



Essex County Council

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 26 March 2021</b>	<b>Online Meeting</b>
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

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

Sophie Campion, Senior Democratic Services Officer

**Telephone:** 033301 31642

**Email:** democratic.services@essex.gov.uk

## Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

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### Members of the public:

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Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes</b>	<b>6 - 25</b>
	To approve the minutes of the meeting held on 26 February 2021.	
<b>3</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. Please note that members of the public wishing to speak must email <a href="mailto:democratic.services@essex.gov.uk">democratic.services@essex.gov.uk</a> no later than 5pm on Tuesday before the meeting.	
<b>4</b>	<b>County Council Development</b>	

<b>4.1</b>	<b>Land to the east of Buttleys Lane, Stortford Road, Great Dunmow</b>	<b>26 - 91</b>
	<p>To consider report DR/04/21 relating to an All-through school (primary, secondary and sixth form); sports hall; formal and informal hard and soft play areas/pitches; new vehicular and pedestrian accesses; vehicle drop-off and parking areas; landscaping and other associated infrastructure and works.</p> <p><b>Location:</b> Land to the east of Buttleys Lane, Stortford Road, Great Dunmow, CM6 1SH</p> <p><b>Ref:</b> CC/UTT/90/20</p>	
<b>4.2</b>	<b>Former Edith Borthwick School, Bocking, Braintree</b>	<b>92 - 117</b>
	<p>To consider report DR/05/21 relating to demolition of former school buildings and construction of new boundary treatment.</p> <p><b>Location:</b> Former Edith Borthwick School, Church Street, Bocking, Braintree CM7 5LA</p> <p><b>Ref:</b> CC/BTE/05/21</p>	
<b>5</b>	<b>Enforcement</b>	
<b>5.1</b>	<b>Land at Ashtree Farm, Boyton Cross, Chelmsford</b>	<b>118 - 140</b>
	<p>To consider report DR/06/21 relating to Minerals and Waste Development - Enforcement of Planning Control. Alleged unauthorised material change of use of the land from that of a ground workers contractors yard to a waste management/remediation site (sui generis)</p> <p><b>Location:</b> Land at Ashtree Farm, Roxwell Road, Boyton Cross, Chelmsford, Essex, CM1 4LP</p>	
<b>6</b>	<b>Information Items</b>	
<b>6.1</b>	<b>Applications, Enforcement and Appeals Statistics</b>	<b>141 - 142</b>
	<p>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.</p> <p>Report DR/07/21</p>	

**7 Date of Next Meeting**

To note that the next meeting is scheduled for Friday 23 April 2021.

**8 Urgent Business**

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**Exempt Items**

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

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

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

**9 Urgent Exempt Business**

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

## **Agenda item 1**

**Committee:** Development and Regulation Committee

**Enquiries to:** Sophie Campion, Senior Democratic Services Officer

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

#### **Recommendations:**

To note

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

#### **Membership**

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

## Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 26 February 2021

### Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr B Aspinell	Cllr M Mackrory
Cllr D Blackwell	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe

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

There were no Apologies.

Councillor S Hillier declared an interest in item 4.1 of the Agenda (Minute 4) concerning Abaco House, Foxhall Road, Southminster as the skip waste facility that was potentially used by the applicant was in his Division. The facility was itself making an application and Cllr Hillier as Local Member had made no comment on the potential application. For this reason due to the uncertainty around the use of the facility by the applicant for Abaco House, he would abstain from voting on this application.

Councillor S Hillier declared an interest in item 4.2 of the agenda (Minute 5) concerning Pitsea Landfill, Pitsea, Basildon as Local Member and Member of Basildon District Council. Basildon District Council had made representations on the application, but Cllr Hillier had not been involved in those representations and was therefore not precluded from participating.

Councillor D Blackwell declared an interest in item 4.2 of the agenda (Minute 5) concerning Pitsea Landfill, Pitsea, Basildon as a Member of Castle Point District Council who had been consulted but had made no comments on the application and was therefore not precluded from participating.

### 2. Minutes

The minutes of the meeting held on 18 December 2020 were agreed as a correct record.

### 3. Identification of Items Involving Public Speaking

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

- 1) Abaco House, Foxhall Road, Southminster  
To consider report DR/01/21, relating to the relating to the construction of a Waste Transfer Station for the sorting of up to 6,000 tonnes of inert waste per annum.  
**Location:** Abaco House, Foxhall Road, Southminster, CM0 7LB  
**Ref:** ESS/119/20/MAL

Public speakers: Mr Tony Cussen, speaking for

**4. Abaco House, Foxhall Road, Southminster**

The Committee considered report DR/01/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some additional proposed conditions and changes to proposed conditions 8, 14 and 15.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of development and need
- Impact to character and appearance of surrounding area
- Impact to local amenity
- Impact to highway network

In accordance with the protocol on public speaking the Committee was addressed by Mr Tony Cussen, Agent on behalf of the Applicant. Mr Cussen made several points:

- The Applicant had worked with the Council and statutory agencies to ensure that all possible impacts of the proposal have been eradicated or measures to mitigate have been introduced and agreed.
- There had been no objections raised except for one minor objection from the Parish Council regarding possible traffic movements.
- In response to that objection a full and detailed road transport assessment had been put forward in support of the application resulting in no objections from the Highways Authority.
- All prerequisite planning approvals for a new building on site and change of land use had been obtained from Maldon District Council and they had raised no objection to this application. The District Council passed a remark regarding the possible visual impact of the acoustic fence, however photographs of an existing earth embankment already in place was submitted to show that the visual impact of the acoustic fence was contained within the site.
- There were currently no waste handling facilities on the south side of the District, which meant that all waste in its unsorted state must be transported across the district road networks to facilities in Basildon for sorting and recycling. The approval of this proposal would create the ability to sort and handle inert waste for recycling within the district. This would provide a more sustainable approach to waste handling and inevitably lead to reduced transport impacts on the road networks and reduced carbon output in the District.

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

- A different colour acoustic fence to reduce the visual impact could be considered if needed. Due to the existing hedgerow and soil bund it is unlikely to be seen except by the operator. A limit could be added regarding stack heights of skips.
- A limit on accepted waste types was recommended within the conditions however it was acknowledged that other waste types do inevitably slip through. The applicant had stated that anything that did not fit into the waste pipe would be put

in separate streams and taken to a licensed facility. The means of controlling waste types is through an environmental permit from the Environment Agency.

- The facilities to which skip waste is taken are commercial considerations.
- The existing hours of operation for the site were Monday to Friday 8.00am to 6.00pm and Saturday 8.00am – 1.00pm.
- The hedgerow is in the control of the applicant. The application was supported by an Arboricultural Method Statement with tree protection plan. There would be access points either end for the maintenance of the hedge.
- There was an additional condition proposed by the Highways Authority in relation to the vehicular access within 15 metres of the highway boundary to prevent unbound material going onto the highway.
- A condition could be added to limit the height of stacked skips to ensure they do not go above a certain height when stored on the ground.
- The vehicle movement limits are included in the application, any proposed increase to that would be a material change. There is enforcement in place for minerals and waste sites to check on breaches of planning conditions. There is also a limit on waste throughput which is limited to 6,000tonnes per annum reported to the planning authority through a condition and any significant breach of that would affect vehicle movements.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the additional condition proposed by the Highways Authority relating to the site entrance and an additional condition regarding the height of the stored skips was proposed and seconded. Following a vote of eleven in favour and one abstention (Cllr Hillier), it was

### Resolved

That planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 28 September 2020 together with the following documents:
  - Drawing No. 1185/02 Rev A, dated 20 January 2021;
  - Drawing No. 1185/01, dated September 2020;
  - Drawing No. 1185/03, dated September 2020;
  - Drawing No. TCTC-17971-PL-03, dated January 2021;
  - Drawing No. J7/01166, dated 28 March 2020.

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies E1, D1, T1 and T2.*



3. The development hereby permitted shall not be carried out unless during the following times:

0730 hours to 1800 hours Monday to Friday;  
0800 hours to 1300 hours Saturdays;

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

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies D1, T1 and T2.*

4. The throughput of waste from the site shall not exceed 6,000 tonnes per annum.

Reason: *To minimise the harm to the environment and to comply with WLP Policies 5, 6, 10 and 11 and MLDP Policies S1 and D1.*

5. From the date of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days, upon request.

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP Policies 10 and 11 and MLDP Policies S1, E1 and D1.*

6. All vehicular access and egress to and from the site shall be from Foxhall Road, as indicated on drawing ref. 1185/02 Rev A dated 20 January 2021. No other access shall be used by vehicles entering or exiting the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

7. No development shall take place until details showing the first 15 metres of the vehicular access surface treated with bound material have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

8. No development shall take place until details of vehicle wheel washing facilities have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the location and dimensions of the facilities within the site, as well as maintenance arrangements and how it would be incorporated into the waste water system. The development shall be implemented in accordance with the approved details.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

10. The Rating Noise Level at the ground floor of the noise sensitive property 'Hazelville' shall not exceed 49 dB LAr 1hr. Measurements shall be made no closer than 3.5m from the façade of the property or other reflective surface of the property and shall be corrected for extraneous noise.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

11. The acoustic fencing shall be maintained in accordance with Drawing No. 1185/02 Rev A, dated 20 January 2021, Drawing No. J7/01166, dated 28 March 2020 and Document Ref: JSW 01 Issue 02 titled '12k Envirofence' for the lifetime of the development hereby permitted.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

12. No skips shall be stockpiled or stored at a height greater than 2.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing no. 1185/02 rev A, dated 20 January 2021.

Reason: *To minimise the visual impact of the development, in the interests of visual amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

13. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with WLP Policy 10 and MLDP Policy D1.*

14. No retained trees or hedgerows shall be cut down, uprooted or destroyed nor shall any retained tree branches, stems or routes be pruned.

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Reason: *In the interest of the amenity of the local area and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

15. The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.28 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP Policy 10 and MLDP Policy D1.*

16. The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.31 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding and to comply with WLP Policies 10 and 11 and MLDP Policies S1 and D1.*

17. No waste other than those inert waste materials defined in the application details shall enter the site.

Reason: *Waste material outside of the aforementioned categories would raise alternate, additional environmental and amenity concerns which would need to be considered afresh and mitigated accordingly if found acceptable and to comply with WLP Policies 1, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.*

18. Waste brought onto the site shall be deposited and handled within the approved building only. No handling or transfer of waste shall take place unless the mesh screen roller shutter is down.

Reason: *To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

19. No deposition, storage, processing, handling or transfer of waste shall take place at the site outside of the approved area defined on drawing ref 1185/02 Rev A dated 20 January 2021.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

20. No waste shall be stored in external skips permitted on site except for waste that has been handled, processed and sorted into the appropriate waste stream.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

Should the applicant engage with the Maldon District Environmental Health Officer with regards to a further noise attenuation scheme required under permission 20/00459/FUL Essex County Council would welcome the opportunity to review this scheme.

## **5. Pitsea Landfill, Pitsea, Basildon**

The Committee considered report DR/02/21 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Members noted that permission had been resolved to be granted in September 2015 for planning application ESS/49/14/BAS, subject to conditions and legal agreements. The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site. Neither of these legal agreements had been completed, such that the site had been operating without the benefit of planning permission.

The Committee resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to find alternative proposals that would allow a revised recommendation, namely an alternative to the provision of a pedestrian bridge and an alternative mechanism for long-term management of the site. Veolia has subsequently amended the proposals the details of which are explained in the report.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need and Waste Policy Considerations
- Basildon Local Plan Policy Considerations
- Green Belt
- Ecological Impacts
- Traffic and Highways
- Landscape and Visual Impact
- Noise, Dust and Air Quality
- Cultural Heritage

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

- There was a landfill gas extraction system which feeds the electricity on site.

- Concern was raised regarding the bridge priority system causing issues with traffic at the level crossing. It was reported that a one-way priority system on the existing bridge had been tried previously and then withdrawn due to traffic backing up. However, this had been during the period when the site had been very active. The traffic movements had now decreased considerably and the Highways Authority now considered that a priority system would be appropriate. The priority would not be traffic light controlled and the vehicles travelling south would be given greater priority. There would be an Asset Protection Agreement with Network Rail with regard to the level crossing. The scheme had been drawn up with traffic figures taken in January 2020.
- It is the Highway Authority's responsibility to keep the pathways clear, however it is the landowner's vegetation that had over-grown and in this instance Veolia had offered to fund a one-off clearance.
- There was concern regarding the speed limit in that area to ensure that there was no conflict between road users. The junctions on the approach to the bridge were explained and it was considered unlikely that high speeds would be reached on the approach to the bridge.

The resolution was proposed and seconded. Following a unanimous vote of twelve 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:
  - Submission of outline long-term afteruse and management plans for the application site and Fobbing Horse Area, with programme of works to be reviewed initially yearly for first 10 years and then at agreed intervals not more than 5 years apart thereafter. The outline long-term afteruse and management plans to be funded by developer drawn up by a suitably experienced consultant or environmental body in consultation with relevant stakeholders. Developer to implement and fund the works set out in the Management Plans.
  - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare giving permissive public rights of access
  - Developer to fund improvements to the existing Pitsea Hall Lane Railway Bridge and improved road signage for cyclists up to £100,000
  - Developer to fund vegetation clearance and surface clearance of the existing dedicated footpath cycleway on Pitsea Hall Lane
  - Developer committed to allowing a revised route of National Coastal Path to pass through the site, if such a proposal were brought forward and fund works to achieve this.

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- Provide for a liaison group to meet annually for the remainder of the restoration and aftercare works and as required during the management period
  - Upon completion of the restoration not to use the Site other than for, aftercare, biodiversity, public open space for informal recreation, agriculture necessary for aftercare to achieve enhanced biodiversity and public access purposes
  - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
  - Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
  - Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
  - In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
  - To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and to provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes.
  - The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
  - Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
  - Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
  - The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
  - Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.

- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
  - No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
  - The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements per day (550 in 550 out). In addition no more than 100 HGV movements per day on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
  - The southern wharf shall only be used for the importation of restoration and engineering materials. Upon completion of the 5 year aftercare across the whole site the Southern wharf shall cease to be used as a wharf without compensation.
- ii. And conditions as set out below
- 1 The development hereby permitted shall be deemed to have commenced on the date of this decision notice.

For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) would then supersede planning permission ref: ESS/35/06/BAS

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

- 2 The developer shall notify the Waste Planning Authority in writing within 7 days of the placement of soils on the last phase of the landfill.

*Reason: To enable the Waste Planning Authority to control the development, to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with WLP policy 10 and 12.*

- 3 The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328).

and the following drawings:

- 16062/PA/01 - Location Plan
- 16062/PA/02 - Planning Application Boundary
- 16062/PA/03 - Environmental Information
- 16062/PA/04 - Utilities Plan
- 16062/PA/05 - Existing Situation
- 16062/PA/06 - Proposed Restoration Phases
- 16062/PA/07 - Proposed Pre-Settlement Contours

- 16062/PA/08 - Pre-Settlement Cross Sections
- 16062/PA/09 - Proposed Post-Settlement Contours
- 16062/PA/10 - Post-Settlement Cross Sections
- 16062/PA/14 - Existing Gas Management System
- 16062/PA/15 - Proposed Gas Management System
- 16062/PA/16 - Surface Water Management Plan
- 16062/PA/17 - Currently Approved Landform and Consequences

As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings

- P/1 Site Context Plan dated June 2014
- P/2 Site Restoration dated June 2014
- PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020
- PIT/RES/453 Projected Restoration 2020 dated 07/02/2020
- Figure 3 Revised Restoration Masterplan dated January 2018

and the following amending letters and emails

- Letter from SLR dated 11 February 2015 and accompanying Heritage Statement
- Letter from SLR dated 27 May 2015 and accompanying Protection Measures for Protected Species dated October 2011
- Letter from SLR dated 9 June 2015
- Letter from Veolia dated 7<sup>th</sup> May 2020

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 conditions:

***Reason:** For the avoidance of doubt as to the scope of the development hereby permitted, to ensure development is carried out in accordance with the approved application details in the interests of amenity, and to ensure compliance with adopted Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12, and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.*

- 4 Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 27 Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 24 of this planning permission.

***Reason:** To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the*



*Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 5 Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 6 Operations authorised by this permission, including vehicles entering<sup>1</sup> or leaving the site, shall be restricted to the following durations:

0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

<sup>1</sup>Vehicles shall not be considered to have entered the site until they have passed the weighbridge.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 7 The total number of Heavy Goods Vehicles (a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

1100 movements (550 in and 550 out) per day (Monday to Saturday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.*

- 8 All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.*

- 9 Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.

- Boundary with Wat Tyler Country Park monitoring location ML2
  - Boundary with RSPB Bowers Marsh Reserve monitoring location ML6
- (Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.)

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

- 10 For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

*Reason: In the interests of amenity and to comply with WLP policy W10E and the NPPF.*

- 11 Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment

used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

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

*Reason: In the interests of amenity and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 13 The development hereby permitted shall be implemented in accordance with the measures to control dust approved on 20 November 2008 under Condition 12 of planning permission ESS/35/06/BAS. The approved measures to control dust are set out in the "Dust Management Plan" submitted with letter dated 25 July 2008.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 14 All vehicular access and egress to and from the site shall be from Pitsea Hall Lane as indicated on drawing ref. P/1, dated June 2014. No other access shall be used by vehicles entering or exiting the site.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10.*

- 15 The development hereby permitted shall be implemented in accordance with the details for storage of restoration materials, including locations, heights, planting and maintenance of storage bunds on the site approved on 20 October 2010 under Condition 16 of planning permission ESS/35/06/BAS. The approved storage of restoration materials are set out in the "Restoration Material Storage" received with letter dated 25 July 2008 and drawing no. PIT/RES/289 received with letter dated 13 November 2008.

*Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.*

- 16 The development hereby permitted shall be implemented in accordance with the details for machine movements for the stripping and replacement of soils details approved on 8 January 2009 under Condition 18 of planning permission ESS/35/06/BAS. The approved machine movements details are set out in the "Scheme of machine movements for the stripping and replacement of soils" received with letter dated 23 December 2008

*Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.*

- 17 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

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

*Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.*

- 18 All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.

*Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.*

- 19 Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.

*Reason: To aid the final restoration of the site in compliance with WLP policy 10.*

- 20 Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the pre-settlement levels as shown on drawing 16063/ES/A2 dated June 2006.

*Reason: To ensure proper restoration of the site and to comply with WLP policy 10.*

- 21 a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration

Masterplan dated January 2018

- b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 24 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.*

- 22 Protection and mitigation for legally protected species shall be in accordance with "Protection Measures for Protected Species" (Ref R4142) dated October 2011 prepared by AMEC.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy W10E and BDLP policy BAS C7.*

- 23 In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.

*Reason: To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.*

- 24 A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats set out within the Restoration Master Plan. The Restoration Management Plan shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

*Reason: To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10*

- 25 Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 24.

The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.

*Reason: To ensure that the land is rehabilitated to a suitable condition to support amenity and nature conservation uses and to comply with WLP policy 10.*

- 26 As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.

*Reason: To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.*

- 27 In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.

*Reason: To ensure that the land is restored to a condition capable of beneficial use, within a reasonable time period, in the interest of local amenity, protection of the Green Belt and to comply with WLP policy 10 and BDLP policies BAS GB1, BAS C2 and BAS C7.*

- 28 Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as "Existing semi-natural habitat" and "Screen Planting". The Plan shall include:
- a) A description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving the aims and objectives of the project;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) On-going monitoring and remedial measures
  - i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10 and BDLP policy BAS C7*

- 29 The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

*Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.*

- 30 Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For

clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.

*Reason: To ensure appropriate materials are used in the access and monitoring tracks in the interests of visual amenity and to comply with WLP policies W10C and W10E and BDLP policies BAS C1 and BAS C7.*

- 31 Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a live feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on a website until such time as the site is made available for access by the public.

*Reason: To enable public observation of the flora and fauna at the site until such time as public access is permitted.*

- 32 All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viable during the aftercare period.

*Reason: To ensure management of the restored land is not impeded, to improve visual appearance and any adverse impacts of flora and fauna and to comply with policy 10.*

- 33 No removal of hedgerows, trees or shrubs shall take place between 1<sup>st</sup> March and 31<sup>st</sup> 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 Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10.*

- 34 Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be installed in accordance with approved details prior to first public access.



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*Reason: To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.*

[Post Meeting Note: The agreed Conditions are as set out in the report DR/02/21 presented to the Committee, however the numbering of the Conditions has been corrected due to errors in the number sequencing within the report]

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

The Committee considered report DR/03/21, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

**7. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 26 March 2021, to be held as an online meeting.

There being no further business, the meeting closed at 12.26pm

**DR/04/21**

**Report to:** DEVELOPMENT & REGULATION (26 March 2021)

**Proposal:** COUNTY COUNCIL DEVELOPMENT – All-through school (primary, secondary and sixth form); sports hall; formal and informal hard and soft play areas/pitches; new vehicular and pedestrian accesses; vehicle drop-off and parking areas; landscaping and other associated infrastructure and works

**Ref:** CC/UTT/90/20

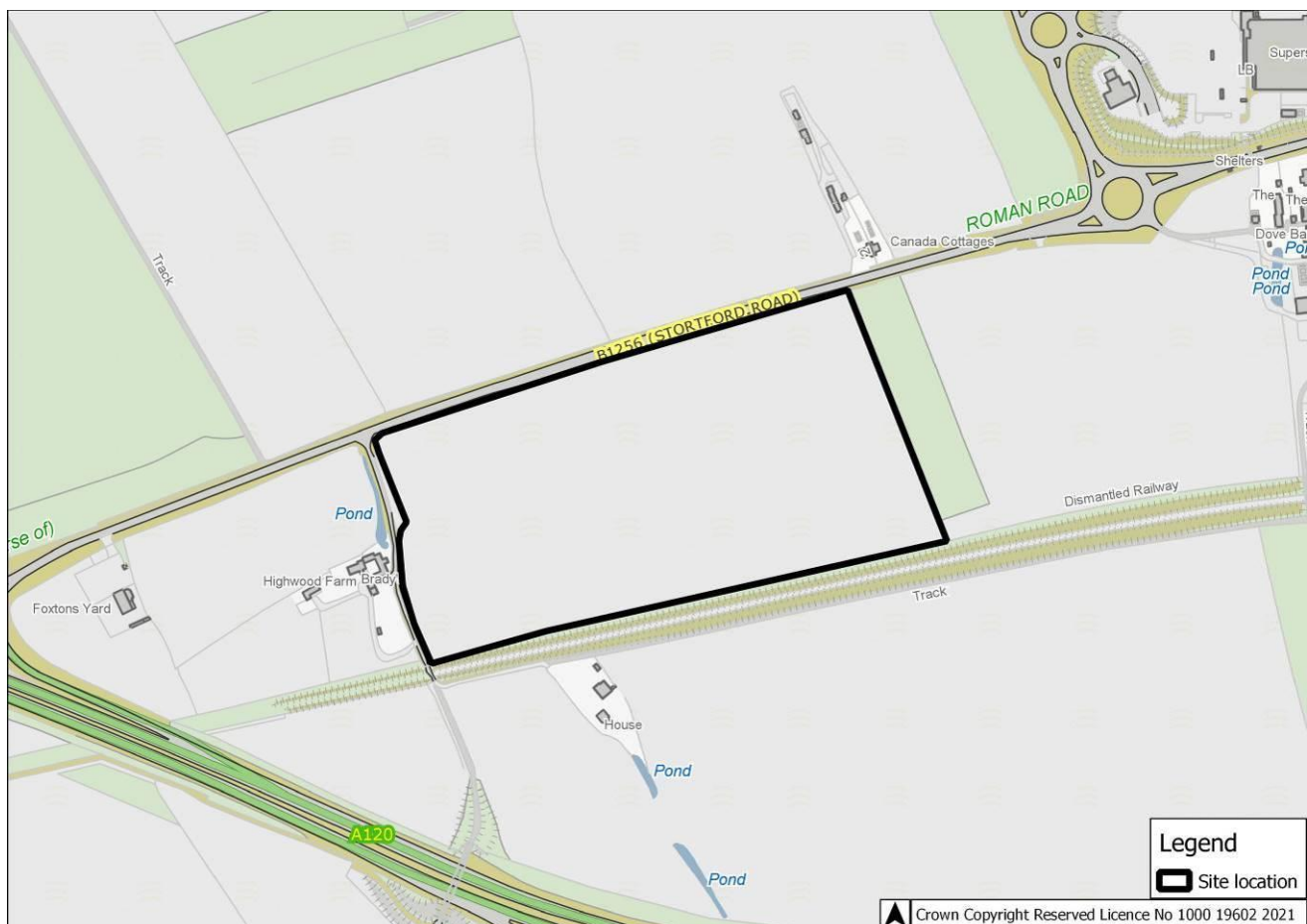
**Applicant:** Essex County Council & Helena Romanes School

**Location:** Land to the east of Buttleys Lane, Stortford Road, Great Dunmow, CM6 1SH

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

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

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



## **1. BACKGROUND**

This application relates to the proposed construction of a 'Through School' to replace Helena Romanes Secondary School and provide a 2FE (420 pupil place) Primary School. The existing Helena Romanes School site is proposed to be re-developed for residential with a separate outline planning application for this currently pending determination with Uttlesford District Council (application ref: TT/20/1929/OP).

## **2. SITE**

Within the proposals map accompanying the Uttlesford Local Plan (2005), the area to which this proposal relates is 'white land'. As per policy S7 of the Local Plan, noting the site is outside the development limits of Great Dunmow, the site is considered countryside.

That said, within the Great Dunmow Neighbourhood Plan (2015) the development boundary is amended and this site is allocated for a new secondary school (policy DS3). Whilst the development proposed as part of this proposal does not entirely match that suggested in the Neighbourhood Plan, in so much that this proposal also includes a primary school, it is considered the allocation updates the position of this site being viewed as countryside and sets a clear policy acceptance of this site/area being developed for educational purposes.

In context of the above, it is also worthwhile to note that the fields/parcels of land around the area to which this application relates have also either been granted planning permission for development or have applications/appeals currently pending determination:

- UTT/13/2107/OP – Outline application, with all matters reserved, for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure at Land West Of Woodside Way, Woodside Way, Great Dunmow, Essex – Approved 27/10/2015
- UTT/18/2574/OP – Hybrid planning application with: Outline planning permission (all matters reserved except for points of access) sought for demolition of existing buildings (excluding Folly Farm) and development of up to 332 dwellings, including affordable housing, 1,800 sqm Health Centre (Class D1) and new access from roundabout on B1256 Stortford Road together with provision of open space incorporating SuDS and other associated works. Full planning permission sought for demolition of existing buildings (including Staggs Farm) and development of Phase 1 to comprise 108 dwellings, including affordable housing, a new access from roundabout on B1256 Stortford Road, internal circulation roads and car parking, open space incorporating SuDS and play space and associated landscaping, infrastructure and other works. 14ha of land to be safeguarded for education use via a S.106 Agreement at Land South Of Stortford Road Dunmow – Resolution to approve subject to S106
- UTT/19/2354/OP – Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved at Land To The West Of Buttleys Lane Dunmow –

In terms of the locality, ecological designations and listed buildings; High Wood, to the north of Stortford Road (B1256) is designated as an ancient woodland and SSSI. The Flitch Way, which is a former railway line that passes through 15 miles of Essex between Bishops Stortford and Braintree is designated as a Local Wildlife Site and managed by ECC as a Country Park. Oak Spring and Ash Grove, to the east of the site, are also allocated as Local Wildlife Sites. Highwood Farmhouse, the Barn at Highwood Farm and the Round House on Buttleys Lane are also all Grade II listed buildings.

### **3. PROPOSAL**

This application seeks planning permission for an 'All Through School' to support pupils at every year ground in one location. The development is proposed as a replacement for the secondary and sixth form as existing at Helena Romanes School off Parsonage Downs, Great Dunmow with a new primary school element.

