

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 24 OCTOBER
2014**

Present

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

Cllr C Guglielmi
Cllr T Higgins
Cllr J Lodge
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr J Abbott, Cllr P Channer, Cllr M Mackrory (substituted by Cllr Higgins), Cllr Lady P Newton (substituted by Cllr Grundy) and Cllr J Reeves (substituted by Cllr Seagers).

2. Declarations of Interest

Cllr Aldridge declared a personal interest as a member of the Minerals and Waste Members Panel.

3. Minutes

The Minutes and Addendum of the Committee held on 26 September 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) Extension of time of 2 years to the period for commencement of development of planning permission granted by the Secretary of State, allowing the date of commencement to be extended from 2 March 2015 to 2 March 2017, in respect of an "Integrated Waste Management Facility".

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

Ref: ESS/41/14/BTE

Applicant: Gent Fairhead & Co Ltd

Public Speakers: Alan Stones speaking against
David Whipps speaking for.

- 2) 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
Public Speaker: Veronica Wallace speaking for
And, speaking as local Member,
Cllr C Pond.

Councillor Guglielmi joined the meeting at this point.

5. Rivenhall Airfield, Braintree

The Committee considered report DR/42/14 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 an extension to the period of commencement of development of existing planning permission for an Integrated Waste Management Facility.

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:

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

In accordance with the protocol on public speaking the Committee was addressed by Alan Stones, a local resident speaking on behalf of local residents and groups. Mr Stones made several points:

- I am Chair of the Community Group that put the case against the proposal to the public inquiry in 2010. The Group represents all the local amenity societies plus the Ramblers Association and the Stop the Incinerator Campaign
- So many factors have changed since the planning approval five years ago – eg greater levels of recycling and number of anaerobic digesters –that the economic viability of the different elements of the proposal must have changed. One particular concern is that waste paper will come into Rivenhall from a much greater area; this has implications regarding road access
- The ongoing uncertainty about the flue stack height remains a concern. This needs to be resolved before consent is renewed. Any increase in

height may require separate planning permission, but if it is required for the site to operate, then it will be too late

- The proposal should be subject to a thoroughgoing reappraisal of the technicalities and viability of the project. Agreeing any renewal of permission without such a reappraisal would be premature.

David Whipps, speaking on behalf of the Applicant, then addressed the meeting. Mr Whipps raised several points:

- The application only seeks to allow commencement beyond March 2015 (variation of condition 1 of original permission); there are no proposed changes to any other conditions
- The need for an extension is mainly due to slippage caused by the recession, but not only has the Applicant been taking steps ultimately to implement the Planning Permission but the Applicant remains committed to the scheme, the necessary funding being largely committed
- Central Government has advised that a positive approach should be taken towards applications such as this – ie ones that improve the prospect of sustainable development being taken forward quickly
- As this is an application for an extension, it has already been judged acceptable (both by the Secretary of State, and the Committee previously); so it is appropriate to consider changes in Development Plan policies or other material considerations. This is the approach taken and it has revealed nothing to suggest this development is wrong in principle
- The latest Capacity Gap Report identifies this as an important element in the waste management infrastructure in Essex.

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

- The Environment Agency will ultimately determine the height of the chimney stack; but it will only be able to determine this once it knows precisely the equipment being used. A separate planning application would be needed if a taller chimney were required. Some 20 metres of the chimney will be sunk below ground
- Neither the Highways Agency nor Highway Authority has an objection. The access road from the A120 crosses Church Road and Ash Lane; both of these junctions would undergo improvements
- The ground would not be disturbed around Woodhouse Farm. The area that would suffer disturbance would be subject to an archaeological survey beforehand
- There would be a diversity of technologies being used at the site. Any significant changes to these in the future would require further planning permission.

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

Resolved

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.
- 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).

6. Staples Road Primary School, Loughton

The Committee considered report DR/43/14 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 reminded that the proposed extension would help to accommodate the growing number of children local to the school.

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 and Principle of this Location
- Design, Layout and Impacts on the Historic Environment
- Highway Impacts
- Impact on Play Space
- Surface Water and Drainage Impacts
- Residential Impacts
- Landscaping, Trees & Ecology

In accordance with the protocol on public speaking the Committee was addressed by Veronica Wallace, Head Teacher at the School. Ms Wallace raised several points:

- The School is heavily oversubscribed. In 2013 it was unable to admit 32

children living within the Priority Admissions Area into reception. Some of these were offered a school in Waltham Abbey, which would mean 4-year-olds travelling in taxis to school – which is unacceptable.

