiries to: Suzanne Armstrong Tel: 03330 136823



## **1. BACKGROUND AND SITE**

The 1.55ha site is located north of the A1169 Southern Way in Harlow. It occupies a prominent frontage on the gateway to the Brays Grove estate. Pedestrian and vehicular access is currently provided via Tracyes Road, located off Southern Way.

The site is bounded to the east by the Holy Cross RC Church and Presbytery, to the west by the Longfield and Spencers Croft residential areas, to the north by the Spencers Croft residential area and to the south by Southern Way. The new Passmores Academy is located to the east of the church, across Tracyes Road.

The most recent application, ref. CC/HLW/19/14, was for a new single and double storey annexe to accommodate an additional 210 pupil numbers, together with single storey extensions to the main hall and head teacher's room, the provision of a temporary classbase for a period of 12 months and the provision of 8 new cycle parking spaces. The application was approved by Members of the Development and Regulation Committee in May 2014. The approved plans included a temporary internal construction access, as shown on drawing ref M340/F10A dated 08/05/14. This permission has been implemented although a new internal temporary access route ('new access') has been created which is not strictly in accordance with the approved plans.

## **2. CURRENT POSITION**

Construction works have commenced on site and the new temporary access has been created causing the loss of a small section of fencing and shrubs within the site. A complaint has been received by a resident who objected to the original school development.

The developer has claimed that the new access is a suitable alternative to allow larger construction vehicles to safely manoeuvre within the site. The new access is adjacent to the original proposed access point to the school construction site; however the new location enables the site construction traffic to be completely separated from school pupils and staff accessing the school. The point of access to the public highway (Traceys Road) has not altered.

On passing through the new access, construction vehicles are required to stop and make contact with the site office, before being authorised onto the main school construction site. This ensures that no vehicles reverse on to the site to unload.

In considering appropriate action in relation to a breach of planning control relevant Government Guidance is found in the National Planning Policy Framework (the Framework) and the Council's Local Enforcement and Monitoring Plan. The Framework highlights that enforcement action is discretionary and the Local Planning Authority should act proportionality in resolving any breaches of planning control.

The procedure for dealing with breaches of planning control for the Council's own development is also set out in the Local Enforcement and Monitoring Plan. Upon



concluding there has been a breach of planning control, negotiation would be the first step in addressing the situation.

In accordance with the Local Enforcement and Monitoring Plan, upon concluding there has been a breach of planning control, the authority needs to consider the harm being caused and make a judgement as to whether or not planning permission is required and if so whether it is likely to be granted for the development in question.

In this particular case, it is considered that the only harm that has resulted from relocating the internal access route is the damage caused to a small section of shrubs.. The revised location is considered to be a material change, however, provided that the land is reinstated after the construction period it is not considered expedient to take action requiring cessation of the use of the new access.

### **3. RECOMMENDED**

Subject to the fencing, planting and surfaces affected by the work being reinstated on completion of the school development (ref CC/HLW/19/14), no further action is taken to address this minor breach of planning control.

#### **LOCAL MEMBER NOTIFICATION**

HARLOW – Harlow South East



Committee DEVELOPMENT &amp; REGULATION

date 24<sup>th</sup> October 2014**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Director of Operations, Environment &amp; Economy

Enquiries to Robyn Chad – tel: 03330 136 811

or email: [robyn.chad@essex.gov.uk](mailto:robyn.chad@essex.gov.uk)**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Robyn Chad/

**MEMBER NOTIFICATION**

Countywide.

**SCHEDULE****Minerals and Waste Planning Applications**

No. Pending at the end of previous month

**19**

No. Decisions issued in the month

**4**

No. Decisions issued this financial year

**25**

Overall % in 13 weeks this financial year (target 60%)

**63%**

% on target this financial year (CPS returns count)	46%
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Nº Delegated Decisions issued in the month	3
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Nº Section 106 Agreements Pending	0
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#### County Council Applications

Nº. Pending at the end of previous month	6
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Nº. Decisions issued in the month	2
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Nº. Decisions issued this financial year	24
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Nº of Major Applications determined (13 weeks allowed)	1
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Nº of Major Applications determined within the 13 weeks allowed	0
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Nº Delegated Decisions issued in the month	1
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% age in 8 weeks this financial year (Target 70%)	42%
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#### All Applications

Nº. Delegated Decisions issued last month	4
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Nº. Committee determined applications issued last month	2
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Nº. of Submission of Details dealt with this financial year	108
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Nº. of Submission of Details Pending	83
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Nº. of referrals to Secretary of State under delegated powers	0
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#### Appeals

Nº. of appeals outstanding at end of last month	2
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#### Enforcement

Nº. of active cases at end of last quarter	26
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Nº. of cases cleared last quarter	13
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Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	0
Nº. of Temporary Stop Notices Issued last month	0
Nº. of Stop Notices Issued last month	0