The school would provide capacity for approximately 2,000 pupils with the following breakdown:

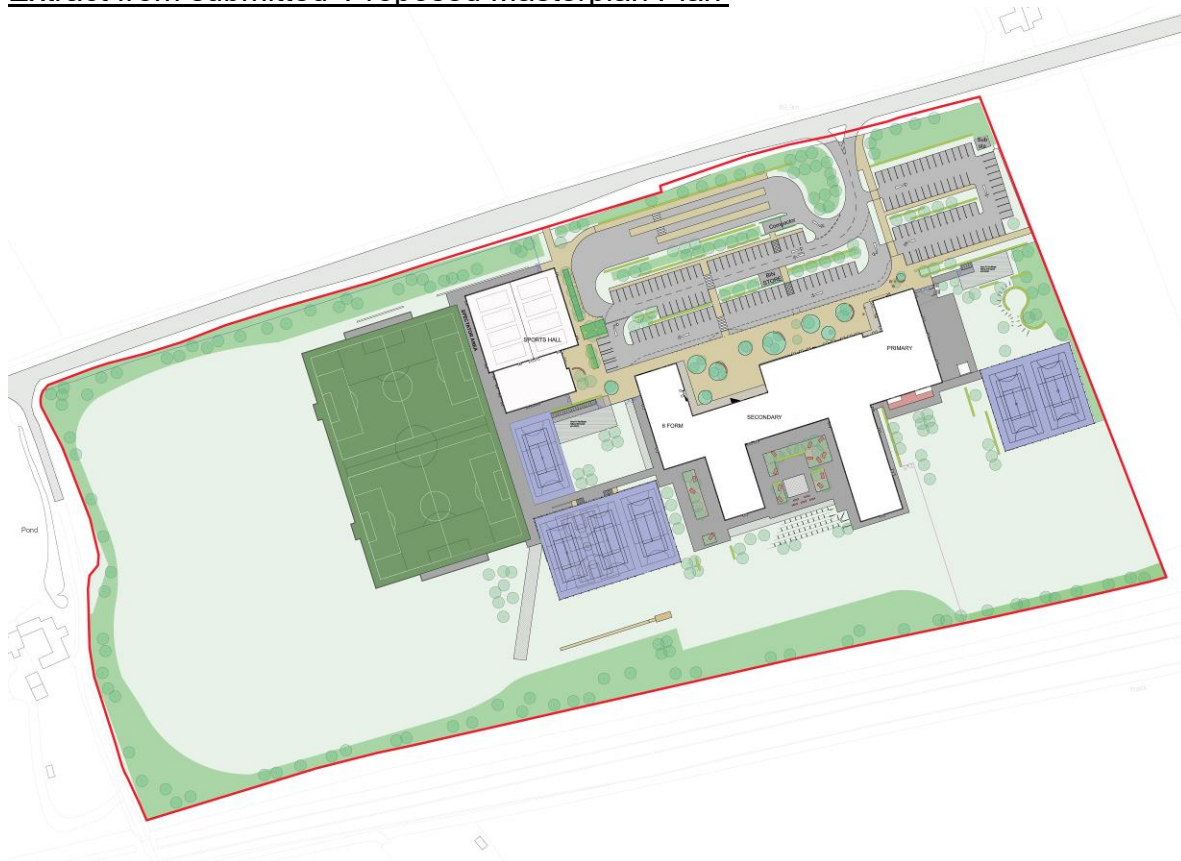
- Primary – 420 pupils (2 form entry);
- Secondary – 1,350 pupils (9 form entry); and
- Sixth Form – 250 pupils.

As can be seen from the extract below, from the submitted masterplan, the proposals effectively seek to split the site in half, with the eastern half containing the main school building and car parking areas and the western half retaining a more open appearance with use of this part of the site proposed for sport. In respect of the main school building this is proposed to be part two, part three storey. In terms of sporting provision/playing fields, the proposals include a U15/U16 all-weather pitch; two C15/Y16 football pitches; one U11/U12 football pitch; six netball/tennis courts; a 60m, 100m and 400m running track; four rounders pitches and a long jump. A sports hall is proposed as a separate building, adjacent to Stortford Road and the car parking area, relatively central in terms of the site, so that it avoids the need for users to go through the school building and is able to support community use, outside of school hours, more easily.

To the north of the proposed main school building, adjacent to Stortford Road is a car parking area inclusive of pupil drop off and separate bus drop off. A total of 139 parking spaces are proposed for staff and visitors.

Access to the site for vehicles is proposed off Stortford Road with a junction designed to mirror the left in/left out arrangement constructed opposite, for a phase of the Woodside Way development. In terms of pedestrian access, two points of access are proposed along the northern boundary off Stortford Road, with an additional access on the eastern boundary which is proposed to connect up with the development of this piece of land in due course. In addition to this, to support the proposed use, a number of signalised pedestrian crossings are proposed together with a footway/cycleway on Stortford Road to provide access to the school entrances.

## Extract from submitted 'Proposed Masterplan Plan'



The application is accompanied by an Environmental Statement, submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary, dated July 2020) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations and an assessment of the conclusions formed, including reference to where additional or revised information has been sought can be found within the appraisal section of this report.

## **4. POLICIES**

The following policies of the Uttlesford District Council Local Plan (ULP), adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

### Uttlesford District Council Local Plan

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN2 - Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN5 – Light Pollution

Policy GEN6 – Infrastructure Provision to Support Development

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 – Development Affecting Listed Buildings  
Policy ENV3 – Open Spaces and Trees  
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance  
Policy ENV7 – The Protection of The Natural Environment: Designated Sites  
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation  
Policy ENV9 – Historic Landscapes  
Policy ENV11 – Noise Generators  
Policy ENV12 – Groundwater Protection  
Policy ENV13 – Exposure To Poor Air Quality  
Policy ENV14 – Contaminated Land  
Policy ENV15 – Renewable Energy

In addition to the above the Great Dunmow Neighbourhood Plan was formally made/adopted by Uttlesford District Council on 8 December 2016. The Great Dunmow Neighbourhood Plan now therefore sits alongside the Uttlesford Local Plan (2005) as part of the development plan to which planning applications are considered/determined. The following policies of the Neighbourhood Plan are of relevance to this application:

Great Dunmow Neighbourhood Plan

Policy DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane  
Policy LSC1 – Landscape, Setting and Character  
Policy LSC-A – The Historic Environment  
Policy NE1 – Identified Woodland Sites  
Policy NE2 – Wildlife Corridors  
Policy NE3 – Street Trees on Development Sites  
Policy NE4 – Screening  
Position SOS-A – Swimming Pool  
Policy GA1 – Core Footpath and Bridleway Network  
Policy GA2 – Integrating Developments (Paths and Ways)  
Policy HEI2 – Secondary School Provision  
Policy HEI3 – Primary School Provision  
Position HEI-A – Infrastructure Delivery

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Uttlesford District Council undertook a compatibility assessment with the NPPF in July 2012. The conclusions of this will therefore be taken on board as part of the policy appraisal of this application. Precedence will be given to the NPPF and Great Dunmow Neighbourhood Plan in event of conflict.

## **5. CONSULTATIONS**

Summarised as follows:

UTTLESFORD DISTRICT COUNCIL – West of Great Dunmow is going through a period of change and transformation, with particular respect to the outline planning approval for circa. 790 dwellings, primary school, community building(s) and formal and informal recreation areas, situated to the north side of Stortford Road.

In terms of outdoor sports provision, it is noted that the proposal would provide for summer and winter activities, but it is unclear as to the relationship of the identified Buttleys Lane site to the application, and whether this and other land would be readily accessible to wider community use, and how this will be monitored and controlled during and outside of school hours. Further, this application site is subject to sensitive receptors, in terms of the SSSI to the north at High Wood, and listed buildings and archaeological interests' locally.

In terms of the form and scale of the proposed 3-storey building, this will have a significant impact upon the agrarian sensitivities of the area and impacts upon adjoining listed buildings, and Uttlesford DC as Local Planning Authority share the concerns raised by ECC Places Services Historic Buildings, in terms of the change to the landscape character as a result of this development.

The LPA also notes the comments of Great Dunmow TC and ECC as Local Highway Authority, in terms of safe access and site layout; the Uttlesford DC as LPA share these concerns and the request for further clarification.

Finally, and whilst Uttlesford DC as Local Planning Authority do not object to the principle of the All-through development as set out, would seek further clarification on matters raised above.

ENVIRONMENT AGENCY – No objection subject to a condition detailing the proposed method of disposal of foul water which addresses capacity issues at Great Dunmow Water Recycling Centre.

Officer comment: It is noted that Anglian Water within their consultation response confirmed that the catchment for this development would be Great Dunmow Water Recycling Centre and this does not have capacity. However, within the response it is detailed that they are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Local Planning Authority grant planning permission.

NATURAL ENGLAND – This application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. The designated site which could be impacted by this proposal is High Wood, Dunmow SSSI. Natural England's consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal. We anticipate that this will contain sufficient guidance to enable you to make an informed decision regarding impacts to designated sites. If the planning application does not contain the necessary detail, we recommend that you request this from the applicant before reaching a decision.

ESSEX WILDLIFE TRUST – No comments received.

HISTORIC ENGLAND – Do not wish to offer any comments.

SPORT ENGLAND – No objection subject to conditions covering the playing field construction and design specification; the artificial grass pitch design specification; a certification that the artificial grass pitch once constructed/installed has met the FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard (IATS); the MUGA design specification; the cricket practice net and roll out cricket mat specification; the Sports Hall design specification; and a formal Community Use Agreement for the school's indoor and outdoor sports facilities.

ESSEX COUNTY COUNCIL PUBLIC HEALTH – No comments received.

HIGHWAYS AGENCY – No objection subject to a condition requiring submission of a School Travel Plan.

HIGHWAY AUTHORITY – No objection subject to conditions covering construction management; construction of the vehicular access as shown, in principle, on Stortford Road; a TRO to obtain a speed limit reduction on Stortford Road (B1256) in the vicinity of the school; installation of a toucan crossing to the east of the proposed school access; installation of a toucan crossing to the west of the proposed school access; installation of a toucan crossing opposite Tesco on the B1256 (if not already in place); installation of a toucan crossing on Woodside Way; a footway/cycleway between the school access and Woodside Way roundabout; capacity enhancements to the proposed access roundabout to Land West of Woodside Way; construction of the vehicular parking, cycle/scooter parking, bus



waiting area and pedestrian/cycle access as shown; restriction to inward opening gates only; an annual review of cycle/scooter parking; the submission of proposed school start and finish times to realise a staggered enter and departure of primary and secondary school pupils; and the submission of a School Travel Plan.

FLITCH WAY ACTION GROUP (not formally consulted by LPA) - Endorse the comments made on behalf of the Friends of the Flitch Way which are summarised under paragraph 4.52 of the submitted 'Statement of Community Involvement'. It is noted that the proposed pedestrian and cycle access points will be to the north and east of the site and that there is no plan to provide a link to the Flitch Way to the south. Access to the Flitch Way would provide staff, students and local people using the leisure facilities coming from the south of Dunmow: from the Brambles, Maynard Park and Little Dunmow, and also from settlements west of Dunmow (the Canfields, Takeley and Bamber's Green) with the opportunity to walk and cycle to the site on a direct safe off road route. This would accord with the School Travel Plan's stated aims of decreasing car use and encouraging sustainable travel.

STANSTED AIRPORT – No comments received.

FIRE & RESCUE SERVICE – Access for Fire Service purposes has been considered and is considered satisfactory subject to the requirements of ADB Section B5. More detailed observation on access and facilities will be considered at Building Regulations stage. The applicant is reminded that additional water supplies (a hydrant) for fire fighting is likely to be required for this development in view of the distance to the nearest statutory one.

ESSEX POLICE – Essex Police are keen to promote a safe built environment that encourages health and wellbeing in communities and places that are safe and accessible. We would have liked to have seen mention within this application to an intention to consult with the local Police Designing Out Crime Officer. Such a consultation would have provided multiple benefits towards this project. By utilising the specialist skills and local knowledge of the Designing Out Crime Officer they could have readily identified issues worthy of further consideration, one of note, are issues related to the Flitch Way boundary. In similar vein any dialogue could provide additional openings to aid achieving a Secured by Design (SBD) Schools Award. An SBD Schools Award demonstrates that current and security industry standards have been incorporated into the build and that any site-specific requirements for this locality have been integrated. Essex Police remain keen to assist with the ongoing consultation for this development through to its completion in order to provide a safe and secure environment.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme for the site; a maintenance plan for the aforementioned scheme; and a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction

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

Urban Design: There is a general satisfaction that the principle of this application

is positive. However, there are some elements that it is considered could be improved.

Firstly, whilst it is appreciated that this scheme has incorporated provisions for alternative travel, such as separate pedestrian access points and cycle shelters on site, it is still considered that the masterplan could achieve more in promoting a user-friendly environment in terms of active travel and use. The current masterplan portrays a vehicle-dominated scene on entrance to the site along the northern boundary, due to the formation of the multiple parking areas and vehicle drop off zones to the north of the school façade.

Additionally, the proposed location of the bus drop off area is questioned as this zone is located at the furthest point from the built form. It is considered a viable option would be to swap the car park and bus drop off areas around, so that car parking is concentrated to the north of the site further away from the school building, whilst the coach area could be brought towards the school frontage and incorporated into the public realm – e.g. a shared space/plaza at the school's entrance.

The inclusion of the sports village is seen as a positive for this development and will be a key feature for this application moving forward. Some clarification as to how this sports facility will be managed in the long-term in relation to the school and the local town settlements will be required to inform the required security and accessibility measures for the sports village.

As the site is situated slightly out of town there is increased flexibility to explore alternative materials and new design forms, provided its suitability for a school development. It will therefore be important to consider how the proposed building materials and connections will reflect the local context, and opportunities for incorporating public routes and architectural forms within the school site should be considered. The proposed scales of the built form are supported, and the proposed materials palette is welcomed for this application and helps soften the impact of school building on the natural surroundings around site. It is understood that the large school block has been rearranged in terms of its heights, parapet features, setbacks and entrances in order to distinguish between each key stage of education (primary, secondary, sixth form) and the design development process behind the shape of the built form illustrated within the DAS were welcomed additions for this application.

Further detailed sections and visuals of the proposed boundary treatment between the individual school sites would be recommended in order for us to provide comment on its suitability – it is recommended for a 'softer' approach to be applied where possible to enhance the village feel of the development, as well as being more appropriate to the existing open green nature of the site.

Lastly, as the success of this scheme lies greatly within the quality of the built form, we would suggest that all building materials are conditioned, with material specifications and samples provided to the LPA for approval before construction takes place on site.

Landscape: Generally satisfied with the findings of the landscape and visual

impact chapter of the Environment Statement. Moving forward, we recommend a detailed landscape planting plan, landscape maintenance plan and specification (which clearly sets out the existing and proposed planting) be secured by condition should planning permission be granted. We recommend a landscape maintenance plan for the minimum of 5 years to support plant establishment.

Ecology: The mitigation measures identified in Chapter 6 of the Environmental Statement should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species and habitats, as well as the Flitch Way Local Wildlife Site and Local Nature Reserve. The mitigation measures should be included in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and secured as a condition of any consent.

We are pleased that a crossing through the Flitch Way will now not be required for this development, which is an improvement from pre-application submission, and we welcome the creation of a buffer to the Flitch Way. We also welcome the improvements to the western boundary by gapping up the hedgerow and creating a lowland meadow buffer.

We also support the retention of the Flitch Way and Buttleys Lane as dark corridors for wildlife. It has been demonstrated that Barbastelle bats (which are a rare bat species) and other bat species use the western boundary. We consider this boundary to be as ecologically important as the southern boundary, as the western boundary provides a valuable green link between High Wood Site of Special Scientific Interest to the north-west with the Flitch Way to the south, and to other woodlands in the area. This will support the movement of bats and other species, including Barbastelle bats, which are known from other surveys to be present in the vicinity of the above SSSI.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

Trees: The Arboricultural Impact Assessment (AIA) provided states that no trees are to be removed due to their condition, but that three individual trees and two sections of hedge within G1 and G8 will be removed to facilitate the development. No trees appear to have been identified as veterans, despite various veteran features in mature trees being noted within the Environmental Statement and evident in some of the photographs as supplied in the AIA..

Historic Buildings: Object. It is considered that the proposed development would cause 'less than substantial' harm to the significance of the Grade II Listed Highwood Farmhouse, Barn at Highwood Farm and Round House and the non-designated heritage asset Flitch Way. Therefore paragraphs 196 and 197 of the NPPF are relevant. In accordance with paragraph 196 of the National Planning Policy Framework, this harm should be weighed in the balance against the viability of the scheme and the potential public benefits. When considering the impact of a proposed development on the significance of a designated heritage asset, great

weight should be given to the asset's conservation and to any harm identified as part of the planning process.

Archaeology: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits. It is located just south of the Roman road: Stane Street, now Dunmow Road. Excavations immediately north of the Roman road have identified Iron Age and probable late Saxon or early medieval occupation on the northern side of the Dunmow Road. Further Iron Age occupation located to the northwest and medieval deposits to the northeast of the proposed site (EHER19572, 48515) have been identified. There is the potential that these deposits may extend into the proposed development area. The applicants have undertaken a desk based assessment and submitted separately a draft geophysics plan to this office following paragraph 189 of the NPPF. These do not identify any nationally significant archaeological sites. However, the desk based assessment does identify the potential for other archaeological sites to be present which will require a programme of post consent investigation.

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

GREAT DUNMOW TOWN COUNCIL –

Letter 01/09/2020:

The Town Council supports the development in principle and the allocated site is covered in Neighbourhood Plan Policy DS3. There is no objection to the scale and design of the education buildings.

The development includes various sporting facilities and a sports village, which will be open to the public. However additional information is requested on scope of access and costs.

Additional information is requested on how the secondary school, and in-particular the 6<sup>th</sup> Form will respond to growth in demand for places in the future.

There is concern that parent parking and drop-off arrangements will be inadequate, as the route will not be walkable from locations around the town to the new school site, which is remotely located on the westerly edge of the town. New footpaths leading to the new schools are also included in proposals for Land South of Stortford Road and Land West of Woodside Way but there are no corresponding access points on the school perimeter.

The Town Council has serious concerns that the proposed single road access point, particularly with a left in/left out requirement, will be inadequate for school use and cause traffic congestion for road users. Please investigate with Essex County Council Highways and Bellway Homes, the developer for Land West of Woodside Way, the potential to create a second access from a new spur onto the proposed new roundabout which will be part of the West of Woodside Way development.

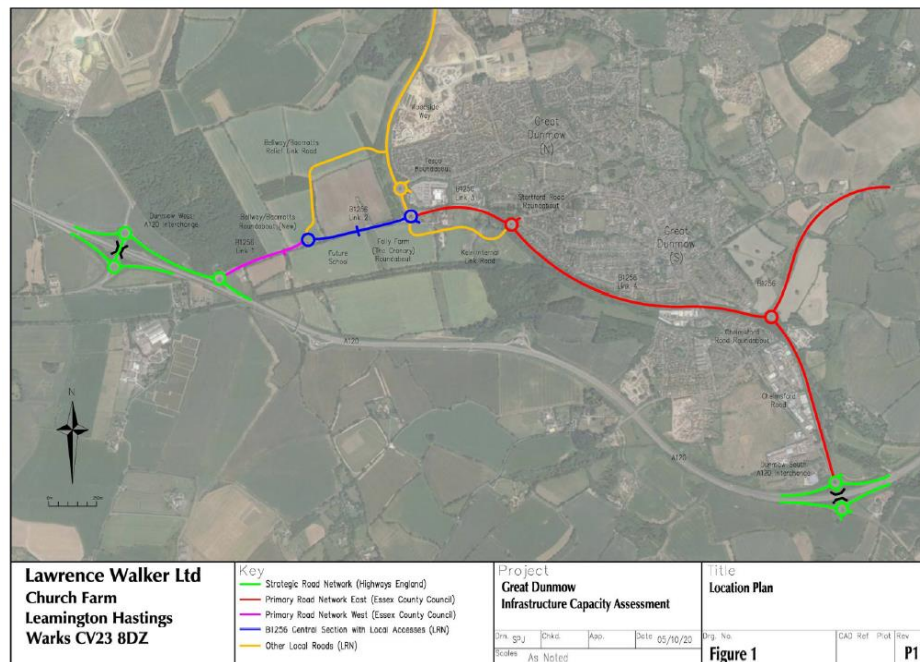
Email dated 08/01/2021 titled 'Town Council objection CC/UTT/90/20':

The Town Council has outstanding serious concerns over safety and traffic congestion caused by the proposed access to the school and the cumulative impact of the school and housing developments along this stretch of the Stortford Road.

The Town Council independently commissioned an Infrastructure Capacity Appraisal and this was also submitted in support of the objection. The conclusion of this is that roads and junction to the north and east of The Folly Farm Roundabout at The Granary are likely to remain adequate and fit for purpose to at least the end of the former UDC Draft Local Plan Period of 2033. Strategic infrastructure is also likely to be similarly disposed. These groups are shown in Red, Orange and Green on the schematic Location Plan below.

Primary infrastructure encompassing the B1256 over its central section shown in Blue and to the west as far as the A120 West Interchange shown in Magenta will be over-capacity and by some margin:

- i. The Magenta western section of the B1256 will be operating at around 130% of capacity and will need to be widened, or preferable dualled;
- ii. The Blue central section will be under severe stress and could be faced with levels of operation in excess of 170% by 2033. A micro-simulation is urgently needed to properly assess this section; coupled with possible moves to eliminate the proposed Helena Romanes School left-in-left-out access if at all feasible;
- iii. At The Granary Roundabout by Folly Farm, the proposed improvements will be inadequate if the above left-in-left-out access is implemented, leaving the Kier housing site with no usable access onto the B1256 from this point in the AM Peak Hour, and;
- iv. The Woodside Way Site Access Roundabout could easily be over-capacity from the day it is built, and particular so if forced to operate with the School left-in-left-out access already in place. Options should be considered that would allow the School to be provided with an alternative and less disruptive form of access.



Letter dated 18/02/2021:

We ask that an alternative access be considered from a new spur on the proposed new roundabout which will be part of the West of Woodside Way development.

There are additional concerns regarding safe walking routes across the Stortford Road and Essex Highways has worked to mitigate this problem with up to six pedestrian crossings. The information supplied by the applicant does not give the full evidence requested which would simulate how all the crossings, signals and junctions would work together. In addition:

- The latest assessment shows the Bellway Roundabout to be over-capacity and attempts have been made to resolve this by altering the proposed white-lining from the east. This results in the need for two exit lanes westbound however, which is a manifestly unsafe proposal in my view. Side-swipe between HGV's and cars will be a permanent feature of such a layout, whilst two HGV's trying to leave the junction abreast to the west would be clearly unsafe. Compliance on paper is one thing, but the reality here is that the through-route as approved is already very tight, so allowing two vehicles to travel along it at the same time can only compound the situation. The Bellway scheme is safe, even if it has insufficient capacity to accommodate the school. The school proposals make it unsafe.
- Numerically, whilst long queues are predicted at the various junctions, these have been brushed under the carpet. It is worth noting that the queue of 24.7 PCU's as predicted at the Bellway Roundabout would be 142m long on the ground, even ignoring the fact that this still does not represent the actual situation that will prevail in my view. The consequence of such a queue is that blocking-back of the crossing and school access will become commonplace, leading to severe safety issues. This again suggests non-compliance with NPPF Para 109.

The applicants declined to attend a meeting we held with Bellway Homes on 3rd February, where Bellway Homes put forward an alternative which could be

delivered within their build programme. Bellway would construct a left in/left out access to their own development that could be expanded when required by the school's developers to construct a 4-arm roundabout. Bellway would retain unspent funds as a contribution to the new roundabout. We understand that Essex Highways have had follow-up discussions on the matter.

The Town Council's Neighbourhood Plan 14ha allocation was informed by UDC's high level assessments for suitability of this site, which did not include a masterplan to show the cumulative impact of development along the Stortford Road, nor did they find the southern parcels of land, not included in these proposals, to be unsuitable for development. Primary school allocations in our Neighbourhood Plan are on sites with planning permission at Land West of Woodside Way and Land at Smiths Farm.

Despite the many merits of the new school and sporting facilities proposed, Great Dunmow Town Council considers that access arrangements are unacceptable and therefore strongly objects to the application.

THAXTED PARISH COUNCIL (neighbouring Parish not formally consulted by LPA) – Support the application.

BROXTED PARISH COUNCIL (neighbouring Parish not formally consulted by LPA) – Support the building of a new larger school (to replace the existing Helena Romanes School) but concerns exist that the school will not have enough capacity. The school needs to be large enough to cater for the proposed number of new families expected to live in Dunmow and the surrounding area. The number of new houses already planned and approved would indicate that a far larger school or a number of schools will be required. A school was included in the 'Garden Community' outlined in the now rejected Uttlesford Local Plan, but until the new plan is developed, it is yet to be defined what it will provide re schools.

LOCAL MEMBER – UTTLESFORD – DUNMOW – Requests the application be determined by Development & Regulation committee.

## 6. REPRESENTATIONS

Eight properties were directly notified of the application. The application was also advertised by way of press advert and site notice. Five letters of representation have been received. These relate to planning issues summarised as follows:

### Observation

There are several planning applications currently pending determination referred to as land west of..., south of.... and it is not realistic for any anyone to be fully briefed on all matters that might affect them.

### Comment

Noted. The site was described as best as possible, although it is accepted that when a number of applications are submitted in an area some confusion can result. The full planning application submission was however viewable on the Council's website including the submitted site plan which clearly shows the area to which the application relates.

Many residents voted to adopt the Great Dunmow Neighbourhood Plan and concerns exist that this application has therefore been advertised as potentially not according with the provisions of this. The variance is however not confirmed on the site notice/press advert but should be for transparency. I'm of the view the offending statement should be withdrawn in its present form.	The application was advertised as such as the proposal includes a primary school which does not form part of the allocation within the Neighbourhood Plan. The site notice/press advert is worded generically on the basis that something more prescriptive could give rise to challenge should for example this only highlight one reason an application may represent a departure when they may several which were not necessarily picked up at validation.
A school will greatly impact on the area and the character of the area as existing (farmland).	See appraisal.
Impact on outlook, appearance and use of Buttleys Lane.	See appraisal.
Impact on the setting of the Grade II Listed Round House.	See appraisal.
Concerns about impact of floodlighting.	See appraisal.
The drop off/pick up does not seem sufficient for the volume of parents currently transporting children to and from Helena Romanes as existing. This will result in cars waiting on Stortford Road causing obstruction and delays.	See appraisal.
Impact on Stortford Road (B1256) as a free flowing through route.	See appraisal.
Suggestion made to toucan crossings but no plan seem to show where these crossings are actually proposed.	See appraisal.
Secondary school capacity appears an exact replacement for Helena Romanes. With the level of development proposed in this area is the size of the school sufficient? What are the Council's plans when demand increases in the future?	See appraisal in terms of need/justification put forward to support this application. The application is being considered on its individual merits. Questions about future plans would need to be directed to ECC Education.
This should have seen as an opportunity to realise a new school site and remove existing capacity issues at other schools, currently dealt with by temporary classbases.	Noted.



Although there are to be sports facilities included on this site there is also mention in the playing fields assessment that much use will still be made of the leisure centre on the existing school site for school activity provision. Although that is the current situation it is not overly impactful as the leisure centre and school are adjoined. This new school will be some way from the leisure centre and the transporting of children to and from to make use of the facilities will be disruptive, time consuming and costly. This also does not benefit the wider community who will still, at times, have to compete with school children using the facilities.	As existing it is understood that pupils at HRS utilise some of the facilities at the adjacent Great Dunmow Leisure Centre.
	The leisure centre remains as part of the proposals to redevelop HRS and will not be lost/closed.
	It is understood that there would be no intention to bus or transport pupils to the leisure centre, should planning permission be granted and the school move location. The proposed replacement school having sufficient sporting provision/facilities to meet the school's needs. See appraisal for further information.
Noise nuisance.	See appraisal.
Concerns about security and limitations to improve boundary treatments at nearby properties given their Listed status.	Any application for development at an adjacent property would be considered on its individual merits in accordance with the development plan and relevant guidance.
Fencing proposed is inappropriate to rural setting and nearby Listed Buildings.	See appraisal.
Condition of Buttleys Lane and that the condition of this is likely to worsen if used more frequently.	Buttleys Lane is a Public Highway, maintained by the Highway Authority. If there are therefore issues with the condition of the highway this should be raised with the Highway Authority for investigation.
Closing Helena Romanes and building a replacement isn't the answer. Modernise Helena Romanes and make house builders pay for a smaller school in the area where they are building houses. We are losing all our green space and Great Dunmow is becoming a concrete jungle.	Noted.
Concerns about air quality (for students) with site located between Stortford Road and the A120.	See appraisal.

## 7. APPRAISAL

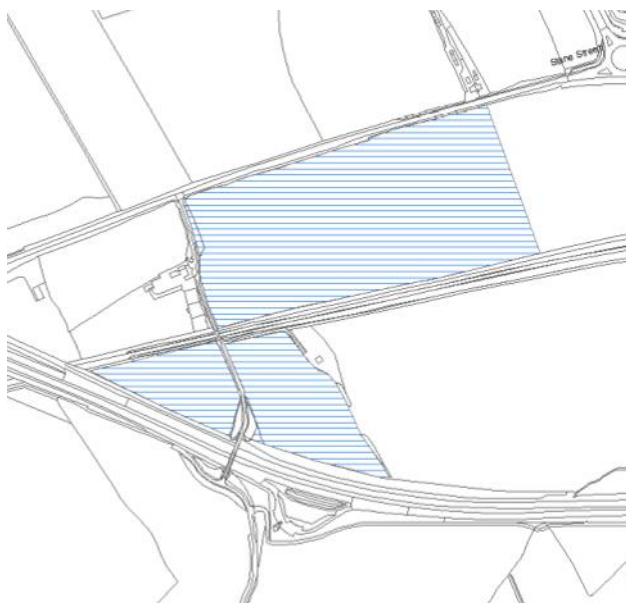
The key issues for consideration are:

- A. Principle of Development and Need
- B. Site Layout and Design (including Playing Field Assessment)
- C. Landscape, Trees and Ecology
- D. Heritage
- E. Amenity (Noise, Air Quality and Lighting)
- F. Highways
- G. Other Issues
  - Community Use
  - Sustainability
  - Flood Risk and Drainage
  - Land Contamination
  - Mineral Safeguarding

### A PRINCIPLE OF DEVELOPMENT AND NEED

Whilst this is not an allocated site within the Uttlesford Local Plan (2005), the Great Dunmow Neighbourhood Plan currently takes precedent as this was adopted later and in accordance with the NPPF. The site forms part of allocation DS3 within the Neighbourhood Plan and is identified for development of a new secondary school alongside 400 housing units. The area within the plan 'protected' for the development of a secondary school is shown below.