- In response to this situation, the School agreed to take an additional 15 children as a one-off; but it cannot do this again. Having an extra half-form entry, and therefore mixed year classes, has a detrimental impact on the quality of education being provided, particularly as the new curriculum is firmly based on year groups
- The actual area being developed has a sharp incline, so is not currently well used; but the addition of this new accommodation will permit the removal of a temporary classbase and therefore will free up prime playground space
- Vehicular access to the school has been reducing over the years, but there still remain several children from out of catchment, who were admitted several years ago, when the school was undersubscribed. This is not the case now, so as these children pass through the school, the number of cars coming in site will reduce further
- The new accommodation has been designed to respect and enhance the existing buildings.

Cllr Chris Pond, local Member for Loughton Central, then addressed the meeting. Having declared a personal interest, as a local resident, living 250 yards from the School, Cllr Pond made several points:

- He is in favour of expanding Loughton schools, in response to increasing migration and birth rates, and he has contributed to the process of getting the school to take on extra pupils
- The school is not easily accessible by car; the school encourages cycling and walking, and is seeing a reduction in pupils arriving by car
- The proposed extension is appropriate in its massing, size and placing on the site. However, the proposed fenestration is a concern, with large, plate-glass, unrelieved panes that are alien to the street scene and local environment and detrimental to the conservation area. (He has an interest in architecture and design, having, *inter alia*, written a book on the buildings of Loughton, lectured on the school's architect, James Cubitt, and contributed to *In Context*, the professional journal of the Institute of Historic Buildings Management)
- Where changes have been made to existing local buildings, due to the Article 4 direction, the local authority has insisted on divided panes within the conservation area. This would not be an onerous condition and would improve the conservation area considerably
- The Member requested that a condition be applied to any planning permission to require revised plans be submitted for approval by the local authority and relevant consultees.

A number of Members endorsed Cllr Pond's suggestion that the fenestration should be revised, with a view to putting it in line with the requirements normally imposed in this area.

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

- The requirement for an updated School Travel Plan by condition would not normally be appropriate; a planning informative would normally be imposed on a permission. An informative requires to update the travel plan in liaison with the Highway Authority and implement the findings before beneficial occupation of the extension
- The reference made to a goods vehicle loading bay refers to a scheme being considered by the North-East Essex Parking Partnership. It is not dependent on this application, nor impacts upon it. However, if the North-East Parking Partnership does proceed to consultation on this bay, it is possible that the school's situation might be considered a factor on that
- There are no opportunities for the provision of local temporary parking, given the location is both residential in nature and abutting the protected green area of Epping Forest
- The addition of an extra 90 pupils will mean an additional 6 teaching staff
- The local travel plan anticipates that, in the short term, an additional 20 car journeys will be taken. However, travel by car will reduce in time, and the number of children traveling to school is expected to drop from 183 currently to 177 within the next three years.

It was proposed that planning permission be granted, subject to including an additional condition requiring details of the fenestration to be submitted to and approved in writing by the planning authority prior to commencement of building and thereafter implemented. The local member would be consulted as part of the approval process.

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 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 beyond the installation of a damp proof membrane 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 details of the brick tiles and large-scale drawings to show an elevation of the diaper pattern to be formed from the brick tiles indicating which colours will be used in the 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. No development shall take place until fenestration details have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include scaled drawings by section and elevation at scales between (1:20 and 1:1) as appropriate. The development shall be implemented in accordance with the approved details.

5. 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.

6. 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.
 - d) Location of parking for contractor's staff and vehicles
 - e) Management measures to minimise impact of construction material deliveries

The development shall thereafter be constructed in accordance with the approved construction management plan.

7. 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.
8. No development shall take place until a detailed scheme to accommodate

intercept and re-direct, all surface water on the southern and western hard play area, 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.

9. No development shall take place until the details of the biodiversity mitigation / enhancement measures outlined within the application as detailed in the approved “*(Draft) Ecological Assessment including a screening opinion with respect to the habitat regulations assessment process*” (section 3.3), by Sue Deakin dated May 2014 have 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 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.

11. No development shall take place until the details of the tree protection measures outlined within the application as detailed in the approved (Draft) Tree survey and arboricultural impact assessment report (section 3.4) by Sue Deakin dated May 2014 have been submitted to and approved in writing by the County Planning Authority.

The development shall thereafter be implemented in accordance with the approved details.

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.

7. Holy Cross School, Harlow

The Committee considered report DR/44/14 by the Director for Operations, Environment and Economy.

The Committee noted that the permission at Holy Cross School had been implemented, but not strictly in accordance with the approved plans.

The details having been noted and following a unanimous vote in favour, it was

Resolved:

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.

8. Statistics

The Committee considered report DR/45/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

9 Date and time of Next Meeting

The Committee noted that the next meeting will be held on Friday 28 November 2014 at 10.30am in Committee Room 1.

The Chairman also informed Members that, as the December meeting was currently scheduled to be held only two weeks after the November meeting, he wished to move the December meeting back a week, to Friday 19 December, subject to room availability. This was to be confirmed after the meeting. *[The meeting date was subsequently confirmed as **Friday 19 December.**]*

There being no further business the meeting closed at 11.56 am.

Chairman