Fig. 19 from the Great Dunmow Neighbourhood Plan



The red line area for this application comprises land solely within the Neighbourhood Plan designation. It will however be noted that the two parcels of land included in the designation to the south of the Flitch Way do not form part of this application. It is understood consideration was given to these parcels. However, in view of the separation distance and physical barriers between these and the main part of the designation concerns about the usability in terms of getting pupils to these areas meant these were not included as part of this application. An

assessment of proposed playing field/sport provision can nevertheless be found in the next section of this report.

In addition to the above, it will be noted that the allocation in the Neighbourhood Plan makes no reference to a primary school on site. Whilst this is a departure/deviation from the allocation, in land use terms no principle objections are considered to exist subject to this additional element (and the development overall) complying with other stipulations/criteria of the development plan.

With regard to the proposed school effectively being a replacement for the existing Helena Romanes school it is also noted that the Neighbourhood Plan allocates the existing Helena Romanes school site for re-development in an acknowledgement that the school is looking to relocate (policy DS2).

With regard to need, as a replacement provision for the existing Helena Romanes the need is considered relatively self explanatory. That said, noting that some concerns or questions have been raised as to whether the size of the school is sufficient a more detailed discussion about predicted need can be found below. Together with the suggested justification for the primary school element.

The '10 Year Plan – Meeting the demand for school places in Esses 2021-2030' produced by Essex County Council's School Organisation Service confirms that the current capacity of Helena Romanes is 1563 pupils, with 270 pupils admitted per year (PAN).

No expansion projects are identified in the pipeline, as part of the 10 year plan and as such by virtue of the fact that this proposal, as a replacement for Helena Romanes, seeks to support a 270 PAN it is considered that this should be sufficient. The 10 year does factor in housing trajectories supplied by District Council's and whilst it is acknowledged that demand for school places will likely increase as development takes place in Great Dunmow at the current time no requirement for expansion of the existing capacity at HRS has been identified.

In terms of primary school provision the position is a lot bleaker with trends showing a sustained and long term need for primary school places within the Great Dunmow area. The below table assumes no change to the current number of Reception Year places being supplied, which is 140 across Dunmow St Mary's Primary, Great Dunmow Primary and Great Easton CE Primary, and is just adjusted for the impact of new housing:

	ACADEMIC YEAR									
	2021/ 22	2022/ 23	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31
Reception Place Forecast	11	-12	-19	-28	-35	-44	-57	-66	-75	-84

As shown above, forecasts indicate an additional form entry to be required by September 2022, with the mid to long term demand rising to a 3FE.

Noting the Great Dunmow catchment considered as part of the 10 year plan includes Great Easton Primary, in support of this application and to further highlight the need, the School Organisation Service has sought to confirm that demand is most pressing within Great Dunmow itself. Accordingly, the figures if viewed in isolation for Great Dunmow are probably worse reading than when considered as part of the wider catchment. In respect of this live data indicates additional reception places are likely to be required in Great Dunmow from September 2021 and accordingly temporary options are currently being explored: namely a temporary provision at the existing HRS. However, this cannot be viewed as a long term solution as the existing HRS site cannot accommodate high numbers of primary children in addition to the secondary pupils on site

The School Organisation Service in summary has said that without a primary school here, and the expansion of HRS as an all through school, there is currently no way to provide local school places for children in Great Dunmow. The high level of housing permitted in Great Dunmow is causing huge pressure on the schooling system, and unfortunately school sites secured by S106 have either stalled or are too far in the future to cater to this need now. Not delivering the HRS learning village will lead to years of uncertainty and the need to provide school places for Dunmow primary age pupils at schools in other villages with associated home to school transport at considerable cost as well as increasing the carbon footprint of the local area.

The NPPF, at paragraph 7, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically, in relation to educational facilities (paragraph 94), it is noted that the Government considers it important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The need case, particularly in terms of primary school provision, in this case is acute and considered to hold significant weight in the determination of this application. That said, this need must be considered in respect of other policies and the impacts resulting from the development before a conclusion can be drawn as to if the proposal as a whole represents sustainable development or not.

## **B SITE LAYOUT AND DESIGN**

Policies HE12 and HE3 of the Great Dunmow Neighbourhood Plan relate to new sites or extensions to secondary and primary schools respectively. These policies both seek to outline a number of criteria which should be met for development proposals coming forward. In respect of design both policies state that any new site should be designed in sympathy with the rural and market town nature of Great Dunmow.

Policy GEN2 of the Uttlesford Local Plan inter-alia suggests in terms of design that development will not be permitted unless its design is compatible with the scale, form, layout, appearance and material of surrounding building. In addition to this, important environmental features should be safeguarded, and layouts should have regard to relevant supplementary planning guidance.

Initially with regard to the proposed layout of the site, the rationale for effectively splitting the site in half and containing the built form on the eastern side of the site is supported. This seeks to create a clear gap between the main school building and car park area and Buttleys Lane and the nearby listed buildings, which is embedded as a principle in the aforementioned policies. The proposed southern stand-off is also supported noting the ecological corridor within the Flitch Way.

In terms of the building and car park, the proposed orientation of these follows Stortford Road and the existing street pattern. Although some of the screening hedgerow/vegetation along Stortford Road is proposed to be retained as part of this application, a significant part of this is proposed to be removed to facilitate the main vehicular access and required visibility splays. By virtue of this and that the main school building is set behind the car park/drop-off, visually the site from the street may however appear vehicular dominant. That said, given the proposed use of the site it is acknowledged that parking provision and drop-off facilities are essential and from a safety and practical perspective often incorporated close to main access points. Replacement landscaping is proposed further south into the site to offset the visual appearance of the site from the road and this is discussed in more detail later in this point.

A significant positive of the proposed layout is however that the sports hall has been proposed as a separate building, which will effectively allow easier community use of this, separate to the main school building. The sports hall is located centrally within the site, positioned further towards Stortford Road than the main school building.

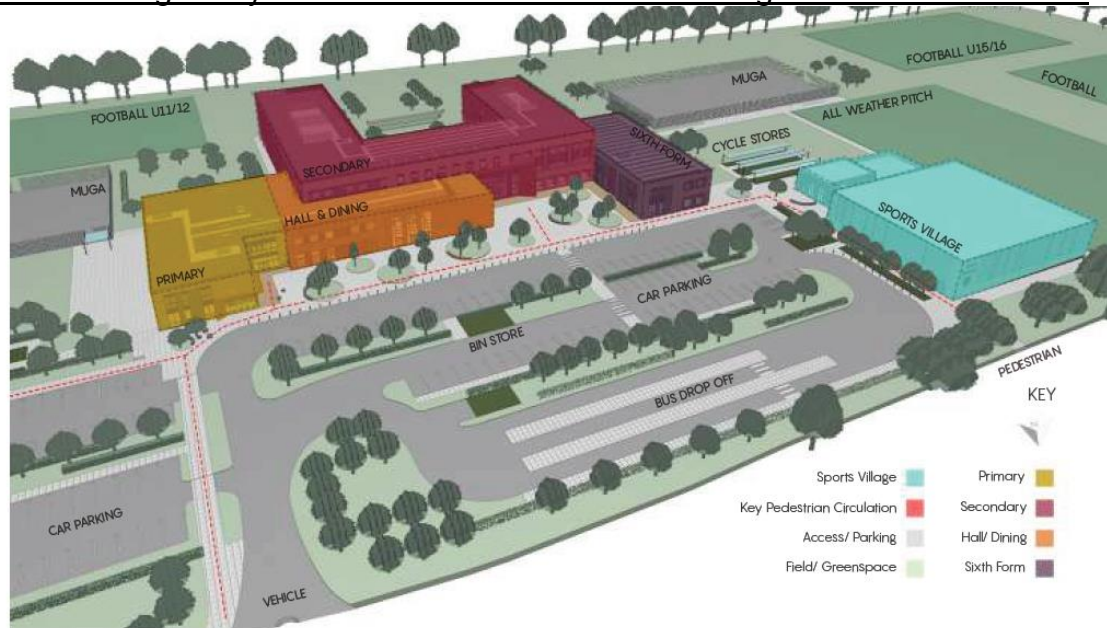
#### Visualisation included within the submitted Design & Access Statement





In terms of scale the main school building, this is proposed to be part two, part three storey. The rationale for the massing and form of the building has been suggested to create a compact and efficient building form which allows the various components of the school to operate in isolation but all collectively in a legible and logical manner. The core and wing two storey aspects have been designed to break down the overall mass of the building and articulate interest through varying roof projections with the aim of creating the perception of a cluster of buildings or campus. This is portrayed in the below massing study drawing which also seeks to show how the building would effectively be split in terms of use.

#### Site Massing Study included within the submitted Design & Access Statement



With regard to building entrances, the architect for the proposals has sought to suggest that significant consideration was given to this; and how each of the entrances to the primary, secondary and sixth form could relate to their audience but also share similar characteristics. In terms of this, the primary school entrance is proposed as an intimate single-storey entrance canopy, whereas the main entrance of the secondary school features expansive glazing and a large double height canopy. And, similarly the sixth form entrance is marked by a distinctive recessed double height entrance. However, by utilising the same materials and colours to accent entrance points a rhythm is created to the building.

In respect of materials, a palette of buff brick cladding, chocolate fibre cement board cladding and powder coated aluminium (charcoal and metallic finish) is proposed across the main school building and sports hall. Together with windows and doors in powder coated aluminium, as shown on the front elevation for the school building.

#### Extract from submitted drawing 'Proposed GA Elevations'



Overall, this is considered to likely be a landmark building in the local setting, given its scale, location and community use. That said, it is considered that the design rationale has sought to minimise the perceived bulk of the building with the projecting wings at two storey and entrance façade. The proposed materials are also considered of acceptable quality and the design approach conducive to a building which will have a positive impact on the emerging sub-urban character of this area.

### Proposed Playing Field Assessment

As a replacement for the existing HRS, an assessment of playing field and sports provision at HRS has been submitted to demonstrate that appropriate re-provision is being created as part of this application; and also sufficient playing field is being proposed for the primary school element. In respect of this, the below table seeks to identify the sporting provision proposed as part of this application:

### Extract from Section 1.4 of the submitted Playing Pitch Assessment

2FE Primary School	9FE Secondary School and Sixth Form
	Sports Hall 8-Court 1,382 sqm
	Activity Studio 150 sqm
	1 x All-Weather Pitch 7,420 sqm includes 1 x over 18 and adult Football Pitch with an overmarking 2 x 9-a-side Football Pitch
1 x U11/U12 Football Pitch	1 x 9-a-side Football Pitch
2 x Netball / Tennis Courts	4 x Netball / Tennis Courts 1 x Basketball Courts
60m 6 Lane Running Track	100m 8 Lane Running Track 400m 5 Lane Athletic Track
1 x Rounders Pitch	7 x Rounders Pitches
	Long Jump
	1 x Grid Area (40m by 40m) 1,600 sqm
	Discus and Shot Put Throwing Circles
	Full sized Rugby Union Pitch

Sport England has raised no objection in principle to the development subject to conditions. Although there would be a net loss of around 1ha of natural turf playing provision in comparison to that at HRS as existing, Sport England consider that the sport related benefits to the school and the community associated with the proposed Artificial Games Pitch, MUGAs, cricket practice nets and indoor sports facilities, together with community use being secured to all of the facilities, would be significant enough to outweigh this net loss.

## C LANDSCAPE, TREES AND ECOLOGY

### Landscape

The site at a national level forms part of the National Character Area Profile 86: South Suffolk and North Essex Claylands. This character area is described as 'an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous small-scale river valleys that dissect the plateau'. At a more regional level, Essex County Council's Landscape Character Assessment (2003) identified the site/area as 'Central Essex Farmlands'. Key characteristics are suggested as irregular field patterns of mainly medium size arable fields, marked by sinuous hedgerows and ditches; small woods and copses that provide structure and edges in the landscape; scattered settlement patterns, with frequent small hamlets, typically with greens and ponds; a concentration of isolated moated farmsteads; network of narrow, winding lanes; and mostly tranquil character away from major roads and Stansted Airport. At a local level, Uttlesford District Council's Landscape Character Assessment (2006) identified the site/area as 'Broxted Farmland Plateau'. The character area is described as 'gently undulating farmland' ... 'large open landscape with tree cover appearing as blocks on the horizon or as scattered trees along field boundaries, with intermittent hedgerows; higher ground where plateau broadens and flattens is expansive and full of big sky views; dispersed settlements and few villages of any size; some sunken lanes; moats, halls and historic farmsteads scattered over the area'.

In context of the above and a suggested zone of visual influence the submitted Landscape and Visual Impact Assessment seeks to assess the effects of the proposed development from both a landscape character and visual perspective. In respect of this, the development is broken into two phases: construction and completed development. For construction, landscape effects are suggested to be minor adverse with visual effects likely to be significant albeit temporary. Once constructed, the impact of the development on the landscape character overall is suggested as minor to moderate adverse. This is due to the introduction of built development to the site and the loss of some of the existing tree/hedgerow boundary screening along Stortford Road. That said, the overall sensitivity to change is considered low in view of development occurring adjacent and as such the adverse impact is not considered significant in this instance.

In terms of visual effects, the most direct change will be for the properties to the west where there are as existing gaps in the vegetation screening affording views of the site. For these properties the impact of the development is suggested as substantial, although this would be downgraded to slightly adverse if effective mitigation/additional landscape planting was incorporated along this boundary. In addition to this a visual relationship is considered to exist to Nos 1 and 2 Canada Cottages and Folly Farm (or in-particular the western elevation of The Granary). However as these are properties are located quite a distance from the site and the school building would not be dominant in views the magnitude of visual impact is suggested as only slight adverse.



In terms of users of the PRoW network, the development is likely to be visible from a number of places. Whilst user sensitivity is considered high, in all cases for intermittent views the impact is only considered slight adverse. A similar suggestion is made for vehicles or users on Stortford Road.

The Council's landscape consultant is content with the content of the LVIA submitted and is generally satisfied/in agreement with the conclusions formed. Whilst it is accepted that this development will change the existing character of this particular field, it is noted that this area is changing and the character assessments long pre-date current aspirations. Subject to a landscape plan and maintenance plan being secured by condition which follows the recommendations within the LVIA, particularly in terms of the western boundary and the need for a robust but sensitive landscape proposal, no objections are raised to the development coming forward in context of the relevant policy position in the Uttlesford Local Plan and Great Dunmow Neighbourhood Plan with regard to landscape impact.

### Trees

Policy ENV3 of the Uttlesford Local Plan states that visually important groups of trees and fine individual species will not be permitted to be removed as part of development proposals unless the need for the development clearly outweighs the amenity value. An Arboricultural Impact Assessment has been submitted with this application. In respect of this a survey was carried out of the development area to assess the quality/value of the trees on site. Following on from this, the AIA confirms that to facilitate the development as submitted three Category B trees, one group of Category B trees and a 6m stretch of another group of Category trees would need to be removed. The group of trees/vegetation proposed to be removed is quite extensive, measuring some 200m in length (annotated as G1 and bubbled in red on the below plan).

### Extract from submitted Tree Constraints Plan



That said, given that as existing the tree/hedgerow line is relatively constant along Stortford Road, it is acknowledged that to access this parcel of land some removal would likely be required. The proposals as such do not require any removal of Category A trees and no objection in principle has been raised by the Council's tree or ecology consultants subject to suitable mitigation being secured by condition.

## Ecology

Turning to ecology, the site it is understood has been in arable production for at least 20 years (oil-seed rape and more recently wheat). Narrow margins along the northern and western edges of the arable field support common plant species indicative of a nutrient enriched environment. The 5-metre-wide southern boundary set-aside margin is rabbit-grazed, but some sections are becoming encroached by dense bramble and there is occasional dogrose dock, teasel and creeping thistle.

The site is demarked to the north, south and partially to the west by species-poor intact hedgerows with standard trees. Several areas of dead/dying specimens occur as well as sections of dense scrub, particularly along the north-eastern section. The northern hedgerow is approximately 585 metres long, extending beyond the site towards the Stortford Road roundabout. It consists of established field maple, blackthorn, hawthorn and hazel with mature standard oak and field maple trees. There is an associated dry ditch that is wet over the winter months. This hedgerow also contains some aged oak trees with features that are potentially suitable for roosting bats.

The southern hedgerow runs along the top of the Flitch Way embankment. The hedgerow consists of standard oak trees with an established hawthorn understorey. The western boundary hedgerow is split in half by a farm access. It consists of a mature twinstemmed ash, a further smaller ash tree, a row of mature oak trees and a sporadic elm with blackthorn and bramble scrub acting as the understorey. There is a mature oak tree at the southern end of this hedgerow. All hedgerows on site are suggested by the applicant as species-poor, containing a maximum of four woody species.

With regard to impacts or effects, there is the direct habitat loss and severance resulting from the proposed removal of trees/hedgerows to facilitate access to the site. However, in view of the suggested quality of the features being removed and their habitat potential this impact is not considered to anything but local/minor adverse. Subject to the development being undertaken in accordance with mitigation and enhancement measures proposed, confirmed through a site-specific biodiversity enhancement strategy the Council's ecological consultant has raised no objection to the development coming forward. Accordingly, the development is considered to comply with policies GEN7 and ENV8 of the Uttlesford Local Plan and policy NE2 of the Great Dunmow Neighbourhood Plan.

## High Wood SSSI

Policy ENV7 of the Uttlesford Local Plan states that development proposals that adversely affect areas of nationally important nature conservation concern, such as Sites of Special Scientific Interest, will not be permitted unless the need for the development outweighs the particular importance of the nature conservation value of site or reserve. Policy NE1 of the Neighbourhood Plan furthermore seeks to ensure identified ancient woodlands, SSSIs and site of high biodiversity value are protected. When this application was initially screened for EIA, concern was raised about potential impacts to the SSSI from this development in terms of pollution or NO<sub>2</sub> and PM<sub>10</sub> emissions from additional vehicle movements and congestion. Air quality is discussed later in this report, in general, but principally in respect of High

Wood SSSI the Air Quality Assessment submitted has predicted that the annual mean NO<sub>2</sub> concentration increase to the SSSI area as a direct result of this development would be 0.4 µg/m<sup>3</sup> – which is representative of a 0.021% increase or change relative to Air Quality Objectives. A similar assessment was undertaken for Particulate Matter (PM<sub>10</sub>) with a 0.8 µg/m<sup>3</sup> increase across the SSSI area predicted as a direct result of this development – which is representative of a 0.044% increase or change relative to Air Quality Objectives. High Wood SSSI (or the potential impacts to this designation) is not therefore considered a barrier to this development coming forward.

## D HERITAGE

A Heritage Statement has been submitted with this application. This seeks to suggest that the field to which the school is proposed has no discernible built or landscape features, with the exception of the boundaries which appear to have remained since the 19<sup>th</sup> Century. Sited directly to west of Buttleys Lane, approximately equidistant between Stortford Road and Flitch Way is Highwood Farmhouse and the Barn at Highwood Farm which are both designated Grade II listed buildings. To the south of Buttleys Lane, on the southern side of Flitch Way is Round House. Round House is also a Grade II listed building. It is considered that the development site contributes to the setting of these designated heritage assets due to their close proximity to the boundary of the site.

To the west of the site, on the northern side of Stortford Road (approximately 350m from the western boundary) is The Gatehouse to Easton Lodge which is Grade II listed. To the east of the site, on the southern side of Stortford Road, approximately 450m from the eastern boundary is Folly Farmhouse which is Grade II listed, and the site includes a farmyard which contains four Grade II listed agricultural buildings. Both the Gatehouse and the Folly Farm complex are considered, within the submitted Heritage Statement, to be positioned sufficiently distant from the site to prevent the proposed development from affecting their setting.

Policy ENV9 of the Uttlesford Local Plan relates to historic landscapes, policy ENV2 relates to development affecting listed building and policy ENV4 covers archaeology. In terms of impact the Heritage Statement submitted in support of this application suggest that the setting of the three listed buildings adjacent to the proposal has been a key consideration in the siting and layout of the built form of the school to the east. Furthermore it is advanced that whilst the loss of the isolated nature of the setting of the designated heritage assets through the introduction of non-agrarian uses alters the wider setting, this change in character is not overtly detrimental to the significance of the designated heritage assets themselves. Highwood Farmhouse and Barn will still be legible as a farmstead due to their architectural forms and the spatial relationship between the buildings and the site. In terms of Round House it is considered that the scheme will have a neutral impact on the setting and significance of this. Currently the House benefits from an isolated setting, and this would be maintained despite the introduction of the school as Flitch Way acts a barrier between the House and the site. There are no views in or out of the school site towards the Round House, due to the thick mature planting on this aspect.

The NPPF at paragraph 196 details that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Expanding on this, paragraph 197 details, in respect of non-designated assets (i.e the Flitch Way), applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

As will be noted that the Council's heritage consultant has objected to this planning application. This is on the basis that this considered that the development would cause less than substantial harm to the significance of the Grade II Listed Highwood Farmhouse, Barn at Highwood Farm and Round House and the non-designated heritage asset Flitch Way. As per paragraph 196 the Council's consultant suggests that harm identified should therefore clearly be outweighed by public benefits of the proposal. If there are not such benefits or these do not outweigh the identified harm then planning permission should be refused.

As outlined previously in this report, this site has been allocated for development within the Neighbourhood Plan and accordingly, noting that the concerns raised about impact are spatial in so much as the loss of historic agrarian context, it is considered that this impact would result irrespective of how development occurred on this parcel of land. In this instance, the impact has however attempted to be lessened by where the built form has been proposed and the landscaping mitigation proposed. The proposals would give rise to harm but as previously confirmed the need argument for school places is compelling. Public benefit from a purposed built all through education complex, as a replacement to a school in need of modernisation, would be realised from this development as would benefit from new sport provisions/facilities available for public hire. Accordingly, on balance, no objection on heritage grounds or in-particular impact to listed buildings is raised.

Turning to archaeology, an archaeological desk-based assessment and draft geophysics plan has been submitted. However, should permission be granted, conditions are recommended to secure the programme of on-site archaeological evaluation suggested in the form of a written scheme of investigation. Further conditions requiring details of a summary report of initial archaeological work undertaken, and a mitigation strategy such features be found are also recommended. Subject to the aforementioned conditions being secured, should planning permission be granted, it is not considered that archaeology or heritage impact is a particular barrier to this development coming forward.

## **E AMENITY**

Policy GEN4 of the Uttlesford Local Plan seeks to ensure proposals do not give rise to noise or vibration; smell, dust, light, fumes, electro magnetic radiation or exposure to other pollutants to a level which would likely cause material disturbance or nuisance to occupiers of surrounding properties. Policy GEN5 specifically covers light pollution, policy ENV11 expands on potential noise nuisance and policy ENV13 relates to exposure to poor air quality.

## Noise

Existing background noise levels at the site are suggested to principally be derived from traffic noise from vehicles on the A120 and on Stortford Road. Monitoring was undertaken of background noise levels at four locations across the site with the conclusion being that background noise levels LAeq,T are relatively similarly 56-60dB. In respect of this, from the school operations and in-particular the use of the playing pitches there may be some noise nuisance from activities undertaken on-site (whistles being blown or isolated shouting). However, per-se the school use is unlikely change the noise character of the area or that experienced by nearby properties, given the existing high background levels.

There is however one point of clarification with regard to the above statement in terms of bus movements within the site. Bus movements are predicted to potentially result in a noise level of 56.5dB. This is above Lowest Observed Adverse Effect Level (LOAEL) (55dB LA10, 18h) but below the Significant Observed Adverse Effect Level (SOAEL) (68dB LA10, 18h) and therefore the impact is considered negligible in the long term and compliant with the various policy positions in terms of noise nuisance.

With regard to noise from a teaching perspective, noting that background noise levels are already quite high, the submitted noise assessment has also sought to suggest that the site is appropriate for a teaching environment. In terms of this, the proposed use of high specification glazing is proposed to ensure that internal ambient noise levels comply the 35dB LAeq, 30 required thresholds for schools. Whilst it is necessarily considered appropriate for the planning regime to pick up on this requirement through planning condition, with this be a requirement with the appropriate Building Bulletin for school development, it is comforting to see that this is already being considered and that the required levels can be achieved without excessive noise mitigation/barriers which would likely further impact on the landscape character and quality.

## Air Quality

As detailed within the submitted Air Quality Assessment, the proposal has the potential to cause air quality impacts from vehicle emissions and energy emissions associated with the running of the school site. Predicted impacts on NO2 and PM10 concentrations as a result of increased exhaust emissions are however negligible and below UK Air Quality Management Objectives. No objection in terms of policy ENV13 is therefore raised.

## Lighting

Whilst an outline lighting strategy has been submitted which does include an assessment of indicative lighting, it is disappointing to note that a finalised lighting design was not submitted. The outline strategy and assessment does not also match the proposed pitch layout as has been submitted and makes no reference to the floodlights proposed to support the all-weather pitch. The lack of a finalised lighting scheme is not however considered a reason to refuse this application or delay determination. Should planning permission be granted, a blanket restriction on the installation of external lighting would however need be secured, pending the

submission of a full scheme which can be considered and reviewed in context of relevant policy. With regard to this initially there are some concerns about the potential impact of lighting on the artificial pitch. However, until the exact details of the lighting are known, together with proposed use/hours of illuminance it is difficult to officers to advise on whether any lights on in-particular this provision would need to be more tightly restricted than that elsewhere on-site.

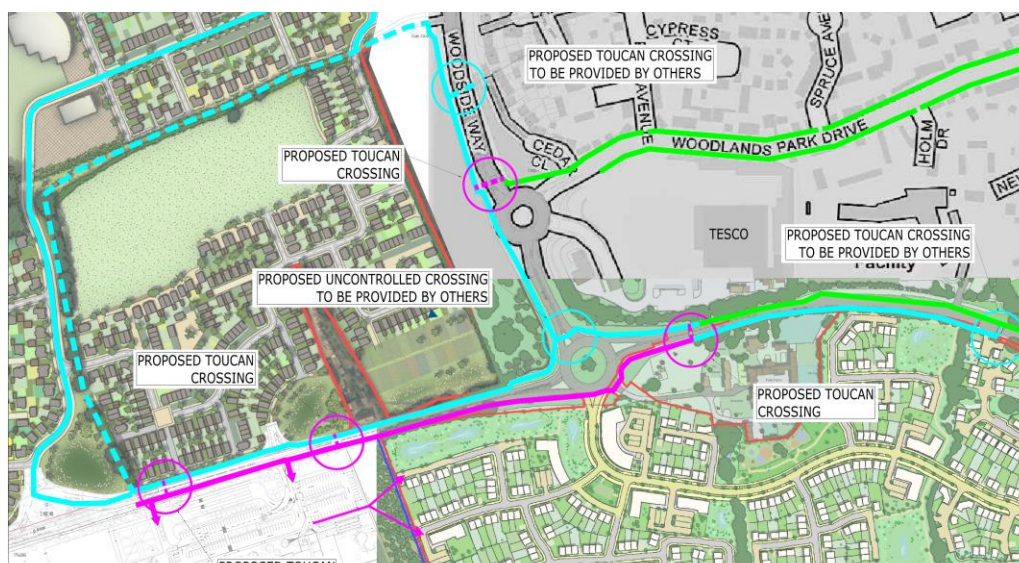
## F HIGHWAYS

Policy GEN1 of the Uttlesford Plan Local details that development will only be permitted if it meets the following criteria: a) access to the main road network must be capable of carrying the traffic generated by the development safely; b) the traffic generated by the development must be capable of being accommodated on the surrounding transport network; c) the design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired; d) it must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access; and e) the development encourages movement by means other than driving a car. Relevant vehicle parking standards are then prescribed within policy GEN8.

The school is proposed to be supported by a single vehicular access, operating as a left in, left out junction off Stortford Road (B1256). In addition to this, in terms of infrastructure improvements, a footway/cycleway between the school access and the existing Woodside Way roundabout is proposed, together with four toucan crossings in the vicinity of the site to facilitate pedestrian movement to the site from the nearby (emerging) residential areas. Namely:

- a toucan crossing to the west of the proposed site access;
- a toucan crossing to the east of the proposed site access;
- a toucan crossing on Woodside Way; and
- a toucan Crossing east of Woodside Way roundabout.

Extract from drawing titled 'Off-Site Connections' showing the proposed toucan crossings (purple circles)





Stortford Road is a single carriageway road formed of two running lanes. The carriageway is approximately 6-7m along the majority of its length although this increases to approximately 11m along the site frontage to accommodate a lay-by. Stortford Road is a key access road which runs in an east/west alignment offering access into the centres of Great Dunmow, Blake End and Rayne eastbound and Little Cranfield, Takeley and Bishop Stortford westwards. Stortford Road is supported by a footway along its length on its northern side only. There is no pedestrian infrastructure south side. The carriageway is subject to a 50mph speed limit as existing.

As has been outlined previous in this report, a number of developments have recently been approved in this area or applications for development are pending. These all have implications for Stortford Road and make the current situation a slightly evolving picture, noting technical approval is in place for an additional roundabout on Stortford Road, a slight re-alignment of Stortford Road to merge the aforementioned roundabout and also changes approved to the existing Woodside Way roundabout. That said both the Transport Assessment submitted and the response from the Highway Authority have sought to take on board the current status of Stortford Road and how this is likely to change as committed and planned development starts to come forward.

With respect of this, the submitted Transport Assessment has sought to assess the development in a base year of 2027 at which time it is predicted the school would be at full capacity (noting the primary school will be added to on a year on year basis until a full pupil roll is on-board). The Assessment to give a comprehensive view of impact on the wider highway has also sought to consider the impact from the re-development of the existing HRS. Total forecast development vehicle trip generation is shown below, as is the percentage impact of development on key junctions in the vicinity:

Table 5.11 of the submitted Transport Assessment

Mode	Weekday AM peak hour (08:00-09:00)			Weekday PM peak hour (17:00-18:00)		
	<i>In</i>	<i>Out</i>	<i>Two-way</i>	<i>In</i>	<i>Out</i>	<i>Two-way</i>
Primary School (staff and pupils)	100	65	165	11	16	27
Secondary School (staff, pupils and buses)	137	78	215	8	43	51
Residential (200 units)	32	117	149	84	43	127

Table 6.1 of the submitted Transport Assessment

Route	AM Dev Impact	PM Dev Impact
<b>Junction 1</b> – Land West of Woodside Way Proposed Access Roundabout	9%	5%
<b>Junction 2</b> – Woodside Way / Stortford Road Roundabout	11%	4%
<b>Junction 3</b> – Woodside Way / Tesco Roundabout	5%	3%

Moving this forward, the impact of the development was then modelled at the aforementioned junctions. The modelling was refined a number of times during the course of determination following discussions with the Highway Authority and amendments to the roundabout proposed to be installed to support the Woodside Way development in an attempt to increase capacity. The findings of the most recent modelling is presented below:

	AM		PM	
	Queue (PCU)	Delay (s)	Queue (PCU)	Delay (s)
<b>[Lane Simulation] - 2027 + COM DEV + EX SCHOOL</b>				
1 - Tesco - 1 - Woodside Way (North)	3.1	20.78	3.1	22.68
1 - Tesco - 2 - Woodlands Park Drive	0.6	5.99	0.2	4.99
1 - Tesco - 3 - Tesco Access	2.6	19.05	6.7	30.52
1 - Tesco - 4 - Woodside Way (South)	2.5	9.39	6.0	19.30
2 - Woodside - 1 - Woodside Way	5.7	16.87	5.8	22.14
2 - Woodside - 2 - Stortford Road (east)	3.4	11.79	2.9	9.92
2 - Woodside - 3 - Farm Access	0.0	0.00	0.0	0.00
2 - Woodside - 4 - Land South of Woodside Way Access	0.6	7.27	0.3	7.18
2 - Woodside - 5 - Stortford Road (west)	1.0	4.35	6.2	15.19
3 - Stortford - 1 - B1256 East	1.4	7.30	1.7	7.29
3 - Stortford - 2 - B1256 West	1.2	5.12	6.3	17.04
3 - Stortford - 3 - Land West of Woodside Way (Main Access)	0.5	5.72	0.4	8.30
4 - Site - A - Stortford Road (East)	0.0	0.05	0.0	0.06
4 - Site - B - Site Access	0.0	0.00	0.0	0.00
4 - Site - C - Stortford Road (West)	0.0	0.06	0.2	0.19
<b>[Lane Simulation] - 2027 + COM DEV + PROP SCHOOL</b>				
1 - Tesco - 1 - Woodside Way (North)	24.7	120.70	7.1	51.02
1 - Tesco - 2 - Woodlands Park Drive	1.7	14.36	0.2	4.85
1 - Tesco - 3 - Tesco Access	13.3	70.73	20.9	109.67
1 - Tesco - 4 - Woodside Way (South)	2.7	10.19	10.7	33.10
2 - Woodside - 1 - Woodside Way	12.9	39.80	0.9	7.36
2 - Woodside - 2 - Stortford Road (east)	10.8	28.52	3.4	12.15
2 - Woodside - 3 - Farm Access	0.0	0.00	0.0	0.00
2 - Woodside - 4 - Land South of Woodside Way Access	1.6	21.69	0.3	6.36
2 - Woodside - 5 - Stortford Road (west)	1.7	6.83	6.4	18.42
3 - Stortford - 1 - B1256 East	4.8	14.46	1.4	7.09
3 - Stortford - 2 - B1256 West	1.5	5.71	45.0	90.63
3 - Stortford - 3 - Land West of Woodside Way (Main Access)	0.6	6.75	0.5	9.43
4 - Site - A - Stortford Road (East)	22.2	58.18	0.6	3.47
4 - Site - B - Site Access	0.8	16.19	0.1	6.48
4 - Site - C - Stortford Road (West)	1.4	5.12	13.9	37.05

As can be seen from the above, the modelling does identify delays and queuing as a result of the development coming forward. The queues and delays suggested are however representative of a worst-case scenario and not therefore queues or delays which would be expected necessarily continuously. The delays are principally the result of factoring in the impact of the proposed toucan crossings and the impact this will have on the relatively free flowing nature of Stortford Road, as existing. Concerns have been raised about the modelling used by the applicant and that if modelled differently the impact is likely to be shown to be worse than predicted but the Highway Authority is content with the modelling and assessment which has been submitted.

Great Dunmow Town Council has noted that the modelling shows the roundabout to support the Woodside Way development on Stortford Road will be at over-capacity, as a result of the school development. Noting that this (the roundabout) is not even built yet, concerns are therefore raised about whether this infrastructure is sufficient and should not be reviewed and/or enhanced now before it becomes a more permanent barrier to other development and a traffic hotspot that the



community will simply have to live with. In addition to this, concerns are raised by the Town Council that where the applicant has attempted to resolve the issues of congestion and queuing at the roundabout, the changes made and the introduction of two lanes will make the roundabout unsafe. In the Town Council's view the access as proposed would give rise to an unacceptable impact on highway safety and the residual impact on the road network would be severe. The Town Council therefore consider the development as proposed should be prevented or refused in accordance with paragraph 109 of the NPPF to allow consideration of a different means of access or more comprehensive highway improvement scheme.

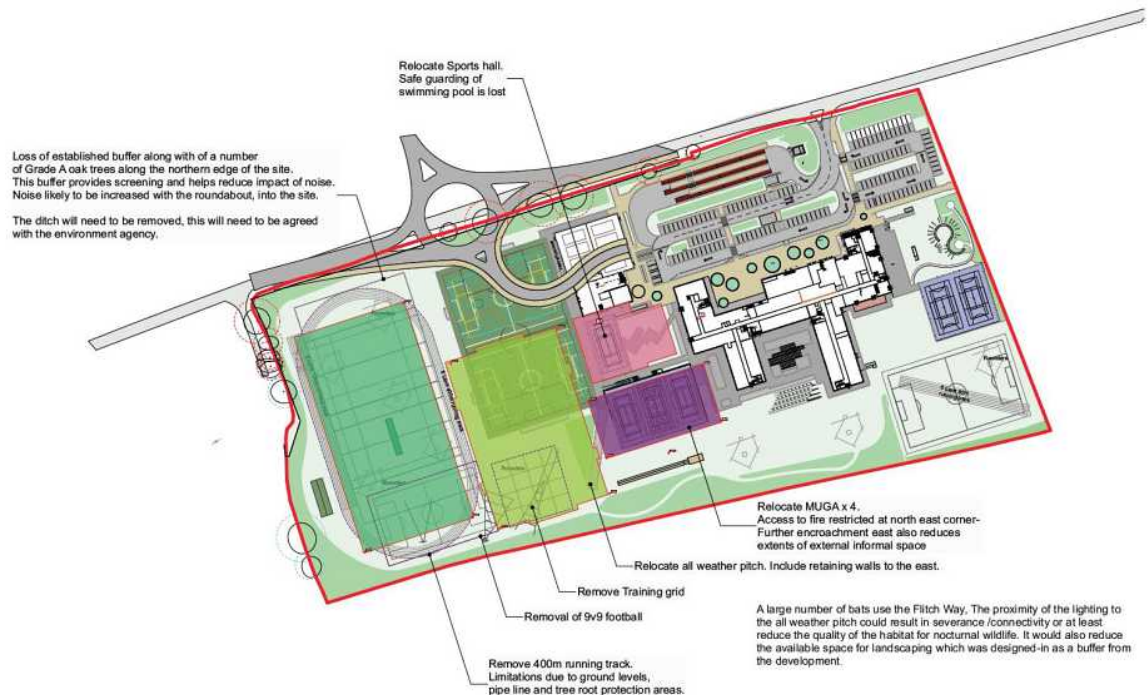
With regard to this, the Town Council consider that accessing the school via a fourth arm of the roundabout being installed to support the Woodside Way development on Stortford Road would be a much more sensible and logical solution. The Highway Authority accepts that the access arrangements to the school are not necessarily optimal in relation in so much that there will be congestion. However, planning applications have to be considered as submitted and it is not considered that the LPA could seek to refuse the application solely on the basis that there might be a better access solution.

The applicant in respect of this has also sought to outline a number of reasons why this option (an access via the roundabout) is not viable. Principally the reasons suggested are the additional land take which would result in areas of dead/unusable space for the school and loss of key sporting facilities which would not be able to be provided elsewhere on-site. In addition to this it is suggested that moving the access westwards would give rise to more ecological impacts, the removal of some high-quality trees/vegetation and a more significantly engineered drainage solution.

Accepting that potentially some of these issues could be overcome through a wholesale re-design of the site layout, the applicant has also sought to suggest that options in this regard are limited given the desire to keep the built form towards the east of the site, away from the listed buildings on Buttleys Lane and that there is a pipeline which runs across the western part of the site with an easement which prevents works within 30m of this.

Lastly, in support for not progressing this option, the applicant has suggested that the roundabout re-design is reliant on third parties. Whilst the Town Council and the Highway Authority have met with the adjacent housing developer; and potentially they appear willing to entertain such changes, this is subject to any such changes not impacting on their timetable and/or giving rise to any additional costs for them. In the view of the applicant, such a re-design would likely give rise to a 12 month delay which would be unacceptable, given the acute need referred to earlier.

Plan overlaying the Town Council's suggested access on the site layout submitted with this application



Noting this is not option is not part of the application, no further comment or assessment will be provided on this. The above commentary has been provided solely for reference as to the position of the applicant and the Town Council. The County Planning Authority (CPA) has not sought to formally review or assess the practicalities of an alternative access noting any such assessment is purely speculative and the CPA has to consider the application before it in accordance with the development plan.

In respect of this, with any development site, there is an infinite number of ways the site could be proposed to be laid out and accessed. Whilst officers will strive to inform proposals through pro-active engagement and deliver successful development, in the absence of identified harm or impact which would support a reason for refusal it is difficult to resist development in the case where simply an alternative or better solution may exist.

In this instance, contrary to the view taken by the Town Council, the Highway Authority does not consider the access arrangements as proposed would give rise to an unacceptable impact on highway safety or severe residual impact on the road network. It has been acknowledged that the nature of Stortford Road will change, should planning permission be granted, as the safety of pedestrians will be prioritised over traffic flow, particularly at school drop off and pick up times which is not the case now. However, in the view of the Highway Authority this would be a local and not severe impact on the highway network and as such no objection is raised to the development, subject to a number of conditions.

## Parking Provision

Turning to parking, the car parking standard for education is a maximum of one space per 15 pupils with minimum cycle standards of one space per five staff plus one space per three pupils. The below table shows that the proposed provision of 139 car spaces is policy compliant. With regard to cycle/scooter spaces an under provision is proposed. However, the under provision for secondary school students has been justified on trends/usage at HRS as existing and in principle noting quite a significant capacity is proposed the Highway Authority is content with the provisions proposed across the board. Noting the applicant's intention to bring forward the cycle capacity over time as the school capacity increases, the Highway Authority has however requested a condition which seeks to ensure provision is reviewed annually in context of the data from the School Travel to ensure that demand does not outstrip capacity at any point prior to the complete proposed provision being installed/provided.

Land Use	Vehicles (Max)	Parking Level (spaces)		
		Cycles (Min)	PTW (Min)	Disabled (Min)
Primary School (420 Pupils)	28	6 staff 140 pupils		
Secondary School (1,350 Pupils)	90	25 staff 450 pupils		
Sixth Form (250 Pupils)	17 staff 17 students	5 staff 83 students	7	7
Total	152	36 staff 673 students / pupils		
Provision	139 (plus additional drop-off space)	140 for primary 350 for secondary 83 for sixth form	7	7

## G OTHER ISSUES

### Community Use

As part of this application, it has been proposed that all sports facilities will be available for use by the local community when not in use by the School. Specific details of the management of this have not been provided with this application. However, this community use has been heavily emphasised within the application and this was also an expectation for the site development as per the Neighbourhood Plan. Accordingly, whilst in some circumstances the CPA is reluctant to secure a Community Use Agreement by condition, in this instance it is considered acceptable. That said the level of community use acceptable will need to be considered against about potential impacts to the locality from for example light and noise nuisance particularly during evening periods.

### Sustainability

The applicant is seeking to be lean, be clean and be green in terms of the energy performance of the buildings proposed. To deliver this the development is proposed to use heat pumps for heating, cooling and hot water. In addition to this solar panels are proposed on the roof of the main school building. Only indicative details of this have been provided with the application but the assessment submitted has sought to suggest the aforementioned measures would deliver a 36% regulated Carbon savings above the standard required by Building Regulations. Subject to a condition seeking to confirm details of the aforementioned measures, no objections from a sustainability are raised noting that as existing there is no policy requirement for developments to deliver anything above Building Regulations.

### Flood Risk and Drainage

This site is located within Flood Zone 1, at a low probability of fluvial and/or tidal flooding. As the proposed developed area is in excess of 1ha a Flood Risk Assessment has nevertheless been submitted with the application. In respect of this, as a baseline the existing site has been considered as greenfield in nature and the aim of the proposal is therefore to limit the discharge rate to a commensurate greenfield rate of 21.8 litres/sec (post development).

To achieve this a connection to the ordinary watercourse/ditch along the northern boundary of the site is proposed. Discharge will be controlled to 21.8 litres/sec with a flow control device installed to achieve this. To facilitate the reduced rate, following periods of heavy rainfall, attenuation is proposed within a system of permeable paving with an effective storage depth of 200mm within the granular drainage medium reservoir course and a geo-cellular attenuation at the outfall (under the car parking area). To minimise the risk of polluted run-off, it is proposed that the car park and any area proposed to be routinely used by a vehicle will be lined, with the drainage medium reservoir course also including a specialist membrane to treat and remove any contaminants.

The Lead Local Flood Authority has raised no objection in principle to the development subject to conditions requiring submission of detailed engineering drawings for the proposed drainage solution; relevant permission to discharge from the site; and a maintenance plan for the drainage scheme in the long term. The development is therefore considered to comply with the policy position portrayed within GEN3 and ENV12 of the Uttlesford Local Plan.

### Land Contamination

A Phase 1 Site Appraisal has been submitted in support of this application. The conclusions are this are generally standard with it considered that the site is suitable for the development proposed. That said, a Phase 2 ground investigation is recommended to more accurately determine the effect of potentially identified hazards. Given this conclusion, it is considered that a condition be attached to any permission granted requiring submission of a scheme of mitigation should previously unidentified contamination be found as a result of the Phase 2

investigation.

### Mineral Safeguarding

Whilst this site is within the sand and gravel mineral safeguarding area, as suggested by the applicant, the proposal is excluded from the requirements of policy S8 of the Minerals Local Plan (2014) by virtue that the site is allocated for development within the Great Dunmow Neighbourhood Plan and no mention is made as part of the allocation of the need to produce a mineral resource assessment. No objections from a mineral safeguarding perspective are therefore raised.

## **8. CONCLUSION**

The principle of an education use on this site is supported by the allocation within the Great Dunmow Neighbourhood Plan. In respect of this, the proposed site layout is considered logical, with the proposal scale and mass of the built form also appropriately broken up to create the appearance of a campus of buildings rather than one large continuous building. The proposed design and materiality of the built form is considered of good quality and conducive to what will likely become a local landmark building and use.

Whilst concerns have been raised about the proposed access arrangements, the Highway Authority has not raised an objection to this. It is accepted that potentially a different access solution may exist but in the absence of identified harms or impacts which would support a reason for refusal it is considered that the development could not be resisted on this basis.

For this reason and, subject to appropriate conditions, there are no identified adverse or unacceptable impacts that outweigh the need for the development and/or the resulting public benefits, it is considered that the proposals represent sustainable development as per the NPPF definition.

## **9. RECOMMENDED**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 10 July 2020, together with drawings titled 'Site Location', drawing number 1002 (Rev P01), dated 08/07/2020; 'Proposed Masterplan Plan', drawing number 1003 (Rev P01), dated

08/07/2020; 'Proposed Ground Floor GA Floor Plan', drawing number 2201 (Rev P09), dated 08/07/2020; 'Proposed First Floor GA Floor Plan', drawing number 2202 (Rev P09), dated 08/07/2020; 'Proposed Second Floor GA Floor Plan', drawing number 2203 (Rev P09), dated 08/07/2020; 'Proposed Roof GA Floor Plan', drawing number 2204 (Rev P04), dated 08/07/2020; 'Proposed GA Elevations', drawing number 3201 (Rev P07), dated 08/07/2020; 'Proposed GA Elevations Courtyard', drawing number 3202 (Rev P01), dated 08/07/2020; 'Sports Village Ground Floor Plan – Ground Floor (Technical)', drawing number 2303 (Rev P01), dated 22/10/2020; 'Sports Village Roof Plan', drawing number 2302 (Rev P02), undated; 'GA Proposed Sports Village Elevations', drawing number 3301 (Rev P03), dated 30/07/2020; and 'Landscape Site Sections', drawing number 4001 (Rev P01), dated 09/07/2020 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies GEN1 – Access, GEN2 – Design, GEN3 – Flood Protection, GEN4 – Good Neighbourliness, GEN5 – Light Pollution, GEN6 – Infrastructure Provision to Support Development, GEN7 – Nature Conservation, GEN8 – Vehicle Parking Standards, ENV2 – Development Affecting Listed Buildings, ENV3 – Open Spaces and Trees, ENV4 – Ancient Monuments and Sites of Archaeological Importance, ENV7 – The Protection of The Natural Environment: Designated Sites, ENV8 – Other Landscape Elements of Importance for Nature Conservation, ENV9 – Historic Landscapes, ENV11 – Noise Generators, ENV12 – Groundwater Protection, ENV13 – Exposure To Poor Air Quality, ENV14 – Contaminated Land and ENV15 – Renewable Energy of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, NE1 – Identified Woodland Sites, NE2 – Wildlife Corridors, NE3 – Street Trees on Development Sites, NE4 – Screening, GA1 – Core Footpath and Bridleway Network, GA2 – Integrating Developments (Paths and Ways), HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016).

3. No development shall take place until details of the materials to be used for the external appearance (including all windows and doors) of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. The details, which it is expected would follow that shown on drawings titled 'Proposed GA Elevations', drawing number 3201 (Rev P07), dated 08/07/2020; 'Proposed GA Elevations Courtyard', drawing number 3202 (Rev P01), dated 08/07/2020; and 'GA Proposed Sports Village Elevations', drawing number 3301 (Rev P03), dated 30/07/2020, shall specify the specification, materials (including manufacturer), colour and finishes proposed to be used on all facades. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with policy GEN2 – Design of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016)..

4. No development or any preliminary groundworks shall take place until:
  - a) All trees to be retained during the construction works, as shown on drawing titled 'Tree Protection Plan', drawing number: 605-03 (Rev A), dated July 2020 have been protected to the specification outlined. With regard to this the fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and notices shall be erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, the development shall also be constructed as per the wider recommendations outlined within the submitted 'Arboricultural Impact Assessment', dated 9<sup>th</sup> July 2020 and namely the 'reduced dig' construction for the pedestrian footpath within the Root Protection Area of T5. For the avoidance of doubt no materials shall furthermore be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for retained landscaping and the existing natural environment and to comply with policies GEN7 – Nature Conservation, ENV3 – Open Spaces and Trees, ENV8 – Other Landscape Elements of Importance for Nature Conservation and ENV9 – Historic Landscapes of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, NE2 – Wildlife Corridors, NE3 – Street Trees on Development Sites and NE4 – Screening of the Great Dunmow Neighbourhood Plan (2016).

5. No development shall take place until a landscape and planting scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on that shown on drawings titled 'Landscape Materials', drawing numbers 8005 to 8014, all dated 09/07/2020 but include specific details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details.

In addition to planting details the submitted landscaping plan shall furthermore show and detail the finish of all proposed hardstanding areas

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(circulation and parking), the retaining wall proposed to the north of the Sports Hall and AGP and all boundary and internal fences and gates.

Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to mitigate impacts of the development on the natural and historic environment in accordance with GEN2 – Design, GEN7 – Nature Conservation, ENV2 – Development Affecting Listed Buildings, ENV3 – Open Spaces and Trees, ENV8 – Other Landscape Elements of Importance for Nature Conservation and ENV9 – Historic Landscapes of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, NE2 – Wildlife Corridors, NE3 – Street Trees on Development Sites and NE4 – Screening of the Great Dunmow Neighbourhood Plan (2016).

6. The development hereby permitted shall be implemented in accordance with the biodiversity mitigation and enhancement measures detailed in Chapter 6 – Ecology and Biodiversity of the Environmental Statement, dated July 2020. A specific Biodiversity Enhancement Strategy for Protected and Priority species shall nevertheless be submitted to the County Planning Authority for review and approval in writing prior to commencement of the development. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies GEN7 – Nature Conservation, ENV3 – Open Spaces and Trees and ENV8 – Other Landscape Elements of Importance for Nature Conservation of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA:



Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character and NE2 – Wildlife Corridors of the Great Dunmow Neighbourhood Plan (2016).

7. Prior to beneficial occupation of any of the buildings hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for review and approval in writing. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved LEMP.

Reason: To allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies GEN7 – Nature Conservation, ENV3 – Open Spaces and Trees and ENV8 – Other Landscape Elements of Importance for Nature Conservation of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character and NE2 – Wildlife Corridors of the Great Dunmow Neighbourhood Plan (2016).

8. 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 County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks, with confirmation to also be sought from the County Planning Authority that the investigation works have been completed satisfactorily.

Reason: To ensure that any archaeological interest has been adequately investigated in accordance with policy ENV4 – Ancient Monuments and Sites of Archaeological Importance of the Uttlesford District Council Local Plan (2005).

9. Prior to commencement of development but following completion of the archaeological work required, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and approval and writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be also made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with policy ENV4 – Ancient Monuments and Sites of Archaeological Importance of the Uttlesford District Council Local Plan (2005).

10. Within six months of completion of the programme of archaeological investigation, as approved, a post excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This shall include the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy ENV4 – Ancient Monuments and Sites of Archaeological Importance of the Uttlesford District Council Local Plan (2005).

11. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel and underbody cleaning facilities;
  - e) routing of vehicles;
  - f) mechanisms for liaising other developers in the vicinity to co-ordinate construction activity and reducing the impact on the network; and
  - g) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

Reason: In the interests of highway safety and amenity, that construction works may lead to excess water being discharged from the site and to comply with policies GEN1 – Access, GEN2 – Design, GEN3 – Flood Protection, GEN4 – Good Neighbourliness, GEN5 – Light Pollution, ENV11 – Noise Generators, ENV12 – Groundwater Protection and ENV13 – Exposure To Poor Air Quality of the Uttlesford District Council Local Plan (2005).

12. No development shall take place, including any ground works or demolition, until a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and provide for:
- a) 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 arboriculturists and 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 both ecological and arboricultural clerks of works or similarly competent persons; and
  - h) Use of protective fences, exclusion barriers and warning signs.

Reason: To conserve protected and Priority species, allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with policies GEN7 – Nature Conservation, ENV3 – Open Spaces and Trees and ENV8 – Other Landscape Elements of Importance for Nature Conservation of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character and NE2 – Wildlife Corridors of the Great Dunmow Neighbourhood Plan (2016).

13. Prior to beneficial occupation of any of the buildings hereby permitted, the access shown in principle on drawing titled ‘Stortford Road Access Arrangements’, drawing number 198131-003 (Rev F), dated 21/12/2020 shall be provided, including a clear to ground visibility splay with dimensions of 4.5 metres by 200 metres to the east, as measured from and along the nearside edge of the carriageway and two 3.5m footway cycleways. The visibility splays shall be retained free of any obstruction at all times thereafter. Access arrangements shall include Traffic Regulation Orders to prevent right hand turns and overtaking as required by the highway authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14. Prior to beneficial occupation of any of the buildings hereby permitted, the developer shall seek to secure a Traffic Regulation Order (TRO) to obtain a speed limit reduction to 30mph along the B1256 in the vicinity of the school. On attainment of the TRO all necessary signing and road marking to be provided as part of the access arrangements.

Reason: To provide a safer environment for around the school in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

15. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the installation of a toucan crossing situated on the B1256, to the east of the proposed school access, as shown in principle on drawing titled 'Stortford Road Access Arrangements', drawing number 198131-003 (Rev F), dated 21/12/2020. The crossing shall subsequently be provided by the developer prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide safe and suitable access for pupils on foot and bike to the school across the B1256 and in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

16. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the installation of a toucan crossing situated on the B1256, to the west of the proposed school access and the associated footway cycleway, as shown in principle on drawing titled 'Stortford Road Access Arrangements', drawing number 198131-003 (Rev F), dated 21/12/2020. The crossing shall subsequently be provided by the developer prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide safe and suitable access for pupils on foot and bike to the school across the B1256 and in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

17. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the installation of a toucan crossing situated on the B1256, opposite Tesco and the associated footway/cycleway between the crossing and the Woodside Way Roundabout, as shown in principle on drawing titled 'Proposed Toucan Crossing - Stortford Road West', drawing number 198131-006 (Rev B), dated 22/10/2020 (unless already in place). The crossing shall subsequently be provided by the developer (again unless already in place) prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide safe and suitable access for pupils on foot and bike to the school across the B1256 and in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

18. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the installation of a toucan crossing situated on Woodside Way and associated footway/cycleway to the south, as shown in principle on drawing titled 'Proposed Toucan Crossing – Woodside Way', drawing number 198131-008 (Rev C). The crossing shall subsequently be provided by the developer prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide safe and suitable access for pupils on foot and bike to the school across Woodside Way and in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

19. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the installation a footway/cycleway, with a minimum width of 3.5m between the school access and Woodside Way Roundabout. The footway/cycleway shall subsequently be provided by the developer prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide safe and suitable access for pupils on foot and bike to the school from the town and in the interest of highway safety in accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

20. No development beyond damp proof membrane shall take place until the developer has secured technical approval for the proposed capacity enhancements to the proposed access roundabout to Land West of Woodside Way, as shown in principle on drawing titled 'Stortford Road 3 Arm Access Roundabout Amendments, drawing number 198131-018, dated 10/02/2021. The enhancements shall subsequently be provided by the developer prior to beneficial occupation of the any of the buildings hereby permitted.

Reason: To provide additional capacity on the proposed roundabout and reduce potential queuing accordance with policies GEN1 – Access, GEN2 – Design and GEN6 – Infrastructure Provision to Support Development of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network and GA2 – Integrating Developments (Paths and Ways) of the Great Dunmow Neighbourhood Plan (2016); and policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

21. No development shall take place until an updated parking plan has been submitted to the County Planning Authority for review and approval in writing. The plan shall include dimensions for all spaces proposed and define those to be allocated as disabled spaces, those with charging points for electric vehicles and those proposed for motorbikes. The parking area shall subsequently be constructed/laid out as approved. In addition to this, the cycle/scooter parking, bus waiting area and pedestrian/cycle accesses as shown on drawing titled 'Proposed Masterplan Plan', drawing number 1003 (Rev P01), ), dated 08/07/2020 shall for the avoidance of doubt be provided prior to beneficial occupation of any of the buildings hereby approved. The parking and waiting areas and pedestrian accesses shall be permanently retained for the lifetime of the school and shall not be used for any other purpose.

Reason: To provide safe and suitable access for pupils on foot and bike to the school, a suitable level of parking within the school in interest of highway safety and in accordance with policies GEN1 – Access, GEN2 – Design, GEN6 – Infrastructure Provision to Support Development and GEN8 – Vehicle Parking Standards of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, GA1 – Core Footpath and Bridleway Network, GA2 – Integrating Developments (Paths and Ways), HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016); and policies DM1, DM9 and DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22. Provision of cycle/scooter parking shall be reviewed annually, as part of the School Travel Plan, with capacity increased in accordance to need, up to the level required proposed within the submitted Transport Assessment, dated July 2020.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies GEN6 – Infrastructure Provision to Support Development and GEN8 – Vehicle Parking Standards of the Uttlesford District Council Local Plan (2005); policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016); and policies DM1, DM9 and DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting Order), any gates provided adjacent to the highway shall be inward opening only, with any gates at vehicular accesses set a minimum distance of 12 metres back from the edge of the back of footway/cycleway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24. Prior to beneficial occupation of any of the buildings hereby permitted, a schedule of school start and finish times shall be submitted to the County Planning Authority for review and approval in writing. The schedule shall seek to appropriately stagger the primary and secondary elements of the school.

Reason: To limit the impact of the development on the highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

25. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 21.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies GEN3 – Flood Protection and ENV12 – Groundwater Protection of the Uttlesford District Council Local Plan (2005) and policy DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane of the Great Dunmow Neighbourhood Plan (2016).

26. Prior to occupation a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing, by the County Planning Authority. The development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies GEN3 – Flood Protection and ENV12 – Groundwater Protection of the Uttlesford District Council Local Plan (2005) and policy DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane of the Great Dunmow Neighbourhood Plan (2016).



27. During the construction period should contamination, not previously identified, be found to be present at the site, no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources in line with paragraph 170 of the NPPF.

28. Prior to any works commencing on the natural turf playing field hereby approved, a construction specification for the detailed design of the playing field area prepared in accordance with the document titled 'An equivalent quality assessment of the existing and proposed sports pitch provision for Helena Romanes School' (prepared by TGMS, dated 26<sup>th</sup> July 2020, Revision 1, 10th August 2020), which includes a construction programme, shall be submitted to the County Planning Authority for review in consultation with Sport England and subsequently approved in writing. The playing field shall be implemented in accordance with the approved specification.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

29. No development shall commence in respect of the Artificial Grass Pitch hereby permitted until the design specifications of the Artificial Grass Pitch, including details of surfacing, construction cross-section, line marking, lighting and fencing have been submitted to the County Planning Authority for review in consultation with Sport England and subsequently approved in writing. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to comply with policies GEN2 – Design, GEN4 – Good Neighbourliness, GEN5 – Light Pollution, GEN6 – Infrastructure Provision to Support Development, GEN7 – Nature Conservation, ENV8 – Other Landscape Elements of Importance for Nature Conservation and ENV11 – Noise Generators of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016).

30. Use of the artificial grass pitch shall not commence until:
- a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and

b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;  
has been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure the development is fit for purpose, sustainable and provides the proposed sporting benefits.

31. No development of the multi-use games areas shall commence until details of the multi-use games area design specifications including the surfacing, fencing, lighting and line markings have been submitted to the County Planning Authority for review in consultation with Sport England and subsequently approved in writing. The multi-use games area shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to comply with policies GEN2 – Design, GEN4 – Good Neighbourliness, GEN5 – Light Pollution, GEN6 – Infrastructure Provision to Support Development, GEN7 – Nature Conservation, ENV8 – Other Landscape Elements of Importance for Nature Conservation and ENV11 – Noise Generators of the Uttlesford District Council Local Plan (2005) and policies DS3 – TDA: Land South of Stortford Road and Land adjacent to Buttleys Lane, LSC1 – Landscape, Setting and Character, HEI2 – Secondary School Provision and HEI3 – Primary School Provision of the Great Dunmow Neighbourhood Plan (2016).

32. No development shall commence on the natural turf playing field hereby approved until details of the design specification of the cricket practice net system and roll out cricket mat have been submitted to the County Planning Authority for review in consultation with Sport England and subsequently approved in writing. The cricket practice net system shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

33. No development of the sports centre hereby approved shall commence until details of the design and layout of the sports hall including line markings, cricket nets, flooring and lighting specifications have been submitted to the County Planning Authority for review in consultation with Sport England and subsequently approved in writing. The development shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose, sustainable and provides the proposed sporting benefits.

34. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including

proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

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

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

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies GEN2 – Design, GEN4 – Good Neighbourliness, GEN5 – Light Pollution, GEN7 – Nature Conservation, ENV2 – Development Affecting Listed Buildings, ENV8 – Other Landscape Elements of Importance for Nature Conservation, ENV9 – Historic Landscapes and ENV11 – Noise Generators of the Uttlesford District Council Local Plan (2005).

35. Prior to beneficial occupation of the sports centre hereby permitted, a Community Use Agreement prepared in consultation with Sport England shall be submitted to the County Planning Authority for review and approval in writing. The agreement shall apply to the sports hall, activity studio, natural turf playing fields, artificial grass pitch, multi-use games areas, cricket practice nets and supporting ancillary facilities and include details of pricing policy, community use programming, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The provisions covered by the Agreement shall not be used at any time other than in strict compliance with the approved Agreement.

Reason: To secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport.

36. Prior to beneficial occupation of any of the buildings hereby permitted, two School Travel Plans, one for secondary school and one for the primary school including Early Years shall be submitted to the County Planning Authority for review and approval in writing. The Travel Plans shall be in line with prevailing policy and best practice and shall as a minimum include:

- The identification of targets for trip reduction and modal shift;

- The methods employed to meet these targets;
- The mechanisms for monitoring and review;
- The mechanisms and review;
- The penalties to be applied in the event that targets are not met;
- The mechanisms for mitigation;
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter; and
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

Each approved Travel Plan shall have a named co-ordinator and shall be actively implemented, monitored and reviewed throughout the life of the school in consultation with Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

37. No development beyond damp proof membrane shall take place until exact details of the carbon/energy saving measures outlined in the 'Energy Statement' (First Issue) have been submitted to the County Planning Authority for review and approval in writing. Such detail shall include further specification of the heat pumps and also the solar array shown in principle on drawing titled 'Proposed Roof GA Floor Plan', drawing number 2204 (Rev P04), dated 08/07/2020. The development shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of energy efficiency, delivering the carbon savings suggested as part of the proposals and to comply with policy ENV15 – Renewable Energy of the Uttlesford District Council Local Plan (2005).

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 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 County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Dunmow

## 6.0 Ecology and Biodiversity

- 6.1 An assessment of the effects of the Proposed Development on ecology and biodiversity has been undertaken by Hybrid Ecology.

### Baseline

- 6.2 Baseline conditions have been established through ecological surveys including a Preliminary Ecological Assessment, reptile surveys, great crested newt surveys, breeding bird surveys and bat roost climbing inspections, and bat transect surveys have been undertaken at the Site.
- 6.3 These surveys identified that the Site comprises approximately 9 hectares of predominantly arable land with hedgerows along boundaries. The Site is of low ecological value owing to the arable land-use but nevertheless does provide habitat for a range of species some of which are protected including a range of bat species.
- 6.4 There are no designated sites within the Site, however High Wood SSSI is located approximately north west of the Site and Flitch Way Local Wildlife site immediately abuts the southern boundary.
- 6.5 The Proposed Development has been designed to minimise effects of the Development on the Flitch Way and High Wood SSSI.
- 6.6 Ecological mitigation, compensation and enhancement measures are included within the design in accordance with National Planning Policy Framework and the CIEEM guidelines. These include:
- Retaining all mature oak trees;
  - All built development is located in the north east of the Site, away from the designated sites, with the closest buildings located approximately 100m from the boundary with the Flitch Way;
  - Lighting has been designed to ensure no light spill onto the Flitch Way or the western boundary since all buildings are positioned away from this habitat and no lighting is proposed to grass sports pitches in the south of the Site;
  - Landscaped buffer zone along the southern and western boundary including shade-tolerant woodland wildflowers to attract insect activity and thus increase foraging habitat; and
  - The development also includes enhanced habitats to the north, in the form of hedgerow management and new planting, reflected in the landscape plans.

### Construction

- 6.7 There would be a temporary minor adverse effect on habitats as a result of loss of arable land and hedgerow severance to create access to the Site, during construction but this would be mitigated through the proposed habitat creation including tree and hedgerow planting and grassland creation.

- 6.8 The CEMP would manage the construction process to ensuring the effects of noise and vibration and lighting, would be minimised. In addition, this would ensure measures would be in place to protect water quality. As such, the effects on the Blackwater Special Protection Area (SPA), Blackwater Ramsar site and Essex Estuaries Special Area of Conservation (SAC)) would be negligible.
- 6.9 A pre-commencement repeat ecological walkover will ensure that any additional species issues are highlighted and mitigated as appropriate. Updated aerial bat inspections will be undertaken prior to any major tree work.
- 6.10 All wildlife legislation including that protecting nesting birds will be adhered to during all works on site. Enhancement measures will ensure that the development leaves the site in an ecologically more diverse state than before (complying with Paragraph 170(d) of the NPPF), whilst balancing the needs of education.

#### Completed Development

- 6.11 Once completed, as a result of the above inherent mitigation and enhancement no significant direct effects would occur as a result of the Development on the surrounding designated sites or species as a result of the Proposed Development.
- 6.12 With regards to indirect effects, an air quality assessment has been undertaken at High Wood SSSI. This showed that there would be negligible change in air quality as a result of the Proposed Development and the effects on High Wood would therefore be negligible.
- 6.13 In the absence of mitigation there would be a minor adverse effect as a result of increased use, with potential for habitat trampling, and general habitat disturbance. However, this would be mitigated through education at the school in combination with the mitigation measures stipulated in the previous section, such that effects would be anticipated to be negligible.
- 6.14 The proposed drainage strategy proposed would ensure water quality is maintained once operational, resulting in no effect on the blackwater estuary. Further detail is set out in Section 11.

#### Cumulative Effects

- 6.15 The cumulative impacts, alongside the proposed developments to the north, east and west of the Site would lead to an increase in habitat loss. However, there is a commitment to retain and enhance the Flitch Way corridor and prevent development-related pressures on High Wood SSSI.

## 7.0 Transportation and Access

- 7.1 An assessment of the effects of the Proposed Development on Transportation and Access has been prepared by Ardent Consulting Engineers.

### Baseline Conditions

- 7.2 Baseline conditions for the assessment have been established through a variety of sources. Primarily, a review of the local highway network has been undertaken to understand the road hierarchy in the immediate area, the footway and cycleway connections available and location of public transport services. Due to the Covid-19 pandemic traffic surveys were not undertaken. However, suitable up to date traffic data has been derived from reports prepared for the adjacent application (Planning Application UTT//18/2574/OP).
- 7.3 In addition, information has been collated from the existing HRS School in relation to existing travel patterns.
- 7.4 The existing B1256 Stortford Road north of the Site is a single carriageway road with a single footway on the northern side of the B1256, with no footways on the Site side of the road. The traffic surveys suggest that there are some 1,300 two-way vehicle movements in the AM peak hour, and around 1,500 two-way vehicle movements in the PM peak hour on B1256 at the Site frontage.
- 7.5 Accident data review of the local highway network indicates a single accident along the Site frontage within the past 5 years and a further two slight accidents at the Woodside Way / Stortford Road roundabout. No specific accident trend has been identified.
- 7.6 A number of Public Rights of Way (PROW) are found in the vicinity of the Site including the Flitch Way immediately along the southern boundary of the Site. The nearest bus stops are on B1256 Stortford Road to the east of the Woodside Way / Stortford Road roundabout.
- 7.7 In order to reflect future baseline changes, the traffic associated with the three surrounding planned developments has been modelled, along with the associated highway works. In addition, traffic growth has been considered.

### Construction Effects

- 7.8 The results of the assessment indicate that with the implementation of a CEMP there would be a short term minor adverse effect on driver delay. For the remaining construction period effects on driver delay, and pedestrian and cyclists would be negligible.

### Completed Development

- 7.9 Once the Proposed Development is complete the provision of a new signalised pedestrian crossing would improve connectivity to the north, to the new proposed Woodside Way development. A travel plan would be implemented encouraging sustainable travel choices. The increase in traffic would lead to an increase in driver delay of 4 seconds at the junction, considered a negligible effect. Effects on pedestrian and cyclist amenity and delay would be negligible.



**Cumulative Effects**

- 7.10 The assessment presented in Appendix 10.1 has shown that with the cumulative schemes operational all junctions would operate within capacity. Mitigation proposed associated with each of the proposed schemes such as junction improvements and signalised pedestrian crossings would ensure likely cumulative effects on driver delay and stress, severance, pedestrian delay amenity and fear and intimidation would be negligible.

## 8.0 Noise

- 8.1 A noise and vibration assessment has been undertaken by Create Consulting.

### Baseline Conditions

- 8.2 An acoustic baseline survey was undertaken in order to establish the prevailing noise conditions at the Site. climate at the site. The sound levels to which the future students and teachers would be exposed to have been determined from the results of this assessment. The surveys indicated that the main noise source of noise on the Site is traffic noise from the A120 and Stortford Road.
- 8.3 The closest existing noise sensitive properties have been noted as Highwood Farmhouse and Brady's Farm to the West, Round House to the South and Canada Cottages to the north and Folly Farm to the east. In addition, consideration has been given to the future residential properties planned as part of the proposals to the north, east and west of the Site.

### Construction

- 8.4 An assessment of the likely significant effects of construction noise generated by the construction phase of the Development has been carried out. With the implementation of the CEMP, the effects on existing surrounding residents is expected to be a short term minor adverse effect.
- 8.5 As assessment of the likely significant effects of construction generated vibration due to the construction phase of the Development has been carried out and deemed to be negligible following the implementation of the mitigative measures.

### Completed Development

- 8.6 In line with guidelines (Acoustics of Schools: a design guide), the internal sound levels would be suitable for teaching and studying , when acoustic glazing and ventilation has been used. Some localised noise attenuation would potentially be required in external teaching areas such as the all-weather sports pitch located in the north of the Site to ensure guidelines for external teaching spaces are met.
- 8.7 An assessment of the likely significant effects of plant noise generated by the operational Development has been undertaken which has provided guidance on the maximum permissible sound level for any externally mounted or vented plant, inclusive of any special acoustical characteristics. All plant will be installed in line with the local requirements as well as following the guidance of BS 4142 which will result in a negligible effect.
- 8.8 The effects of the traffic noise generated by the operational development would be expected to be negligible. Speed restrictions within the Site would ensure the effects of the car-park and bus interchange on residents to the north of the Site would be negligible.

- 8.9 Other operational noise elements have been considered, including the use of whistles, sports persons shouting and the potential noise emanating from the MUGA area. Some minor adverse effects are anticipated as a result of whistles to a single residential property.

**Cumulative**

- 8.10 An assessment has been made of the construction noise and vibration effects from the Development to the committed developments and existing receptors in close proximity to the site. With the use of the mitigation techniques, the noise and vibration impacts have been shown to be negligible.
- 8.11 The cumulative impact for the Proposed Development and the other committed developments would be negligible and not significant to existing or future residents.

## 9.0 Air Quality

- 9.1 An air quality assessment has been undertaken by Create Consulting. The assessment has included dispersion modelling undertaken using the ADMS-Roads dispersion model (version 4.1.1.0).

### Baseline Conditions

- 9.2 A baseline study was undertaken to determine current air quality in the area. The Site is not within an Air Quality Management Area, (AQMA), the only AQMA within the district is in Saffron Walden, approximately 18km north-west of the Site. The Site is located close to the Stortford Road and A120. However, the current background emission levels for the area are low and well below acceptable levels.

### Construction Effects

- 9.3 An assessment has been undertaken of dust emissions from construction works, as well as the effect of road vehicle exhaust and energy emissions associated with the operational phase of the Proposed Development.
- 9.4 During the construction phase of the Proposed Development there is the potential for air quality impacts as a result of dust emissions from the Site. Assuming good practice dust control measures are implemented, the residual effect from dust is predicted to be negligible.

### Completed Development

- 9.5 The dispersion modelling results for the operational phase indicate that pollutant levels at sensitive locations across the Site would be below the relevant Air Quality Objectives. The location is therefore considered suitable for the proposed use as a school. No mitigation measures are therefore required.
- 9.6 An assessment was undertaken at surrounding sensitive receptors including surrounding residential properties, Great Dunmow Primary School and at ecological receptors including High Wood Site of Special Scientific Interest (SSSI). The assessment indicated that the Proposed Development would have a negligible at all sensitive receptor locations considered and that air quality would remain within the air quality objectives. As such, no significant effects are anticipated on air quality as a result of the Proposed Development during construction or its proposed use. Furthermore, the implementation of a Travel Plan at the proposed school and provision of electric charge points would encourage sustainable travel.

### Cumulative Effects

- 9.7 The future baseline includes traffic associated with the cumulative schemes. The assessment showed that with these schemes in place all receptors would meet air quality objectives. As such the cumulative effect is considered to be negligible.

## 10.0 Landscape and Visual Effects

- 10.1 A Landscape and Visual Assessment has been undertaken by Arborterra Ltd. The assessment has followed Guidelines for landscape and Visual Impact Assessment' 3rd edition 2013.
- 10.2 A baseline study was undertaken to establish existing landscape character and views towards the Site and identify key sensitive receptors. This involved a desktop study to including modelling to determine Zones of Theoretical Visibility and a field study. The field survey was carried out of the Site on the 03 March 2020 and 02 April 2020 when vegetation was not in leaf.

### Baseline Conditions

- 10.3 The Site comprises a large, relatively level rectangular arable field on the western outskirts of Great Dunmow. The field is clearly defined by boundary vegetation. Vegetation is mature along the northern and western boundaries, with early mature planting to the south and young trees on the eastern boundary.
- 10.4 The Site is not within any national designations such as a National Park or Area of Outstanding Natural Beauty.
- 10.5 There are several listed buildings within 2km of the Site including:
- Brady's Barn (1), the building line is 15m to the west;
  - Highwood Farmhouse (2), the buildings line is 35m to the west;
  - Roundhouse (3), the building line is 80m to the south;
  - Folly Farm (6), some buildings are protected, and the farm is located 360m to the east;
  - Minchin's Farm (7), some buildings with the farmstead are protected approximately 625m to the south.
- 10.6 The key landscape receptors are:
- The Site, including the following key aspects:
  - Arable field enclosed by boundary trees and hedgerows;
  - Setting of surrounding designated listed structures; and,
  - The landform / topography.
  - The Uttlesford District Council's landscape area of 'Broxted Farmland Plateau'.
- 10.7 The key visual receptors are:
- Surrounding Settlements and Properties (Shown on Figure 10.1);
  - Users of Public Rights of Way (Shown on Figure 10.2); and
  - Users of Surrounding Roads.

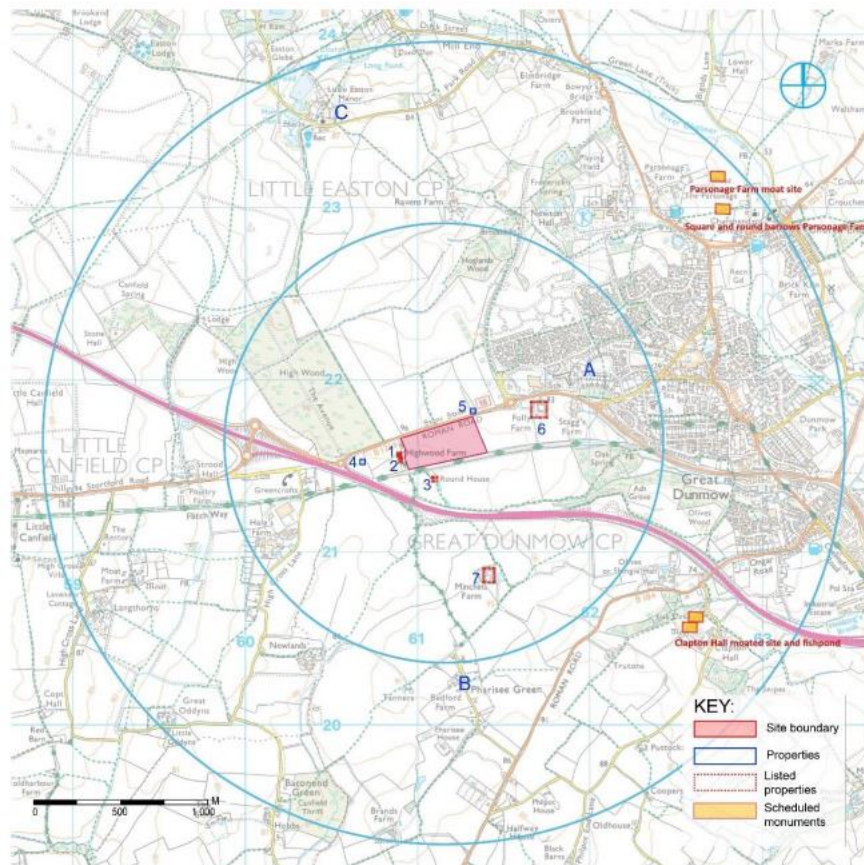


Figure 10.1: Location of properties relevant to the Site. Blue circle shows 1km and 2km from Site boundaries



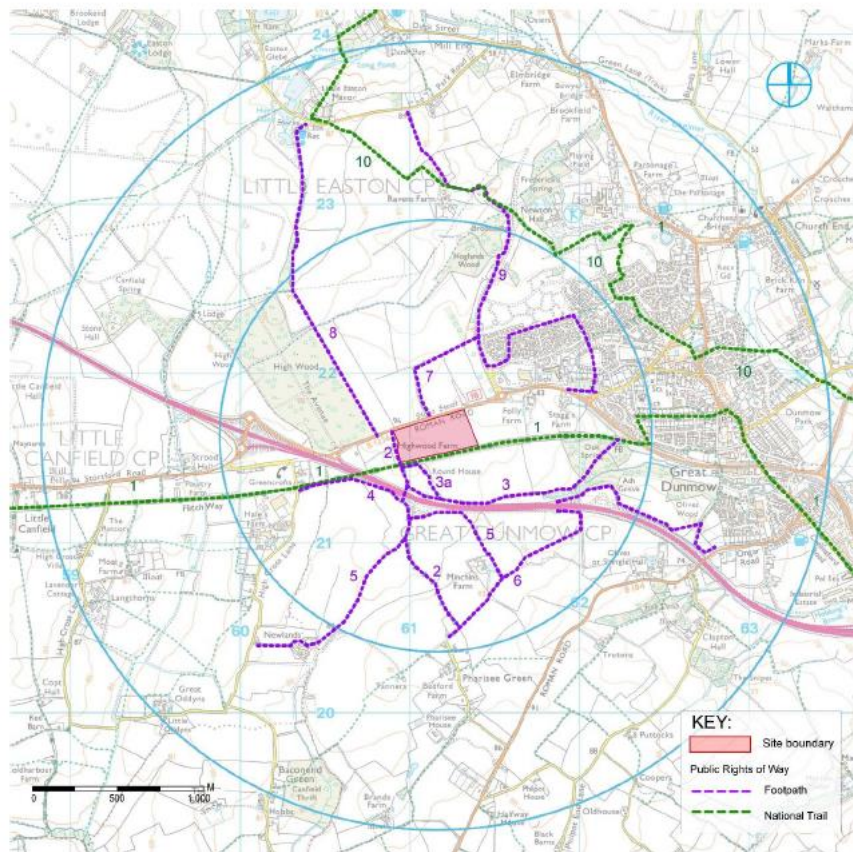


Figure 10.2: Location of footpaths relevant to the Site. Blue circle shows 1km and 2km from Site boundaries

#### Construction Effects

- 10.8 During construction, there would be a change in the character of the Site. However, the effects on the wider 'Broxted Farmland Plateau' landscape character key sensitivities will be negligible. The effect on the Site would be considered temporary and minor adverse.
- 10.9 There would be temporary adverse effects to surrounding properties and users of footpath. The effect would be most significant to Brady's Barn and Canada Cottages and users of surrounding footpaths. This would be temporary and minimised through Site hoarding, such that the effects are not considered significant.

#### Completed Development

- 10.10 The Proposed Development has been designed to retain existing boundary features, trees and hedgerows landform and topography, however there will be a loss of arable field and some open ground. The Proposed Development will bring about more enclosure of the Site and increase hedgerow and tree cover. The sensitivity of 'Broxted Farmland Plateau' landscape character area is not considered to be affected.
- 10.11 Mitigation in the form of boundary planting will reduce the visual effect of the Proposed Development on surrounding properties and footpaths.
- 10.12 Properties to the west, north and east directly adjacent the Site will experience the most visual effect. However, this will be minimised through increasing the tree and hedgerow planting on the Site's boundary.
- 10.13 Walkers are the most affected adjacent the Site on the western boundary, however only briefly and with partial views of the interior of the Site. Views from the wider landscape to the north and south are likely to be brief and glimpsed and within the Site the rooftop only will be visible.
- 10.14 The effects on transport routes is considered to be negligible.

#### Cumulative Effects

- 10.15 The Proposed Development and permitted housing estates will cumulatively change the character of the Site surrounds and extend the settlement edge of Great Dunmow to the west.
- 10.16 The cumulative visual effect will reduce the visual amenity to the few dwellings to the boundaries of the Site and Nos 1 and 2 Canada Cottages (5) will be most notably affected. Other dwellings will not have views of developments in the same view.



## 11.0 Water Resources, Water Quality, and Flood Risk

- 11.1 An assessment of water resources, water quality and flood risk has been undertaken by Ardent Consulting Engineers.
- 11.2 In determining the baseline hydrological conditions at the Site, the collection of baseline information principally comprised a desk top study to review Environment Agency flood mapping together with a review of the phase 1 geo-environmental assessment and intrusive on-site investigations together with a site visit.
- 11.3 A Flood Risk Assessment and drainage strategy have been prepared to support the application.

### Baseline Conditions

- 11.4 The Site is classified by the Environment Agency as being at low risk of flooding from rivers or seas. The Site is not susceptible to pluvial/surface water flooding for the medium-risk (1:100-year event). The Site is also not located within an area at risk of groundwater flooding.

### Construction

- 11.5 During the construction works, there would be effect water quality. However, with the implementation of a Construction Environmental Management Plan, the residual effects on water quality would be considered negligible within the wider catchment, with some short term/temporary minor adverse effects locally.

### Completed Development

- 11.6 A surface water drainage strategy for the Proposed Development has been developed to control surface water runoff to existing rate (with allowance for climate change) and suitable treatment proposed to ensure the effects on flood risk and water quality would be negligible.
- 11.7 The Site does not currently benefit from a potable water supply connection or connection to Anglian Water's foul water sewage infrastructure. Consultation will be undertaken to determine how demand would be met. However, water efficient fittings would be implemented to reduce the use of potable water and minimise foul water discharge.

### Cumulative Effects

- 11.8 As the Proposed Development does not cause additional flood risk to the surrounding area it is considered there are no cumulative effects for this aspect. The cumulative effect of developing the Project Site and surrounding areas will therefore be beneficial.
- 11.9 The cumulative effects on the foul water are similarly considered to be negligible, subject to Anglian Water's responsibility to manage and maintain the public sewer network for the agreed design flows.

## 12.0 Effect Interactions

- 12.1 As set out in Chapter 2: EIA Methodology of the ES two types of cumulative effects have been considered within this ES as follows:
- The effect interactions (sometimes referred to as Type 1 or intra-project), being the combined effects of individual effects for the project, for example noise, airborne dust or traffic effects on a single receptor; and
  - The combined effects of several schemes (sometimes referred to as Type 2 or In-combination effect) which may, on an individual basis be insignificant, but additively, have a significant effect.
- 12.2 Intra-project effects occur when individual residual effects from the Proposed Development (which might be minor on their own) combine to create an overall effect on a particular sensitive receptor.
- 12.3 During construction, there would be some temporary effects on the closest properties along Buttley's Lane and Stortford Road in relation to visual amenity, noise and dust. However, these would be short term and local in nature and therefore considered to be of no more than minor significance. A Construction Environmental Management Plan would be implemented to minimise these effects.
- 12.4 Once complete and operational, these properties may experience some effect interactions in relation to visual amenity and noise. However, with the proposed mitigation in place these effects would not be considered significant.

### 13.0 Effect Interactions

- 13.1 As set out in Chapter 3: EIA Methodology two types of cumulative effects have been considered within the ES as follows:
- The effect interactions, being the combined effects of individual effects for the project, for example noise, dust, visual effects or traffic effects on a single receptor; and
  - The combined effects of several schemes (which may, on an individual basis be insignificant, but cumulatively have a significant effect.
- 13.2 Cumulative effects from surrounding schemes have been considered in each technical chapter.
- 13.3 During construction, there would be some minor adverse temporary effects on local residents and surrounding footpath users in relation to visual amenity, noise, and dust. These would however be short term and local in nature and therefore not considered to be significant. A CEMP would be implemented to minimise these effects.
- 13.4 Once completed, there would be no likelihood for significant in-combination effects.

### 14.0 Residual Effects

- 14.1 The Environmental Statement includes a summary of the proposed mitigation measures and likely residual effects.
- 14.2 During the construction phase, it is anticipated that there would be some temporary local adverse effects on surrounding residential receptors. These would be short-term and would be mitigation through the implementation of a Construction Environmental Management Plan (CEMP) which would be secured by planning condition.
- 14.3 Once operational, adverse effects from the Proposed Development would be limited to localised minor adverse effects on landscape character and visual amenity from a small number of residential properties and local footpaths. The proposed landscape strategy would ensure these effects are mitigated as far as possible such that they would not be significant.
- 14.4 In summary, an Environmental impact Assessment has been undertaken. This has identified that with mitigation in place there would be no 'significant' effects from the Proposed Development

**DR/05/21**

**Report to:** DEVELOPMENT & REGULATION (26 March 2021)

**Proposal:** COUNTY COUNCIL DEVELOPMENT - Demolition of former school buildings and construction of new boundary treatment

**Ref:** CC/BTE/05/21

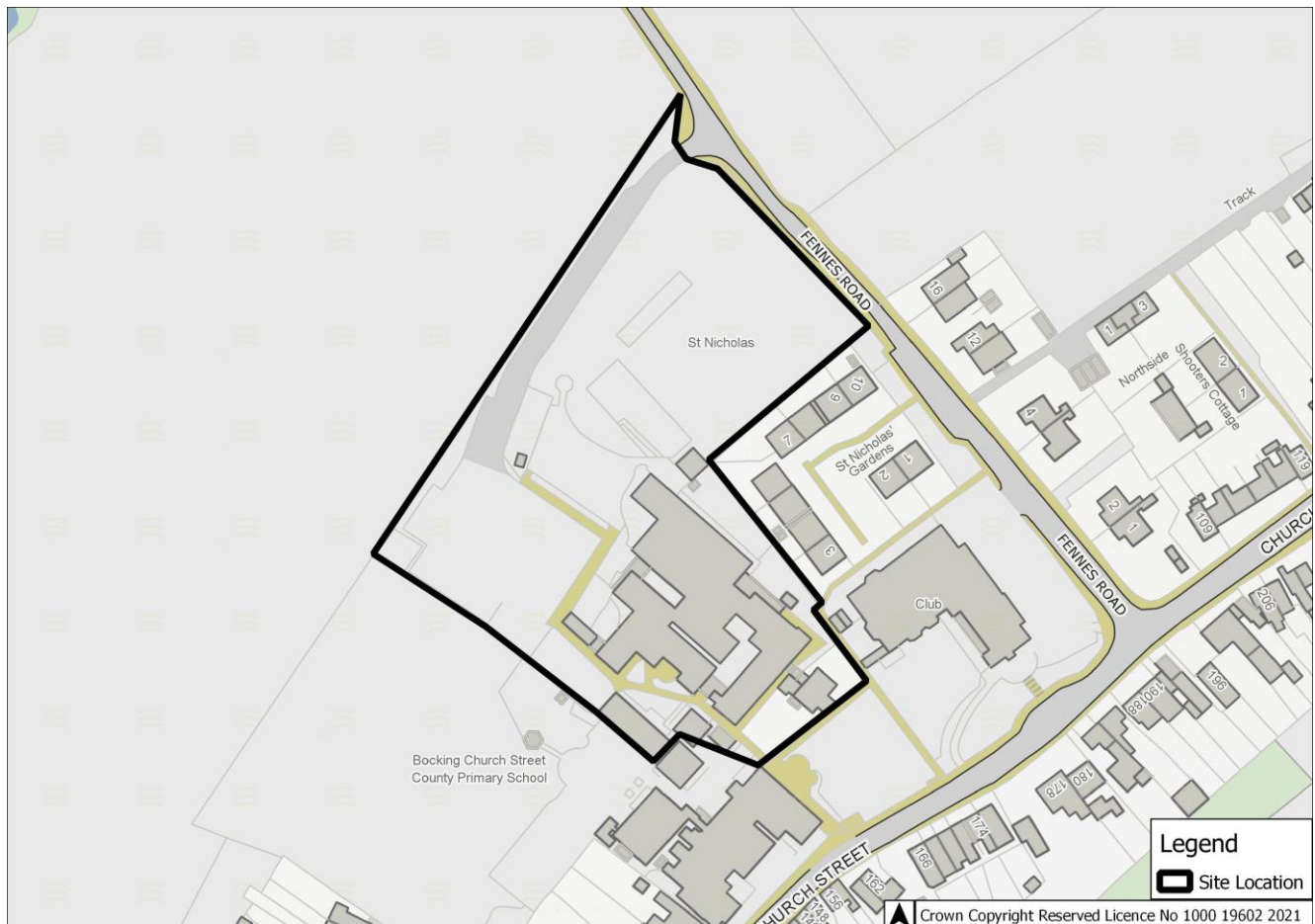
**Applicant:** Essex County Council

**Location:** Former Edith Borthwick School, Church Street, Bocking, Braintree CM7 5LA

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

**Enquiries to:** Rachel Edney Tel: 03330 136815

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



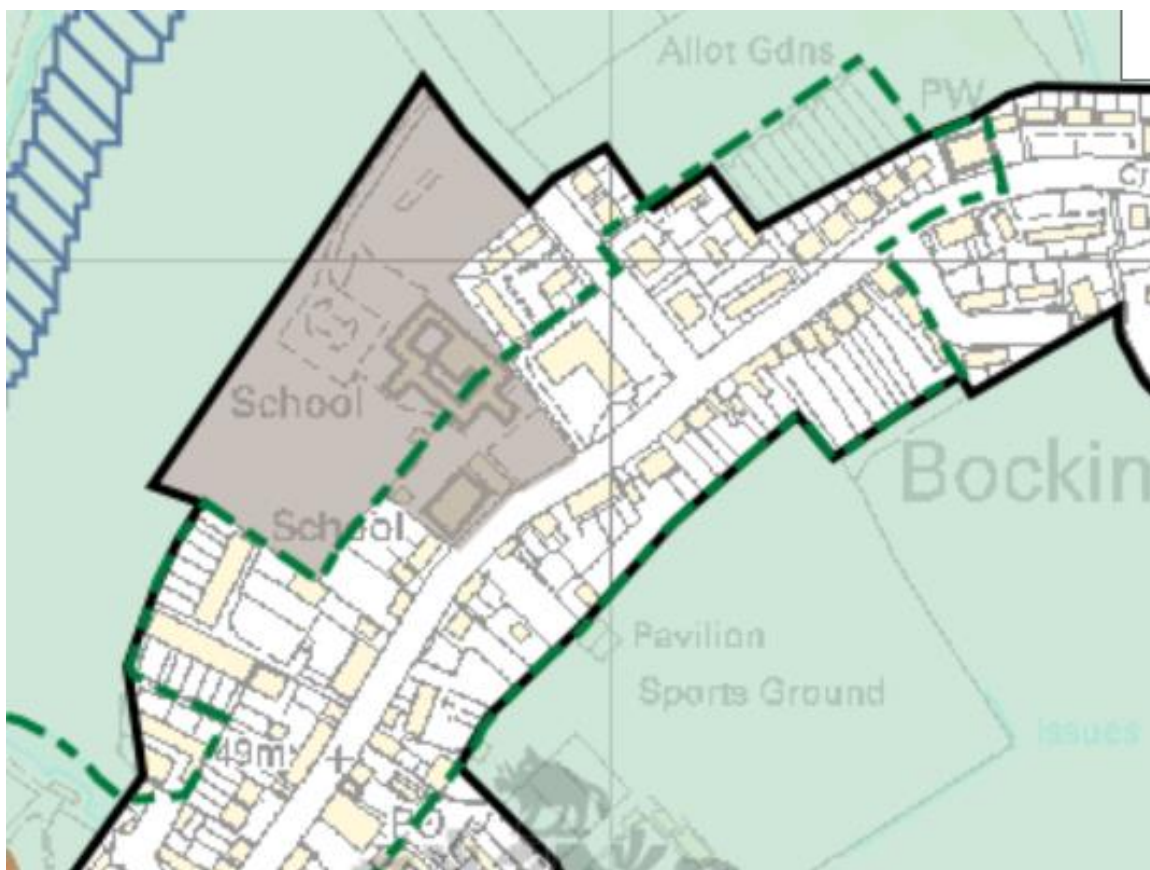
## 1. BACKGROUND AND SITE

The Church Street buildings originally opened in 1976 and provided accommodation for SEN pupils. The school moved to new purpose built premises in Springwood Drive, Braintree in September 2015.

The former Edith Borthwick school buildings are situated on Church Street, Bocking to the north of Braintree. Bocking Church Street Primary School adjoins the southern and western boundaries of the site. To the north west are open fields. Adjoining the eastern of the site is the Bocking United Services Club and residential properties in St Nicholas Gardens and Fennes Road. There are further residential properties to the south and south west in Church Street. Adjacent to the southern boundary is the Church Street playground area.

The former school buildings are located to the southern area of the site. A car parking area, shared with Bocking Church Street Primary School, is to the west of the site with a playing field extending up to the northern boundary.

The south eastern corner of the site lies within the Bocking Church Street Conservation Area (as indicated by the dashed green line).



The existing school buildings on site date from the late 20<sup>th</sup> Century; they are a mix of single and two storey red brick buildings, with shallow pitch roof forms covered in grey slate. Within the wider setting red brick boundary walls and a series of red



brick gable ends are visually dominant within the street scene.

## **2. PROPOSAL**

It is proposed to demolish the former Edith Borthwick school buildings to facilitate the redevelopment of the site with purpose built SEND teaching accommodation.

Part of the school site is located within the Bocking Church Street Conservation Area and the buildings to be demolished exceed 115 cubic metres in volume, hence the requirement for a planning application.

Following demolition of the buildings it is proposed to construct a new boundary treatment to the southern boundary which forms the main façade of the site, fronting the Conservation Area.

The proposed boundary treatment would consist of brick piers with 1.8m high close boarded timber panels.

## **3. POLICIES**

The following policies of the [Braintree Local Plan Review 2005](#), [Core Strategy](#) 2011 and [Braintree District Local Plan 2013-2033 Section 1 February 2021](#) provide the development plan framework for this application. The following policies are of relevance to this application:

### Braintree Local Plan Review 2005

Policy RLP80 – Landscape Features and Habitats  
Policy RLP81 – Trees, Woodlands and Grassland and Hedgerows  
Policy RLP84 – Protected Species  
Policy RLP90 – Layout and Design of Development  
Policy RLP95 – Preservation and Enhancement of Conservation Areas  
Policy RLP96 – Demolition in Conservation Areas  
Policy RLP150 – Education Establishments

### Core Strategy 2011

Policy CS8 – Natural Environment and Biodiversity

### Braintree District Local Plan Section 1

Policy SP7 – Place Shaping Principles

### NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on

to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Braintree Local Plan Review 2005 and Core Strategy September 2011 is considered further in the report.

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

Braintree District Council submitted its Publication Draft Local Plan to the Planning Inspectorate in October 2017. The document is in two parts:

Section 1: Strategic Plan for North Essex – including the Garden Communities.  
(This document is shared with Colchester Borough Council and Tendring District Council)

Section 2: Policies, maps and sites for development, housing, employment, regeneration etc within Braintree District Council.

Section 1 was formally adopted by Braintree District Council on 22 February 2021 and replaces a majority of the strategic policies contained within the Braintree District Core Strategy 2011.

The Braintree District Local Plan Review 2005 and Core Strategy 2001 will both be replaced in full on the formal adoption of Section 2 of the Local Plan.

The Examination in Public for Section 2 is scheduled for July 2021. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

#### Publication Draft Local Plan 2017

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy LPP50 – Built and Historic Environment  
Policy LPP55 – Layout and Design of Development  
Policy LPP56 – Conservation Areas  
Policy LPP57 – Demolition in Conservation Areas  
Policy LPP64 – Educational Establishments  
Policy LPP67 – Natural Environment & Green Infrastructure  
Policy LPP68 – Protected Species, Priority Species and Priority Habitats  
Policy LPP69 – Tree Protection

## **4. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – Objects (reasons set out in the report).

HISTORIC ENGLAND – On the basis of the information available does not wish to offer any comments

HIGHWAY AUTHORITY – No comments to make

PLACE SERVICES (Urban Design) – No objection

PLACE SERVICES (Historic Buildings) – No objection subject to a condition

PLACE SERVICES (Landscape) – No objection

PLACE SERVICES (Arboriculture) – No objection

PLACE SERVICES (Ecology) – No objection subject to conditions

LOCAL MEMBER – BRAINTREE – Bocking – Any comments received will be reported

## **5. REPRESENTATIONS**

22 properties were directly notified of the application. One letter of representation has been received. It relates to planning issues, summarised as follows:



<u>Observation</u>	<u>Comment</u>
Bocking Primary School (part of Attain Academy Partnership) is situated next to the proposed site and has shared access and a shared car park with access road.	Noted
On behalf of the school and Attain Academy Partnership I confirm our support for the demolition of the former school in principle.	Noted
The building has stood empty for over 5 years and has deteriorated significantly in this time. It is a local attraction for drug users and dealers, lead thieves and vandals. Bocking Primary School has been directly impacted by these undesirable visitors.	Noted. See appraisal
We strongly believe that in the long term the area will be improved by the demolition, providing that the impact on our school during the demolition period is carefully considered.	Noted. See appraisal
We have the following concerns:  The site plan accompanying the planning application is not reflective of that in our lease agreement	Noted. The comments have been passed to the applicant
The safety of our staff, pupils, parents and visitors could be compromised by the close proximity of the demolition work to the access path which is the current pedestrian access to the school from the car park. Consideration needs to be given to providing an alternative, safe route into the school if planning is approved.	Noted. See appraisal
Our lease states that we agree to pay 33.33% of car park and access area costs. Will the current access be used by heavy vehicles and machinery to access the demolition site or will alternative access be created Should the shared access and car park be used for access to the demolition site will the	Noted. This is not a material planning consideration. The comments have been passed to the applicant

applicant take full responsibility for the costs of repairs and maintenance during the demolition period.

The landlord's covenant with use refers to 'Quiet Enjoyment'. In reviewing the planning application we ask that consideration should be given to the impact of noise, vibrations and dust during the school day/term time. Noted. See appraisal

## **6. APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Policy Considerations
- C. Impact on Historic Environment
- D. Impact on Natural Environment
- E. Impact on Residential Amenity

### **A PRINCIPLE OF DEVELOPMENT**

The former Edith Borthwick School comprises of a number of buildings which have been unused since the school moved to purpose built premises on Springwood Drive in 2015.

ECC as Education Authority has confirmed that it would not be possible to re-use the existing buildings as teaching accommodation because the current building layout does not meet the needs of the curriculum or standards applied by the Department of Education to provide a conducive learning environment.

The existing buildings are subject to vandalism and anti-social behaviour which has an impact on neighbouring residents and presents safeguarding issues for the adjacent Bocking Church Street Primary School.

It is proposed to demolish all the existing buildings on site to minimise health and safety risks and the opportunity for future vandalism and anti-social behaviour.

The site would remain in the possession of ECC for the redevelopment of the site to provide purpose built SEND teaching accommodation to meet a rising demand in the centre of the county.

A viability scheme is expected to be completed in May 2021, with the design and procurement stage to follow. It is expected that a planning application would be submitted early in 2022.

### **B POLICY CONSIDERATIONS**

The NPPF states that the purpose of the planning system is to contribute to

sustainable development. There are three overarching objectives to the achievement of sustainable development: economic, social and environmental. All are interdependent and should be pursued mutually.

Paragraph 9 of the NPPF states *“these objectives should be delivered through the preparation and implementation of plans and the application of policies in this Framework; they are not the criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

Paragraph 11 of the NPPF states that *“plans and decisions should apply a presumption in favour of sustainable development.”*

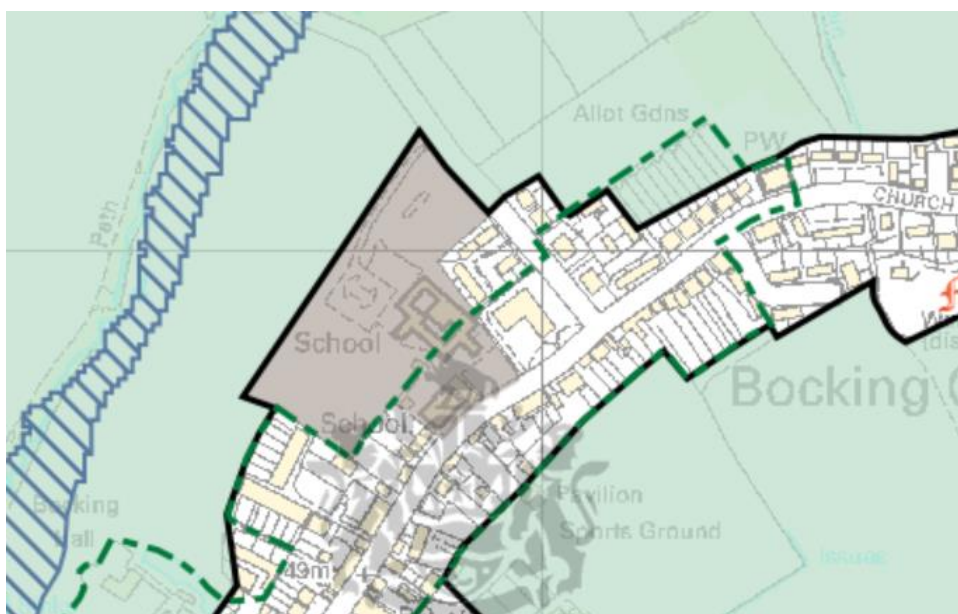
Emerging Policy SP1 (Presumption in Favour of Sustainable Development) states inter alia that *“when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Relating to the economic objective the proposed demolition works would provide employment for a local company.

The development would contribute to the social objective by providing the opportunity for the redevelopment of the site to provide much needed SEND facilities to meet an increased demand in the centre of the county.

The environmental objective will be considered throughout the report.

The former Edith Borthwick site is designated as land for educational use in both the adopted Local Plan and emerging Local Plan.



Extract from Adopted Local Plan Proposals Map. Existing site is indicated by the solid beige area.



Extract from emerging Local Plan. The solid brown area indicates the current Bocking Church Street Site and former Edith Borthwick site

Paragraph 94 of the NPPF states that *“it is important that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- *Work with school promoters, delivery partners and statutory bodies to identify and resolve key issues before applications are submitted.”*

Adopted Policy RLP150 (Education Establishments) states that *“the change of use or redevelopment of educational establishments and their grounds, identified on the Proposals Map, will not be permitted unless:*

- a) *It can clearly be demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use is needed or can be found; or*
- b) *Satisfactory alternative and improved facilities will be provided; or*
- c) *The area of the site to be redeveloped is genuinely in excess of Government guidelines for space standards, taking into account future educational projections. In all cases account will be taken in determining an application for development of any deficiencies in public open space requirements in the area and the contribution the site could make to remedying that deficiency.”*

Emerging Policy LPP64 (Educational Establishments) states inter alia that *“sites*

*proposed or in current educational use are protected on the Proposals Map for that use. The change of use or redevelopment of educational establishments and their grounds will not be permitted unless:*

- a) It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use can be found*
- b) Satisfactory alternative and improved facilities will be provided*
- c) The area of the site to be redeveloped is genuinely in excess of Government guidelines for playing field provision, taking into account future educational projections.”*

Braintree District Council has objected to the demolition of the existing school buildings. It states no information has been provide to justify the demolition of the existing buildings. No structural report or evidence has been submitted to demonstrate the efforts to secure viable alternative uses of the existing buildings.

It has further stated that it is unclear on the future use of the whole site and why the existing structures cannot be retained or utilised for other forms of community uses.

Should planning permission be granted for the demolition of the existing Edith Borthwick buildings, the site would remain within the possession of Essex County Council as Education Authority. It is proposed to redevelop the site to provide purpose built SEND teaching accommodation.

The existing buildings are not of a sufficient standard or layout to meet current curriculum and standards required by the Department of Education and therefore, could not be re-used as teaching accommodation.

It is considered that the proposal would be in accordance with Policy RLP150 and Policy LPP64 as the site would be redeveloped to provide new and additional SEND teaching accommodation to help meet the increased demand in the centre of the county. It is further considered that the future provision of SEND accommodation would be in accordance with the provisions of Paragraph 94 of the NPPF.

## IMPACT ON HISTORIC ENVIRONMENT

Planning permission for relevant demolition within a Conservation Area has replaced the former Conservation Area Consent process.

Planning permission is not required to demolish a building, within a Conservation Area, which does not exceed 115 cubic metres or to take down any wall, gate or fence which is less than 1 metre high where abutting a highway, or less than 2 metres high elsewhere.

As the buildings within the Conservation Area exceed the 115 cubic metre threshold it is necessary to seek planning permission for demolition. None of the buildings to be demolished are Listed Buildings.

Paragraph 189 of the NPPF states that *“in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 198 of the NPPF states that *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”*

Adopted Policy SP7 (Place Shaping Principles) states inter alia that *“all new development should protect and enhance assets of historical and natural value.”*

Adopted Policy RLP95 (Preservation and Enhancement of Conservation Areas) states inter alia that *“The Council will preserve and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas.”*

Adopted Policy RLP96 (Demolition in Conservation Areas) states that *“demolition involving the destruction of (the whole or part of) an unlisted building in a Conservation Area will only be permitted if:*

- a) The structure to be demolished makes no contribution to the character, or appearance, of the conservation area; or*
- b) The building is demonstrably beyond reasonable repair due to its structural condition, and clear evidence of efforts to secure viable alternative uses is available and no other forms of community ownership or preservation is possible; and*
- c) Consent for demolition will only normally be granted in any case where a contract for the redevelopment of the site has been let;*
- d) Redevelopment proposals preserve or enhance the character and appearance of the area.*

Emerging Policy LPP56 (Conservation Areas) states inter alia that *“the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the buildings, open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.”*

Emerging Policy LPP57 (Demolition in Conservation Areas) states that *“demolition of an unlisted building or structure in a Conservation Area will only be granted in the most exceptional circumstances where the following criteria are fully satisfied:*

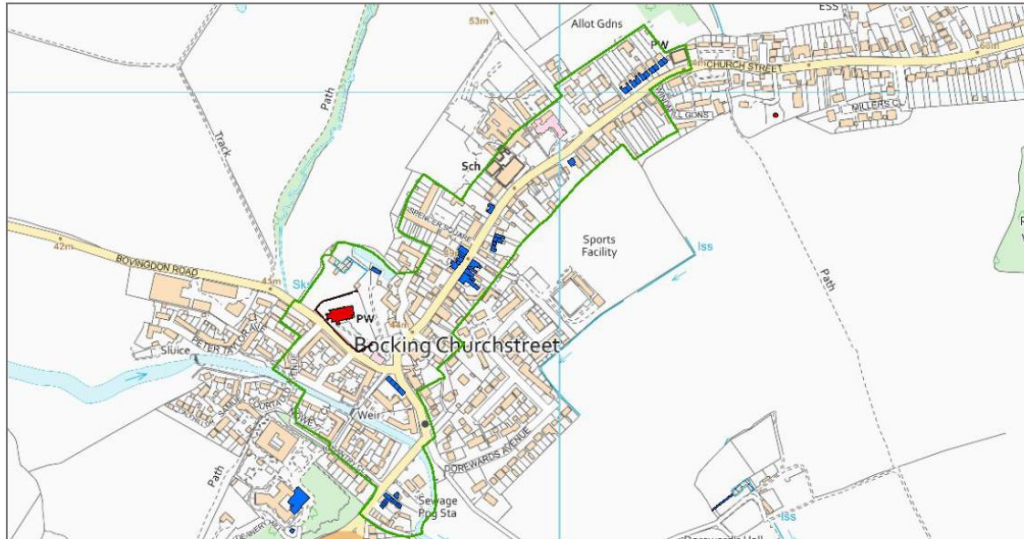
- a) Its removal would not have a negative impact on the street-scene*
- b) The structure to be demolished makes a negative contribution to the character or appearance of the Conservation Area*
- c) Its removal would be beneficial to the local environment or infrastructure*
- d) A detailed redevelopment scheme is included and approved as part of the*



*demolition proposal which would preserve or enhance the character and appearance of the area.”*

A Heritage Statement was submitted as part of the application.

The Bocking Church Street Conservation Area was designated in October 1981. There have not been any alterations or extensions since its designation. (The Conservation Area is shown by the green line).



The application proposes the demolition of all the existing buildings on the former Edith Borthwick site.

The buildings are all modern and have a cohesive appearance; they are a mix of single and two storey, constructed of red brick with shallow pitched roofs covered in slate.

The submitted Assessment states that the existing school straddles the Bocking Church Street Conservation Area. The majority of school buildings are outside of the Conservation Area, with only the front range which runs east-west and the caretakers house located within the Conservation Area. The southern section of the site where a majority of the school buildings are located is considered to affect the setting of the Conservation Area.

In views along Church Street from the south west to north east (looking up the hill), any views of the site are obscured by Bocking Church Street Primary School. The school buildings are single storey and positioned relatively close to the front boundary wall and provide a continuous frontage across the site. This combined with a slightly elevated position compared to the public realm means that no section of the former Edith Borthwick is visible from the public realm to the south west of the site.

In view along Church Street from the north east to south west (looking down the hill), glimpses of the roofs of the front school buildings are visible between the canopies of the trees. There are not any clear, continuous views of the buildings and no views of their elevations.

There are also not any views towards the site from Fennes Road, as the substantial Arts and Crafts style Village Hall (now the village club and restaurant), which lies within the Conservation Area, is visually dominant and its L-shaped plan form obscures the school from the junction of Fennes Road and Church Street. Beyond the Village Hall, on Fennes Road are three terraces of bungalows which are positioned around a central courtyard. Due to their elevated position in comparison to the former school site, none of the school buildings can be viewed.

The only position in which the former school does make some contribution to the appearance of the Conservation Area, is when viewed from Church Street, adjacent to the public play area. The upper level of the caretakers house, the upper level of the first range of school building and a brick chimney stack is apparent.



The view of the buildings is limited by the existing boundary fencing which is shared with the park and several mature trees that are interspersed along the boundary.

The Assessment states that the frontage buildings are considered to have a neutral impact on the character and appearance of the Conservation Area; the materials of the buildings are reflective of the Victorian school buildings of Bocking Church Street Primary School and those within the wider conservation area. The utilitarian nature and its form with the shallow pitch roof forms appears contemporary but the architecture is of insufficient quality to be considered to make a positive addition to the Conservation Area.

The existing vacant and dilapidated condition of the buildings are considered to detract from the character and appearance of the conservation area within the immediate environs and the nature of the site detracts from the character and setting of the existing primary school and park area.

The Assessment concludes that the demolition of the former school buildings



would have a neutral impact on the significance, appearance and street-scene of the Bocking Church Street Conservation Area, whilst having a positive impact on the character of the area through the removal of vacant and derelict buildings adjacent to the existing primary school and public park.

Braintree District Council has objected to the proposed demolition of the existing buildings. It considers that the 2-storey element of the existing building is highly visible from the public vantage point and forms part of the character and appearance of the Conservation Area.

It further considers that the demolition of the buildings would significantly alter the street view from the wider public along Church Street. Without a redevelopment plan or an alternative used, it is unclear how the space would interact with the adjoining community uses.

Place Services (Historic Buildings) has raised no objection to the proposed boundary treatment subject to a condition requiring details and samples to be submitted.

It has no principle objection to the demolition of the existing buildings within the Conservation Area. The loss of the buildings would not adversely impact the character and appearance of the Conservation Area. It is only proposed to demolish the building block closest to the boundary of Church Street playground. There is no information regarding the maintenance of the other vacant buildings, which are also visible from within the Conservation Area. It is acknowledged that they do not sit within the Conservation Area, but they are located on the immediate boundary and have the potential to detract from the Conservation Area's setting. It is recommended the site is cleared of debris and is regularly maintained to prevent it becoming an untidy site within the Conservation Area.

As stated previously all the existing buildings on the former Edith Borthwick site would be demolished and the site cleared of debris.

Although no redevelopment plans have currently been submitted, it is proposed to redevelop the site to provide new and additional SEND accommodation to help meet increasing demand in the centre of the county. A planning application is expected to come forward early in 2022. Demolishing the existing buildings in advance of redevelopment plans coming forward does not prevent the County Planning Authority from securing the highest quality of contextual design and layout which would enhance the character and appearance of the Conservation Area in the future.

The existing buildings are subject to vandalism and anti-social behaviour which has an adverse impact on the neighbouring residents and staff and pupils of Bocking Church Street Primary School.

The existing buildings on site are considered to have a neutral impact on the Conservation Area and very limited views of the site are available from Church Street, owing to established boundary vegetation. It is not considered that there would be a negative impact on the streetscene as a result of the removal. Existing buildings could not be reused as teaching accommodation as the layout and

standard does not meet current curriculum standards or meet DfE standards.

Although a proposed scheme for redevelopment of the site has not been included as part of the proposals, a viability scheme into the provision of SEND accommodation is due to finish in May 2021, to be followed by the design and procurement process. It is expected that a planning application would be submitted early in 2022. Although this is not strictly in accordance with the provisions of adopted Policy RLP96, it is clear that there are plans for the future development of the site. It is also expected that any forthcoming scheme would be of the highest quality of contextual design and layout which would enhance the character and appearance of the Conservation Area in the future.

It is therefore considered that the proposals would be in accordance with Policy RLP 95, RLP96 and Policy SP7 and the provisions of Paragraph 189 and Paragraph 198 of the NPPF.

## IMPACT ON THE NATURAL ENVIRONMENT

Adopted Policy RLP80 (Landscape Features and Habitats) states inter alia that *“proposals for new development will be required to include an assessment of the impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife.”*

Adopted Core Strategy Policy CS8 (Natural Environment and Biodiversity) states inter alia that *“all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.”*

Adopted Policy RLP84 (Protected Species) states inter alia that *“planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation.”*

Emerging Policy LPP67 (Natural Environment and Green Infrastructure) states inter alia that *“development proposals must take available measures to ensure the protection, and where possible, the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District.”*

Emerging Policy LPP68 (Protected Species, Priority Species and Priority Habitat) states inter alia that *“where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.”*

An Ecological Impact Assessment was submitted as part of the application. This identified the need for further bat surveys as the buildings proposed for demolition were considered to provide bat roosts.

Three bat roosts were found within the existing school buildings. The demolition of the existing buildings on site would result in the unavoidable destruction of 3 bat roosts, which constitutes an offence under European and domestic wildlife legislation. A mitigation licence would be required from Natural England to legally permit demolition. The identified bat roosts are of low conservation significance and are therefore considered to be important at site level only.

The EIA identified the need to provide alternative bat roosts during demolition and post-construction. It is recommended that six bat boxes are installed on the alder trees to the east of the car park, on two separate trees. Three boxes should be installed on each tree, above 3 metres and facing east, south east and south west. The tree mounted bat boxes should be either woodstone or woodcrete for longevity.

Place Services (Ecology) has no objection to the proposed scheme. It has commented that the EIA advised that the school buildings support bat roosts consisting of small numbers of common species in a non-breeding capacity. A licence will be required from Natural England to legally permit demolition. Since the roosts are all of low conservation significance a Bat Mitigation Class Licence (BMCL) can be used.

An outline bat mitigation strategy has been included in the EIA which includes the supervising ecologist ensuring that all soft strip activities are undertaken in accordance with the terms of the licence and any bats encountered carefully relocated. It will be necessary to provide alternative roosting habitat for the bats during demolition and post construction and six bat boxes are recommended to be installed on the alder trees to the east of the car park. By adhering to this mitigation strategy, it is agreed that it will be possible to maintain the bat species' favourable conservation status. It is therefore considered that there is sufficient certainty of likely impacts on bats from the demolition of former school buildings and construction of new boundary treatment. It is recommended that a copy of a method statement relating to a registered site under a low impact class licence for bats is secured under a condition of any consent to be provided prior to commencement.

The County's Ecologist considers that is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the submitted ecological document should be secured and implemented in full. This is necessary to conserve protected and Priority Species & Habitats.

Three conditions have been recommended. The first requires the submission of the method statement relating to a registered site under a low impact class licence for bats; the second requiring the proposed development to be carried out in accordance with the recommendations of the EIA and the third for the submission of a wildlife sensitive lighting design scheme.

It is considered that providing the proposed works are undertaken in accordance

with the recommendations of the submitted ecological information and the imposition of the recommended conditions that the proposal would be in accordance with Policy CS8, Policy RLP80, Policy RLP84 and Policy LLP67 and Policy LLP68.

Adopted Policy RLP81 (Trees, Woodlands, Grasslands and Hedgerows) states inter alia that *“the Planning Authority will encourage landowners to retain, maintain and plant locally native trees, woodlands, grassland and hedgerows.”*

Emerging Policy LPP69 (Tree Protection) states inter alia that *“trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is good arboricultural reason for their removal.”*

It is proposed to remove the existing dilapidated boundary fencing to the southern part of the site. New boundary treatment consisting of red brick piers and 1.8m high close board timber fencing would be erected to provide a secure boundary to the site. The proposed brickwork would match existing in the immediate locality.

An Arboricultural Impact Assessment was submitted as part of the application.

It is proposed to remove 4 trees to allow the erection of the new boundary treatment – a low quality leyland cypress and 3 small cherry trees. It is also recommended that 2 further trees are removed due to their unsuitability for retention. A recommendation has also been made with regards to the removal of a poplar tree adjacent to the main school drive due to its hazardous condition. This recommendation is made regardless of whether planning permission is granted.

All other trees and hedgerows on the site are to be retained and protected during the proposed demolition works.

There is a requirement for the removal of foundations within the root protection area of a large cherry tree to be carried out under arboricultural supervision to ensure no damage is caused to the tree. Some minor works to trees on site are recommended.

With regards to the boundary treatment, the independent brick piers are within the root protection areas of several trees. It is recommended that the hole for each brick pier to be hand dug under arboricultural supervision. The foundation for the brick piers should be pin/screw pile. If concrete pads are used, the concrete should be sleeved in impermeable plastic to prevent the alkalinity of concrete scorching the tree roots and raising the soil PH.

A landscaping scheme and landscape management plan have been submitted.

It is proposed to plant 6 new trees in mitigation adjacent to the southern boundary to help improve the visual appearance of the site within the Conservation Area. The new trees would include field maple, silver birch and ornamental cherry. A new 28m strip of hedgerow would also be planted. This would comprise field maple, plum, dog rose, hawthorn and hazel.

Place Services (Arboriculture) has no objection to the proposal.

Place Services (Landscape) has no objection to the proposal.

Braintree District Council has raised no objection in principle to the proposed boundary treatment. However, it has stated that any new or partial boundary treatment is inappropriate prior to confirmation of the future use of the site. A condition has been requested requiring details of the proposed materials for the boundary treatment to be submitted.

Place Services (Historic Buildings) has no objection to the proposed boundary treatment subject to a condition requiring details of the proposed materials to be submitted.

It is considered that subject to the proposed works being carried out in accordance with the submitted assessments and recommended conditions that the proposal would be in compliance with Policy RLP81 and Policy LLP69.

## C IMPACT ON RESIDENTIAL AMENITY

Due to the current COVID pandemic it was not possible to hold a public exhibition. An online event was undertaken between 16 December 2020 – 6 January 2021. The event was publicised by way of a letter drop to neighbouring residents.

The online event gave residents the background to the scheme, explained the policy context and provided details of the proposed demolition and new boundary treatment.

An online questionnaire was provided for visitors to the online event to complete.

Eighty five residents were notified of the online event. Three responses were received; 2 fully supporting the plans and 1 giving general support with some concerns.

Concerns were raised with regards to parking arrangements and asked that due consideration be given to the adjacent Primary School.

The demolition of the buildings was supported with respondents stating that it would be neater and safer. With regards to the proposed boundary treatment respondents considered that it would be in keeping with the area and not too modern.

Adopted Policy RLP90 (Layout and Design of Development) states inter alia that *“planning permission will only be granted where there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.”*

Adopted Policy SP7 (Place Shaping Principles) states inter alia that *“all new development should protect the amenity of existing and future residents with regard to noise, vibration, smell, loss of light, overbearing and overlooking.”*

Emerging Policy LPP55 (Layout and Design of Development) states inter alia that

*“planning permission will be granted where there shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact.”*

The adjacent Bocking Church Street Primary School supports the demolition of the former Edith Borthwick School in principle. It states that the building has stood empty for over 5 years and has deteriorated significantly in that time. It is a local attraction for vandalism and anti-social behaviour which has a direct impact on the school. The school believes that in the long term the area would be improved by the demolition providing the impact on the school during the demolition period is carefully considered.

The school has raised concerns over a current pedestrian access from the shared car parking area to the school and the fact that the safety of staff, pupils, parents and visitors could be compromised by the close proximity of the demolition works.

The school has also raised concerns over shared costs towards the maintenance and repair of the shared access and car park. It is concerned that it would be liable for costs which may be incurred as a result of damage caused by the proposed works.

Although not a material planning consideration a Conditions Survey of the shared access and car park could be undertaken and agreed between the County Council and School prior to the commencement of works.

The school has also asked that consideration be given to the impact of noise, vibration and dust during the school day/term time.

A Demolition Phase Plan and Traffic Management Plan has been submitted as part of the application.

The Demolition Phase Plan acknowledges that the demolition would need to be carefully managed owing to the sensitive location of the Primary School and neighbouring residential properties. It is proposed to commence demolition on the buildings furthest away from the boundary with the Primary School. The external boundary buildings would help to act as a barrier for noise, dust and vibration in addition to the on-site control measures that would be implemented.

Works adjacent to the shared pedestrian access would be undertaken during school holidays or out of school hours, where possible, to reduce the potential impact on the school. Alternatively, a temporary pedestrian access route would be provided following discussion and agreement with the school.

Foundation and slab removal would be undertaken during school holidays to help reduce the potential impact on pupils and staff at the school.

Dust suppression methods would be employed during demolition to reduce the potential impact on the school and neighbouring properties.

Air and noise monitoring stations would be set up in various locations around the site to ensure recommended limits were not exceeded and logged on a daily

basis.

A road sweeper would be in attendance on the site to ensure that the site access and connecting roads were kept free from debris. Wheel washing facilities would be provided on site to ensure no debris was tracked onto the public highway.

Although there would be some disturbance to the adjacent Primary School and neighbouring residents as a result of the demolition work, it would be restricted to a temporary period. The applicant is willing to work with the school and residents to ensure that any potential impacts are reduced as much as possible. The proposed demolition works are expected to take approximately 12 weeks.

Deliveries to the site would be avoided during peak times for the school. Parking for construction vehicles associated with the proposed demolition would be within the existing car parking area for the former school.

The Highway Authority has no comments to make on the application.

Braintree District Council considers that the demolition of the existing buildings would alter the streetscene and impose negative visual impacts to the local residents. Should permission be granted Braintree has recommended that a condition be attached requiring the adjoining footpath to remain open during the demolition period and the submission of a Construction Method Statement.

No representations have been received from neighbouring local residents with regard to the demolition of the existing school buildings.

Whilst it is acknowledged that there is likely to be some disturbance to the adjacent Primary School and residents as a result of the proposed demolition works, it would be restricted to a limited period of time.

It is not considered that the proposed development would have a significant detrimental impact on the existing privacy or residential amenity of the nearest residential properties, subject to the imposition of appropriate conditions and would therefore be in accordance with Policy RLP90, Policy SP7 and Policy LPP55.

## **7. CONCLUSION**

In conclusion, it is considered that there is an identified need for the proposed demolition of the existing buildings of the former Edith Borthwick School. The existing buildings are not of a sufficient standard or layout or standard to meet current curriculum and standards required by the DfE and therefore it is not possible to re-use them as teaching accommodation. The existing buildings are subject to vandalism and anti-social behaviour which impacts on neighbouring residents and the adjacent Primary School.

The site, once cleared, would remain in the possession of Essex County Council as Education Authority. It is proposed to redevelop the site to provide new and additional SEND teaching accommodation to help meet an increasing demand in the county. A planning application for the redevelopment of the site is expected to

be submitted early in 2022. It is considered this would be in accordance with the provisions of Paragraph 94 of the NPPF and Policy RLP50 and Policy LPP64.

The existing buildings are considered to have a neutral impact on the Conservation Area and very limited views of the site are available from Church Street, owing to existing boundary vegetation. The replacement of existing dilapidated boundary fencing with new red brick piers and close boarded timber fencing would help improve the security of the site and visual impact from the wider public realm. This is considered to be in accordance with Policy RLP 95, RLP96 and Policy SP7 and the provisions of Paragraph 189 and Paragraph 198 of the NPPF.

The development proposes ecological enhancements which are considered to be in accordance with Policy RLP84 and Policy LLP68

New landscaping is proposed by way of the planting of 6 trees adjacent to the southern boundary which would help screen views into the site and improve the visual amenity of the area. Together with the provision of new boundary treatment this is considered to be in accordance with Policy RLP80, Policy RLP81 and Policy LPP67.

Although it is acknowledged that there would be some disturbance to the adjacent Primary School and neighbouring residents as a result of the proposed demolition works, it would be restricted to a limited period. It is considered that subject to the imposition of appropriate conditions there would not be undue or unacceptable impacts on the amenity of any nearby residential properties in accordance with Policy RLP90 and Policy LPP55.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a 'sustainable development' for which there is a presumption in favour. This complies with Policy SP1.

## 8. RECOMMENDED

That pursuant to Regulation 13 of the Planning (Listed Building and Conservation Area) Regulations 1990, as amended by the Enterprise and Regulatory Reform Act 2013, this application be referred to the Secretary of State with the recommendation of the County Council that planning permission for demolition of a building in a conservation area be **granted** subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with details of the application reference CC/BTE/05/21 dated 11 January 2021 and validated on 11 January 2021 together with Drawing Numbers:

- 1701/01 – Existing Layout – May 20201



- 1701/02 – Proposed Layout – May 2020
- 1251-01 – Soft Works – March 21

And documents:

- Design & Access Statement – Form Architecture – undated
- Heritage Statement – Katie Dickson Heritage – 13 May 2020
- Planning Statement – Real8 – January 2021
- Statement of Community Involvement – Real8 – January 2021
- Landscape Management Plan – (Ref: 1252) – Arborterra Ltd – 8.3.21

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy RLP80, Policy RLP81, Policy RLP84, Policy RLP90, Policy RLP95, Policy RLP96 and Policy RLP150 of the Braintree Local Plan Review 2005, Policy CS8 of the Braintree Core Strategy 2011, Policy SP7 of the Braintree District Local Plan Section 1 February 2021 and Policy SP1, Policy LPP50, Policy LPP55, Policy LPP56, Policy LPP57, Policy LPP64, Policy LPP67, Policy LPP68 and Policy LPP69 of the Publication Draft Local Plan 2017.*

3. Prior to the erection of the new boundary treatment shown on Drawing 1701/02, details of the proposed materials and colours of the boundary treatment shall be submitted and approved in writing by the County Planning Authority. The details shall include type and colour of brick together with the proposed brick bond. The development shall be implemented in accordance with the approved details.

Reason: *In the interest of the amenity of the local area and to comply with Policy RLP95 of the Braintree Local Plan Review 2005, Policy SP7 of the Braintree District Local Plan Section 1 February 2021 and Policy LLP56 of the Publication Draft Local Plan 2017.*

4. The development hereby permitted shall not be carried out outside the following times:
  - 08:00 hours to 18:00 hours Monday to Friday
  - 08:00 hours to 13:00 hours Saturdays

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

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

5. No fixed lighting shall be erected or installed on site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance

factor and lighting standard applied together with a justification as to why these are considered appropriate.

The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site, detailing the likely spill light from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways.

The details shall identify those area/features on site that are particularly sensitive for bats and those 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, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specification, 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.

Reason: *To minimise the nuisance and disturbances to neighbours and the impact on ecology and to comply with Policy RLP84 and Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 and Policy LPP68 of the Publication Draft Local Plan 2017.*

6. The development hereby permitted shall be carried out in accordance with the Demolition Phase Plan prepared by SRC Group (Ref: SRC/EBS/2899) dated 20 February 2021.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

7. The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SRC Group (Ref: TMP001-00 V1) dated 23 February 2021.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with Policy RLP90 of the Braintree District Local Plan Review 2005 and Policy LPP55 of the Publication Draft Local Plan 2017.*

8. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment prepared by Sharon Hosegood Associated (Ref: SHA-1375 dated March 21).

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy RLP80 of the Braintree District Local Plan Review 2005 and Policy LPP69 of the Publication Draft Local Plan 2017.*

9. Any tree, shrub or hedge forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing 1251-01 – Soft Works dated March 21) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree, hedge or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy RLP80 of the Braintree District Local Plan Review 2005 and Policy LPP67 of the Publication Draft Local Plan 2017.*

10. Prior to the commencement of development the County Planning Authority shall be provided with either:
  - a) A licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
  - b) A method statement supplied by an individual registered to use a Low Impact Class Licence for Bats; or
  - c) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: *To conserve Protected and Priority Species and allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and to comply with Policy RLP84 of the Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.*

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, July 2020) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy RLP84 of the*

12. Within 1 month of the date of this permission a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology Ltd, July 2020) shall be submitted to and approved in writing by the County Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: *To enhance Protected and Priority Species and allow the County Planning Authority to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Policy RLP84 of the Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.*

## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

## **EQUALITIES IMPACT ASSESSMENT**

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

**STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER:** In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE - Bocking

**DR/06/21**

**Report to:** DEVELOPMENT & REGULATION (26 March 2021)

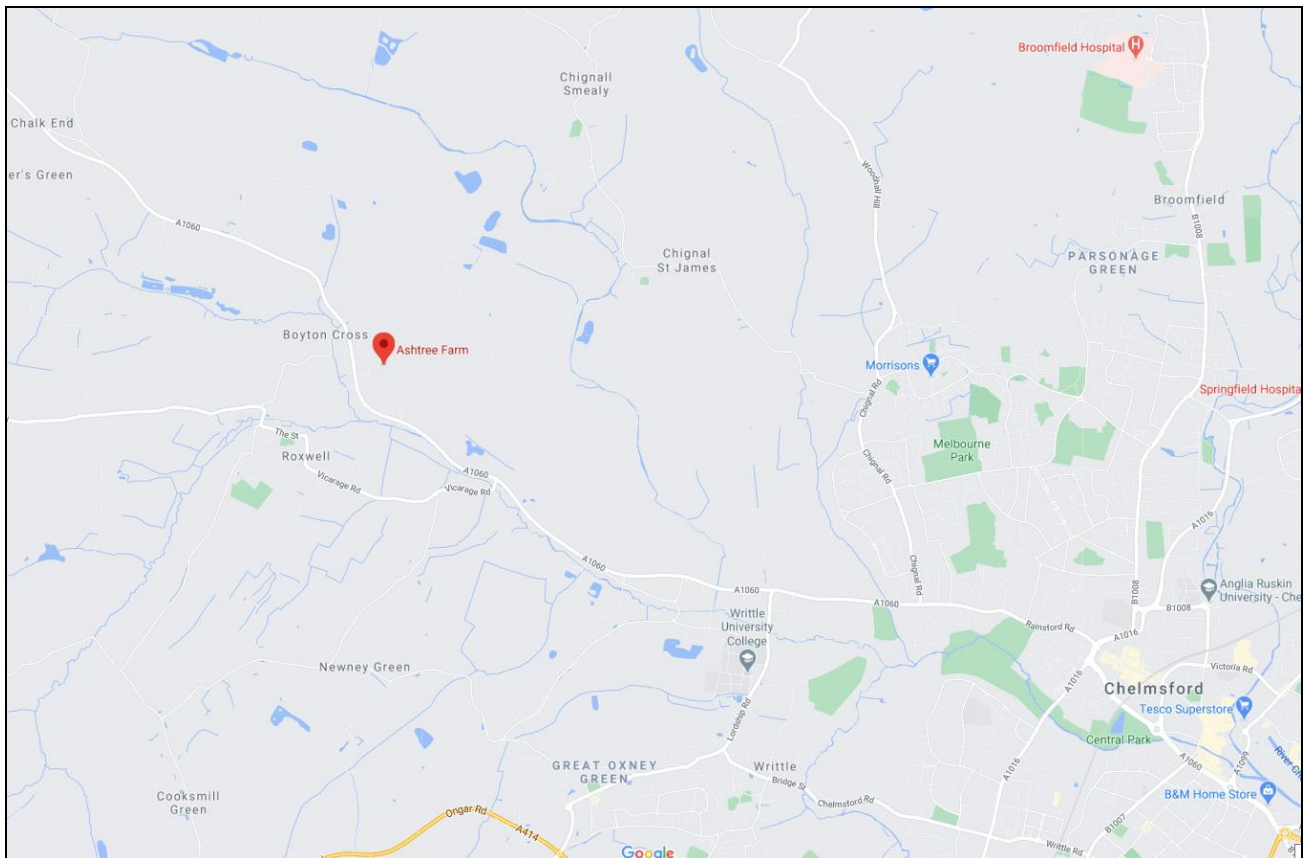
**Proposal:** MINERALS AND WASTE DEVELOPMENT - ENFORCEMENT OF PLANNING CONTROL

Alleged unauthorised material change of use of the land from that of a ground workers contractors yard to a waste management/remediation site (sui generis)

**Location:** Land at Ashtree Farm, Roxwell Road, Boyton Cross, Chelmsford, Essex, CM1 4LP

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

**Enquiries to:** Richard Greaves Tel: 03330 136817



## 1. SITE & PLANNING BACKGROUND

Ashtree Farm is situated within the hamlet of Boyton Cross, approximately 400m north-east of Roxwell village. The site is accessed from the A1060 and is located to the rear of a small industrial estate, with numerous buildings and parcels of land, benefiting from various planning permissions to be used as such.

The use of Ashtree Farm as an industrial estate was established when planning permission for a 'change of use of existing redundant farm buildings to B2 general industrial use plus parking of 6 no. lorries for existing firm already on site' was granted by Chelmsford City Council (CCC) in 1996 (application ref: 95/CHL/0621). The area to which this application related is shown below. However, it should be noted that the application related solely to existing buildings and a condition specifically prevented industrial activities being undertaken in the open.

[illegible]

Extract from the 'Chelmsford Urban Area' policies map which forms part of the Chelmsford Local Plan (2020)



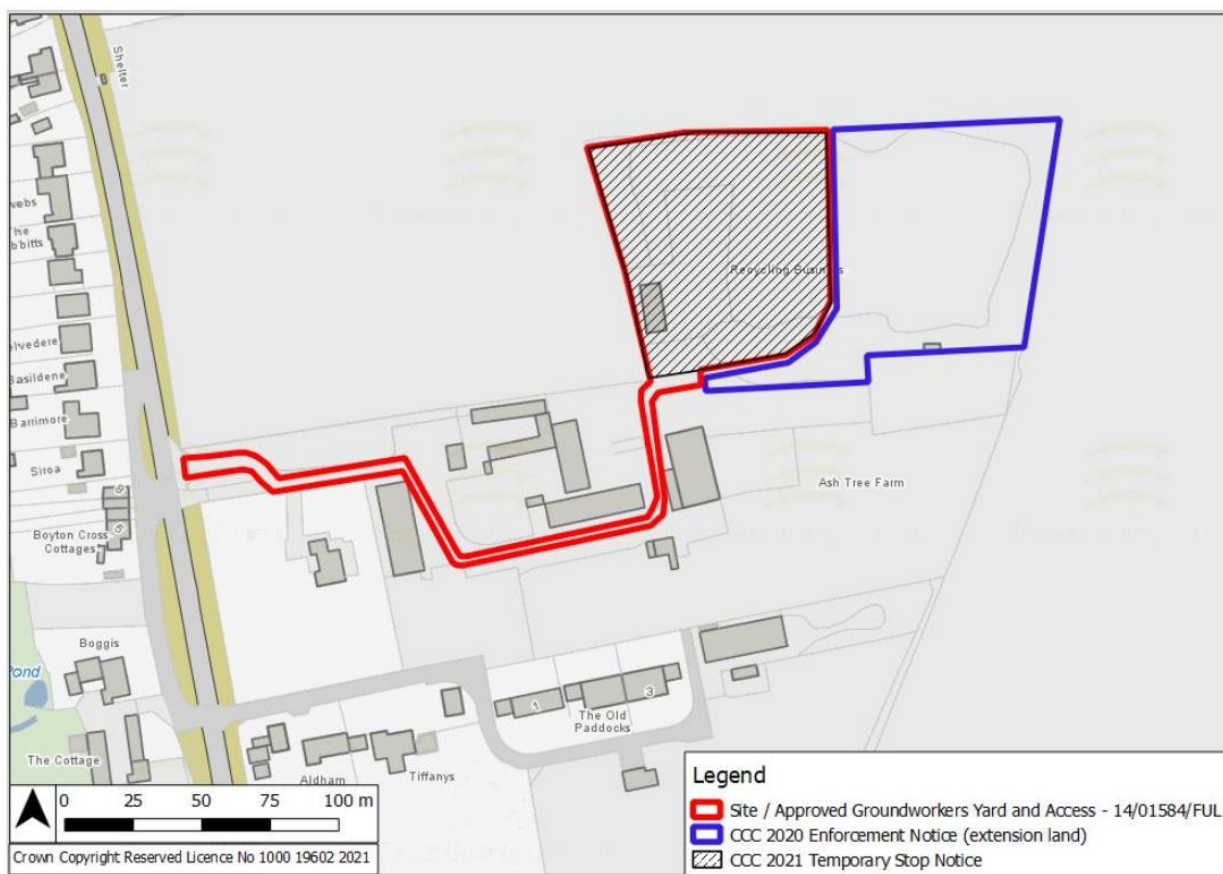
This report relates to the northern part of Ashtree Farm, which did form part of the land covered by application ref: 95/CHL/0621 but, as this area did not contain any buildings, did not benefit from the B2 permission granted by the planning permission granted following that application. A portion of the area does however form part of the Rural Employment Area designation and a separate planning permission for development and use of that portion of the land has, in the interim, been granted by CCC.

As detailed above, this area does benefit from an extant planning permission but the planning history is quite complex with two applications having been refused planning permission by Essex County Council, as Waste Planning Authority (WPA) for a 'waste storage and recycling centre for demolition and construction waste' (refs: ESS/14/12/CHL and ESS/04/13/CHL - see Plan 2 below) before a successful application was made to CCC.

The planning permission which the site benefits from was granted by CCC in 2015 and permits the use of the site as a 'groundworkers' contractors yard' (ref: 14/01584/FUL - land edged red on Plan 1 below). This included the provision of a landscaped earth bund to line the boundaries of the groundworkers' yard. This permission is included at Appendix 1 and shown on the plan below.

#### Plan 1





As background to the application for the ‘groundworkers’ contractors yard’ (ref: 14/01584/FUL) and planning permission granted, it should be noted that, following the refusal of ESS/14/12/CHL, in September 2014 ECC and CCC officers jointly visited the site following complaints about activities occurring on-site.

At that time the occupier was having discussions with CCC and was proposing to submit the application for a “builders yard” (later groundworkers’ yard) on the site. The inspection revealed a significant amount/quantity of ‘waste’ (hardcore, soils and general construction spoil) on site. Although no processing was being carried out at the time of the visit, there was large machinery on site which could have been used in processing. The WPA suggested to the occupier’s agent that the quantities of materials on site suggested that the use at that time appeared to go beyond that of B2 or B8 and it was considered any planning application which might attempt to regularise the use as existing would be a ‘county matter’ and for ECC as WPA to determine.

The occupier’s agent responded confirming he had been instructed to submit an application to CCC to retain the use of the site as a groundworkers’ contractors yard - not as a waste processing facility. The information received by e-mail to ECC officers stated that

*“the company employs 65 people, 55 of whom are engaged daily in laying foundations, drains, car parks, and associated works on development sites in Essex and Cambridge using the company's plant, machinery and vehicles. The remaining 10 people work in the company's office in Chelmsford (not at Ash Tree Farm). The company has four tipper lorries, a site dumper truck, multiple excavators, a site lift truck and numerous other pieces of plant and machinery. The use of the Ash Tree*

*Farm site is for the storage of that plant, machinery and materials associated with the contractors groundworks business. Occasional maintenance of that equipment is also carried out."*

The agent made it clear at this time that the site was intended to be used as a groundworkers' yard – not a waste processing facility - and that an application would be submitted to CCC forthwith.

Following this communication it was agreed between CCC and the WPA that CCC should determine the application. However, the WPA requested to be consulted as it had concerns that any permission should be properly controlled through conditions to ensure that the opportunity/potential did not exist for the site to develop into a generic waste recycling site. The WPA also raised concerns about the subsequent practicability (enforceability) of any conditions and, whilst still uneasy, agreed that CCC should be the determining authority.

The planning application (14/01584/FUL) was thereafter submitted and approved by CCC. ECC (as WPA) was not in fact consulted on the application. The conditions of the permission are at Appendix 1.

The remaining land within north eastern projection of the Ashtree Farm complex, beyond the land which benefits from the planning permission to be used as a groundworkers' yard, is currently subject to ongoing Planning Enforcement action initiated by CCC (shown as a blue line on the above plan). On 20th March 2020 an Enforcement Notice was served by CCC alleging the material change of use of land for the deposit, storage and transfer of waste and other materials. CCC has stated that the use of land is significant, with waste and other materials deposited in a mound nearing 15m in height. This is said to be visible from many public viewpoints and is harmful to the rural character of the area and the environmental quality of the area. It is also said that lorry movements also have an impact on the amenity of the occupiers of nearby residential properties.

The Enforcement Notice was served following an unsuccessful informal agreement between the operator and CCC in which they had agreed terms for the land edged blue to be cleared and remedy the breach.

Prior to CCC serving this Enforcement Notice, CCC did engage with ECC as the WPA with regard to potential enforcement action. ECC officers proactively engaged with CCC during this period. However, the officers of each authority differed as to how the breach, which all acknowledged existed, would be best described as part of any Notice served and which authority in the context of the site's planning history was best placed to lead on any such action. In respect of this, concerns raised by the WPA principally related to the fact that CCC were viewing this as a separate site/use to the existing groundworkers' yard whereas the WPA viewed it as an extension to the existing authorised use. CCC ended communications with the WPA and elected to serve the Enforcement Notice as detailed in the previous paragraph.

An appeal against the Enforcement Notice was lodged with the Planning Inspectorate, although this was purely an appeal against the timeframe for compliance. The Inspector allowed the appeal albeit the timeframe was only extended from 6 to 9 months to remove the material and restore the land. The removal of the material from

this part of the site is likely to lead to additional lorry movements.

On 13 January 2021 an application for residential development across the entire Ashtree Farm complex was refused planning permission by CCC. At the time of writing it is not believed an appeal has been lodged against this decision, although the applicant (landowner) has a period of 6 months to appeal the decision, so an appeal could be lodged before 13 July 2021, with the appeal outcome potentially some considerable time after that.

## **2. PLANNING HISTORY**

Application ref: **95/CHL/0621** – Change of use of existing redundant farm buildings to B2 general industrial use plus parking of 6 no. lorries for existing firm already on site.  
**Approved by CCC 23/01/1996**

Application ref: **ESS/14/12/CHL** - The use of the site as a waste storage and recycling centre for demolition and construction waste. Proposed associated development to include the installation of a weighbridge, office portacabin, various containers and bays for the storage of material, a 2m high perimeter fence and the construction of a new internal access and road. **Refused by ECC 22/05/2012**

Application ref: **ESS/04/13/CHL** - The use of the site as a waste storage and recycling centre for demolition and construction waste. Proposed development to include the installation of a weighbridge, office, various containers and bays for the storage of material, a 2m high perimeter fence and alterations to the internal access road.  
**Refused by ECC 03/04/2013**

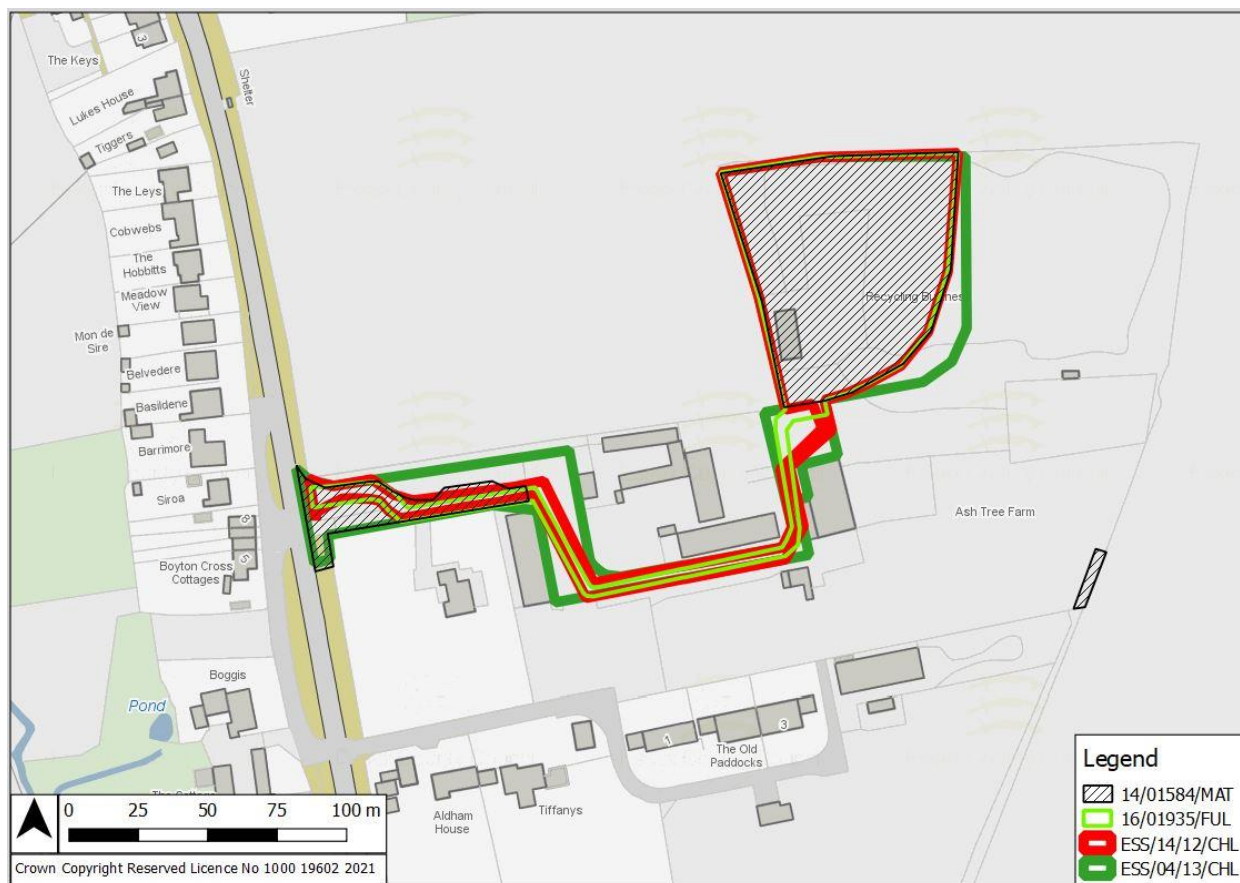
Application ref: **14/01584/FUL** - Retain use of land as groundworkers' contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertake landscaping works. Two metre high chain link fencing.  
**Approved by CCC 05/02/2015**

Application ref: **14/01584/MAT** - Variation of conditions 6 and 8 of planning application 14/01584/FUL to extend the time periods for improvements to the access and details of the landscaping of the development. **Approved by CCC 13/11/2015**

Application ref: **16/01935/FUL** - Retrospective application for demountable office, site security office (caravan), paths, hardstanding, fences, gates and 5 No. floodlights.  
**Approved by CCC 16/01935/FUL**

Application ref: **19/02123/OUT** - Outline application (approval sought for Access). Demolition of all existing workshops and commercial buildings, and the removal of hardstanding. Proposed up to 55 new dwellings, alterations to vehicular and pedestrian access. The formation of new estate roads, public footpaths, parking spaces, private amenity areas and public open spaces with children's play area and drainage infrastructure. **Refused by CCC 13/01/2021**

Plan 2



### 3. BACKGROUND TO CURRENT ENFORCEMENT MATTERS

Since CCC granted planning permission for the groundworkers' yard in 2015, ECC as WPA have been aware that there have been some compliance issues. As noted from the planning history, the planning approval was soon varied to allow additional time to make the required improvements to the access and to install/plant the approved landscaping. In 2017 three Breach of Condition Notices were also issued by CCC relating to condition 2 (no goods vehicles shall enter or leave the site outside the hours of 7am and 6pm Monday to Friday and 6am and 1pm on Saturdays), condition 4 (no industrial activities or processing of materials to take place) and condition 10 (landscaping).

Around this time the use of the site also appears to have started to expand eastwards, with the perimeter bund extended to represent more of a stockpile rather than bund. Soon afterwards a gap was formed in the eastern perimeter bund to facilitate access to the extension area and the now enlarged bund/stockpile began to be used as part of the on-going material (waste) management on site. Discussions did take place with CCC about this activity and whether this in isolation represented a county matter. However, it was suggested that was more appropriate for CCC to lead on any such action, given that, at this time, CCC were content that the use of the permitted area remained within the parameters of the approved groundworkers' yard planning permission it had granted and this was effectively being viewed as an extension of the operations permitted.

The operator subsequently failed to remedy the breach through a negotiated scheme of works they had agreed with CCC, which would have seen the offending material

removed from the site by June 2019.

In October 2019, CCC wrote to the WPA stating that following the failure to remove materials (under the negotiated scheme of works) CCC were considering more formal action. The breach of planning control subsequently suggested by CCC to the WPA was the use of the land for the deposit of waste materials. At this time, significantly, discussions related solely to the 'extension' area and CCC did not considering or allege a material change of the existing yard or an intention to include this as part of any action taken. The WPA agreed with CCC that, even though the unauthorised use was a 'waste' related use, CCC was best placed to take enforcement action. However, concerns about the service of a notice alleging solely "a material change of use of the land for the deposit and storage of waste materials" were raised by the WPA. The WPA considering that any notice served may better allege this area is being used as extension to the approved groundworkers yard and the use approved by this permission. Noting that CCC maintain that the groundworkers' yard/permission granted for this is not a waste use permission. It was hoped, in view of the background to this site, that CCC would enter into proactive discussions with the WPA to ensure these concerns were addressed and matters could be progressed successfully should action be taken.

CCC were not persuaded by the WPA's interpretation and elected to serve a Temporary Stop Notice followed by an Enforcement Notice in March 2020 (as referred to earlier on the land edged blue on Plan 1 above) alleging a material change of use of just the extension land, to use for the deposit and storage of waste materials. The Enforcement Notice served, although alleging a waste use, made no mention to the relevant planning policy in the Waste Local Plan (2017), did not include land or an access route linking the extension land area to the Public Highway and furthermore the requirements which were set out in the Enforcement Notice are completely silent on whether and how the material could be processed to facilitate or assist with its removal.

In October 2020, CCC again wrote to the WPA signalling that it continued to receive a high number of complaints regarding ongoing waste related activities at both the groundworkers' yard and the eastern extension parcel of land, the subject of its March 2020 enforcement action. Observations by CCC officers at that time indicated that that the entire site (inclusive of the area granted permission under 14/01584/MAT and that to the north east, the extension area) was consumed with a high volume of waste and unscreened material, with stockpiles of materials to heights in excess of 8 metres across the site.

It was also observed at that time by CCC that the occupants were using a screener and crusher to process waste on site, with the processed material leaving via HGV traffic.

CCC also confirmed that the Environment Agency had granted an Environmental Permit to the occupants to allow for the treatment of waste to produce soil (ref no. WE3100AA/T002).

CCC suggested that this activity went far beyond that for which planning permission 14/01584/MAT granted use of the land for a contractors (groundworkers') yard. CCC further stated that the activity and sheer quantity of material observed fell beyond the

established planning definition of a ground contractors (groundworkers') yard and it therefore appeared to CCC that a waste transfer station is in full operation and that the case should fall to ECC as WPA to resolve through further investigation and enforcement action.

The WPA responded to CCC stating that it had been clear for a while (since 2017) that both the permitted 'groundworkers' yard land' and eastern extension area had been operated as one site with the north eastern part of the site only being accessible via the groundworkers' yard (via the hole/gap in the bund which had been created).

CCC continued to maintain that a material change of use had taken place, notably providing aerial photographs (from 2016, 2018 and 2020) seeking to show how the site had grown over that time and that ECC had declined to take enforcement action.

The WPA responded to CCC confirming its position has always been that, in reality the site has operated as a 'waste site/use', or more precisely an inert waste transfer facility. This was consistent with the position ECC had taken previously in discussions with CCC when advice had been sought in terms of breaches of the groundworkers' yard permission. It was however a fact that CCC had approved this use or the main principle elements of such a use under the banner of a 'groundworkers' yard'. The WPA reaffirmed it had never declined to take enforcement action, but simply sought to suggest that it would be inappropriate for ECC to enforce a permission or permissions that had been issued by CCC and that it was, in those circumstances, more appropriate for CCC to tackle the breaches which have subsequently resulted.

It is also important to note that at no point prior to October 2020 had CCC sought to suggest that they were of the opinion that the groundworks yard was no longer operating as such.

It is understood that CCC has continued to receive local complaints regarding the site and in view of these mounting complaints from residents and ward members, CCC served a Temporary Stop Notice (TSN) in February 2021 preventing the alleged waste use from continuing (land 'diagonally hatched' on Plan 1 above).

A TSN has no right of appeal and it is usual for a TSN to be followed up with an Enforcement Notice and possibly a Stop Notice if the ongoing alleged breach continues. Prosecution can also ensue. At the time of writing this report it is understood that the company/occupier of the site has not recommenced activities, although there is concern from both CCC and the landowner that the company may gain access to the site and recommence an inert waste recycling operation. The TSN expired on 10 March 2021 and CCC has written again to the WPA requesting that ECC take enforcement action to address the alleged unauthorised change of use, albeit without evidence that activities are continuing on site.

Over time communications between ECC (as WPA) and CCC have been protracted with the essential difference being that whereas CCC considers that a change of use has taken place from a groundworkers' yard to an inert waste recycling facility (sui-generis) and, given the ECC's experience and responsibilities as WPA, it rightfully now falls to ECC to take enforcement action to address the alleged breach of planning control and stop the continued harm to local amenity; the WPA's position is that CCC should be responsible for enforcing the permissions it has issued and any breaches of



conditions that have taken place under the permission for the groundworkers' yard (14/01584/FUL), especially conditions preventing the processing of materials and limiting stockpile heights to no more than 5m. It is also the WPA's position that there has always been ambiguity in the permission issued by CCC for the groundworkers' yard and it is not clear cut that a material change of use, especially relating to the character and intensity of use, has actually taken place when the essential nature of the two operations is compared.

Furthermore, whilst the WPA does not necessarily agree with how the breach/use of the extension area has been described by CCC, and CCC have sought to suggest that they would not be willing to withdraw this, the Enforcement Notice is now 'live' and will hopefully deliver the primary objective, which is removing the material which has been unlawfully deposited on the north eastern parcel of land (the blue land on Plan 1, above).

#### **4. ENFORCEMENT PROTOCOL**

Notwithstanding any disagreement between the WPA and CCC, the WPA has been approached by CCC to reconcile an alleged breach of planning control. As with all such complaints, the WPA must follow the defined procedures of the authority's [Local Enforcement and Site Monitoring Plan](#) (the Plan).

As stated in the [Plan](#), where there are breaches of planning control from unauthorised waste development, the County Council has the discretionary power to take enforcement action as appropriate.

This discretionary power is provided for under the Town and Country Planning Act 1990 and the Act does not impose a general duty to ensure compliance with planning control. Because of the discretionary nature of enforcement, there is a need for procedures to be adopted and followed to ensure that the authority's approach is consistent and accountable when deciding what action should be taken.

Planning breaches are normally not criminal offences and no punishment can usually be imposed. However, failure to comply with a formal notice (such as an enforcement or stop notice) makes the person committing the breach liable to prosecution.

A flow chart outlining the general progression of an enforcement investigation is attached in the [Plan](#) (at Appendix 3) however, in summary the WPA should employ a 3 stage approach, namely:

1. Check whether a breach of planning control has taken place;
2. Take no further action if no breach identified, otherwise if a breach identified consider the harm caused by the breach;
3. Make a judgement whether or not planning permission should be sought to remedy the breach (if the harm caused is limited) otherwise consider taking enforcement action if expedient to do so.

Nonetheless, if it is not immediately expedient to take enforcement action i.e. where the harm being caused is limited, pursuing an agreed course of action will normally be the first step to addressing the situation. Where an operator is willing to comply with the recommendations of the investigating officer and the investigating officer is confident that such recommendations are likely to be implemented swiftly, the need for

formal enforcement action may be avoided.

The alleged breach of planning control should therefore be properly considered in accordance with the WPA's approach to enforcement as set out in its [Local Enforcement and Site Monitoring Plan](#).

## 5. APPRAISAL

In accordance with the procedure set out in the Local Enforcement and Site Monitoring Plan the report considers the complaint using the 3 stage approach, as set out above; has a breach of planning control taken place and, if so, the harm caused by the breach and whether planning permission be sought to remedy the breach.

### A. Has a breach of planning control taken place?

As referred to earlier, ECC, as WPA, has on two occasions in the past considered applications and refused planning permission for a waste recycling use at the site. The main reason for refusal on both occasions was that there would be harm to landscape character and quality and amenity contrary to the (former) Essex and Southend Waste Local Plan (2001). Insufficient information to address highway safety and efficiency concerns was also stated as a reason for refusal for application ESS/14/12/CHL, whilst insufficient information noise and contamination reasons were identified for ESS/04/13/CHL.

Both applications at that time were also considered to be inconsistent with the former Chelmsford Borough Council Core Strategy and Development Control Policies (2008) policies including DC2 (Controlling Development in the Countryside beyond the Metropolitan Green Belt).

As stated, the occupier of the site then chose to submit an application to CCC for the use of the site as the 'groundworkers' yard'. It is important to note that at that time (2014) the planning agent, dealing with application, confirmed that the proposed use did not involve a waste processing use and stated to the WPA (which at the time was concerned that the groundworkers' yard application was an alternative means of getting permission for a waste use from CCC, give the previous ECC refusals):

*"that the business of the proprietor is as a groundworks contractor is, I am given to understand, entirely beyond dispute, and so it would fall to the WPA to argue that the company actually operate some other form of business using their machines, and/or that there is the storage of 'any substance or object the holder discards intends to discard or is required to discard' (i.e. waste) on site. Since the materials that are stored on site are, I am advised, intended to be used in the company's business of groundworks contractor I think that you would have some difficulty in making either case.*

The planning statement submitted with that application described the proposal as being materially different to the previous 'waste processing' applications, but the impacts (landscape and vehicular) would be similar to the 'waste' applications previously refused by ECC, for example;



The application is retrospective and seeks planning permission under section 73A<sup>1</sup> to retain the use presently being undertaken in addition to seeking permission for proposed operational development. It is made in the light of application submissions and consultation

responses concerning two refused applications for a proposed construction and demolition waste recycling centre at the application site made in 2012 and 2013 to Essex County Council (ECC application references ESS/14/12/CHL and ESS/04/13/CHL). Although the current use of the land is as a groundworkers yard is a materially different land use, the planning consequences of the activities undertaken are similar in landscape and vehicular impact terms and so the earlier evidence is relevant to this application.

The previous refused 'waste' application (ESS/04/13/CHL), in respect of vehicle movements stated that it was proposed the site would handle around 22,000 tonnes of waste per annum, with all material being sourced from within Essex. It was anticipated that, at most, 80 tonnes of waste would be delivered to the site daily via four 20 tonne vehicles, so in essence material entering the site would result in 8 vehicle movements.

Some salient sections from the planning statement for the groundworkers' yard application confirm what was proposed to be imported / stored on site, including *"materials used....are often stored on the application land"* and *"this storage can be for a matter of days, weeks and or months"*.

The company bids for contracts for construction/development projects throughout Essex and Cambridgeshire and, where successful, undertakes the 'groundworks' associated with those developments. This typically includes the digging of foundations, the laying of foul and surface water drains, and the formation of kerb lines, roadways, accesses and parking areas, including laying block paving and tarmacadam. The scale of the projects varies but as an illustration the company is presently engaged in groundworks for 100 affordable homes in Harold Hill, 20 affordable homes in Cambridge, 16 houses in Harold Hill and 9 units in Danbury. Locally, the company has undertaken groundworks recently in Chelmsford for the Aldi Supermarket group, a Premier Inn hotel, and the Lookers Ford Dealership.

The company has four lorries (1 x low loader, 2 x 33 tonne tippers and 1 x 10 tonne tipper) a number of excavators, a site dumper truck and site fork lift with telescopic arm, and various other pieces of construction plant and equipment. For most of the year, and with the exception of one, the excavators are on site (i.e. away from the Ash Tree Farm site): they are expensive items of plant and must be kept working as much as possible on contracts in order to 'pay for themselves'. The low loader is used to move heavy plant between sites and when not in use is parked at the application site. A single excavator remains for most of the time at the application site to load the company's lorries with construction materials (see below). Over the Christmas holiday period when sites tend to shut down, most of the company's construction equipment returns to site for security reasons.

Materials used in the company's groundworks/construction activities are also often stored on the application land. This can be for a number of reasons. There are often delays in progressing developments such that the ordered aggregate, sand, soil, pipes, inspection chambers etc. cannot be used at the time of delivery or stored at the development site and therefore need to be stored elsewhere until room is available or until it is needed on site. In other circumstances, materials are ordered in bulk to cover a number of sites and to take advantage of discounted purchase rates. On occasion, there are materials left over from one contract and these are stored on the land until needed in relation to another job. This storage can be for a matter of days, weeks and or months, and a single excavator is retained on the application site to load company lorries as described above.

I have discussed the use of an aggregate crusher with the applicant recently. I am advised that on only two occasions a crusher has been used at the site to reduce the particle size of aggregate. A crusher is not retained on the site and permission is not sought for one to be stored or used here. If the LPA consider it necessary a planning condition that prohibits the use of such on the application site can be imposed.

Whilst the word 'waste' has not been mentioned, it is apparent that undefined 'materials' were planned to be delivered to and deposited at the site.

The permission for the groundworkers' yard (14/01584/FUL) approved by CCC within the description of development details 'storage of plant, materials and machinery'. The conditions attached to the permission issued by CCC (Appendix 1) restrict the processing of materials and limit stockpile heights at 5m above datum. Historically when there have been breaches of these conditions CCC have pursued action; the three Breach of Condition Notices issued in 2017 for example.

Additionally, there is no reference within that planning permission specifically restricting 'activities that would be associated with a waste transfer station'. The conditions are completely silent on the type of plant, materials and/or machinery which can be stored on-site – albeit the approved plans do provide some detail as part of the annotations. The WPA would have been able to provide advice on suitable conditions for CCC's use had it been consulted at the time, as it had requested.

By reference to a 'groundworkers' yard' and taking into account the information submitted with the planning application, stockpiles of soil, hardcore and general construction, demolition and excavation waste (from groundworks) do seem to be allowed on site as they would seemingly fall under the banner of 'materials'. No restrictions have been imposed preventing waste from entering and being stored at the site, although the 'processing' of material is prevented through condition.

By the very nature of the activities described in the application, it is clear that the company always intended to deliver 'materials' to the site derived from the company's foundation and construction works off-site and could have been anticipated to do so.

Such foundation and construction works involve digging ground/soils/materials from land and removing them so foundations can be installed or construction work commenced. Such materials are generally categorised as 'inert waste' – or rather construction, demolition and excavation waste (CDE waste). It could be rationally argued that the groundworker's yard was always intended to be the recipient of waste as part of the proposals. CCC didn't seek to investigate or clarify the very nature of such 'materials' when the application was being considered by them. ECC, as WPA, was not consulted, so was not able to advise on this point either.

Although hours of operation are controlled, the planning permission does not restrict the type and number of HGVs delivering and removing material from the site.

CCC and the WPA views continue to differ on this case. CCC has stated that it is implausible that planning permission 14/01584/MAT continues to be lawfully exercised and remains of the view that a material change of use of the land from that of a ground workers contractors yard to a waste management/remediation site (sui generis), appears to have occurred since 2019. The evidence CCC has, both in terms of activities taking place on the site (including the magnitude of such) and witness statement evidence by the occupier of the site (which is understood to have been filed in connection with an alleged trespass claim) points to a use which is different in character. The witness statement states that the company's business is waste management, specifically the collection, recycling and re-selling of inert construction waste, such as soil, rubble, and concrete.

The same witness statement nevertheless suggests that from 2011 to 2019 the yard was occupied, albeit by a company with a different name, for the same purposes.

CCC claim that the nature of the occupier's business has however changed and this points to a change in use. Nonetheless, it is important to refer to the planning permission which is in place to understand whether a change in use has occurred, especially taking the character intensity of use into account.

The planning permission issued by CCC prevents the processing of 'materials' (see Appendix 1 Condition 2) but not the delivery, storage and export of such. As alluded to, there is no distinction made in the permission between 'materials' and 'waste'. It is perfectly reasonable to assume, because there is no restriction, they are one of the same – i.e. 'materials' can be 'waste materials'. The importation and storage of 'waste' materials has, accordingly, not been restricted by the permission.

CCC has stated that the groundworker's yard is a B8 (storage and distribution use), however, the development granted permission by them is to "*Retain use of land as groundworkers' contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertake landscaping works. Two metre high chain link fencing.*" This description clearly permits more to take place on site than just 'storage and distribution'. The permission allows development to take place as described.

Photographic evidence, including aerial photographic evidence, has been supplied to the WPA by CCC seeking to demonstrate how the use of the site has increased and become more intensive over the recent years. Officers of the WPA have continued to

visit the site on a regular basis, sometimes accompanied by CCC officers, as well as officers of the Environment Agency.

CCC has argued that there has over time been much more (inert) waste deposited at the site and that screening (processing) is now regularly taking place that a material change of use has taken place.

Notwithstanding that CCC has the power to take enforcement action for a 'county matter'<sup>1</sup>, in this case to address an alleged unauthorised 'waste use', CCC is reluctant to do so; the reason being that ECC as the WPA is the competent authority to do so. Once the 2021 Temporary Stop Notice (TSN) expired, although it is currently not believed the 'waste' use have recommended, CCC has publicly announced that it is now for ECC as WPA to resolve the case through taking enforcement action and that CCC considers expedient for ECC to do so.

Clearly the test of expediency is one for each authority to make for itself, and the WPA on the other hand, continues to have concerns about the ambiguity and lack of clarity of the groundworkers' permission granted by CCC and, whilst it appreciates that harm is being caused locally, especially from HGV movements, there is nothing in the permission that restricts or prevents the importation and storage of (inert waste) materials delivered and removed from the site by any number of HGVs.

The WPA has previously stated to CCC that it has no reason to believe a waste-related use is not taking place at the site. This is important to note. Whilst CCC argue a change of use is taking place that is causing harm and does not benefit from planning permission, the WPA has to date not chosen to take any action because of the ambiguity of the groundworker's yard permission and the lack of control within its conditions. It could, for example, be rightfully argued that the differences between what is permitted and what has taken place on site is largely a matter of (very limited) fact and degree.

Without prejudice to CCC's position, this leaves the WPA in a difficult position. Whilst various statements were issued by the planning agent when the application was put forward, materials (of no defined description) were always proposed to be delivered to, stored at and exported from the site. Furthermore, the WPA is not convinced that the use of machinery and the processing of material in the context of the extant planning permission does give rise to a material change of use and/or is most appropriately remedied under this banner. Nonetheless, if the WPA was to conclude that a breach of planning control or material change of use has taken place, the harm caused by the breach and whether planning permission should be sought to remedy the breach still needs to be considered by the WPA and this analysis, on an assumptive basis is carried out next.

#### THE HARM CAUSED BY THE BREACH AND WHETHER PLANNING PERMISSION BE SOUGHT TO REMEDY THE BREACH

If the WPA agreed with CCC, and accepted that it was expedient to take enforcement action, then, as set out in the [Local Enforcement and Site Monitoring Plan](#):

*"It is not an offence to carry out development without first obtaining any planning*

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<sup>1</sup> Town and Country Planning Act 1990, Schedule 1, para 11, subject to the relevant sub-sections

*permission required for it. Where the assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, a retrospective planning application should be submitted (together with the appropriate application fee). It may also be appropriate to consider whether any other body (eg the highway, local planning, environmental health authority or Environment Agency) is better able to take remedial action.*

*While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice will not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances, a planning contravention notice (under S171C of the Town and Country Planning Act 1990) will be considered to establish what has taken place on the land and persuade the owner or occupier to seek permission for it, if permission is required. The owner or occupier of the land may be told that, without a specific planning permission, they may be at a disadvantage if they subsequently wish to dispose of their interest in the land and has no evidence of any permission having been granted for development comprising an important part of the land use or value."*

What is also pertinent to the case is that the development plan for the area has changed since the groundworker's yard was granted permission in 2015 and the waste applications refused (2012/13). CCC adopted a new Local Plan in 2020 and this plan has allocated the Ashtree Farm complex inclusive of the permitted groundworkers' yard, but not the eastern extension area, as a 'Rural Employment Site' (the land previously being Countryside Land).

As stated in the CCC report accompanying the recent (refused) residential application for the site, *Policy DM4 of the Chelmsford Local Plan states that, within Rural Employment Areas the Council will seek to provide and retain Class B uses or other 'sui generis' uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes.*

*The employment site at Ash Tree Farm is sizeable and well established. It offers an affordable and accessible employment opportunity to businesses and this is vital in supporting the Chelmsford economy.*

Furthermore, a more recent version of the Essex and Southend Waste Local Plan was adopted in 2017 and Policy 6 states, inter-alia, that proposals for new open waste management facilities should be located at or in 'employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8)'.

Whilst any planning application for a waste use on the site would be determined on its own merits and in accordance with other policies of the development plan, without prejudice, the employment allocation in CCC's new Local Plan, as well as Policy 6 in the current Waste Local Plan, would suggest that a refusal of planning permission for an 'inert waste recycling facility' on the permitted groundworkers' yard is now not a forgone conclusion. Indeed, such policies now add weight to waste management uses being sited in such locations.

To further add weight to the case that planning permission could potentially be granted

to a waste-related use on site, in 2018 ECC as WPA was asked to provide 'pre-application advice for the *"Part change of use of the existing groundworkers' yard to permit ancillary waste treatment involving the treatment of construction and demolition waste to produce soils, soil substitutes and aggregates. Together with the construction of a noise bund up to 5m high alongside the western perimeter of the site and a noise bund up to 5m surrounding the proposed location of crusher plant"*

The advice was an officer opinion only<sup>2</sup>. It concluded:

*This site has previously been resisted by the WPA for a waste use. It is however accepted that since then the permission granted by CCC for a groundworkers' yard and the proposed designation within the Chelmsford Local Plan (CLP) has to some degree changed the circumstances and reasons why previously the use was deemed inappropriate.*

*That said, this is still not an allocated waste site and it does not form one of the areas of search so policy wise the burden lies with you (the applicant) to demonstrate why this site is coming forward, irrespective of need.*

*Concerns do exist about elements of the proposal (particularly from a landscape and amenity perspective) however as only limited details have been provided it is not necessarily considered that these are insurmountable. That said, for any such application to demonstrate policy compliance, it would be expected that evidence would be provided to show that, whilst more operations would take place on-site, the existing landscape character and quality could be maintained and, overall, there would actually be betterment to local amenity and attractiveness of the employment area designation.*

No planning application has been submitted to the WPA date, however, if enforcement action was to be taken by ECC, there would need to be a realistic case that planning permission would not be granted for the alleged unauthorised use. Any enforcement notice, for example, must reference the relevant development plan policies which the unauthorised development fails to comply with. It is not clear, therefore, that enforcement action would be capable of being reasonably commenced and defended at appeal, especially if a 'ground a' appeal is lodged – i.e. that planning permission should be granted for the unauthorised development alleged in an enforcement notice. Whilst not certain, it is the WPA's view that any such appeal could have a reasonable amount of success.

Finally, whilst strictly not of direct relevance, further complication to the case arises as the landowner still has time to appeal CCC's recent refusal of planning permission for residential development at the site. Whilst it is not known whether an appeal will be lodged, enforcement action could be material to the outcome of any appeal for the housing proposal.

## CONCLUSION

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<sup>2</sup> As stated in the advice issued "Council officers, with requests for pre-application discussions, endeavour to provide proactive advice. However, it should be recognised that all planning applications are subject to formal consultation, to enable third parties and statutory consultees to make representations. This process may introduce new material considerations and therefore the right to alter any opinions expressed within this letter, should such material issues come to light, is reserved. Furthermore, any advice given is that of the named officer and does not bind the Council in determining any subsequent planning application that may be submitted"

As required by the ECC's [Local Enforcement and Site Monitoring Plan](#):

*“The investigating officer will make a judgement as to whether it is expedient to take formal enforcement action taking account, in particular, whether the development unacceptably affects public amenity or the existing use of land and it is in the public interest to do so. The taking of enforcement action is discretionary and the local authority may choose to take no action. A recommendation will be made that enforcement action is taken, primarily based on the conflict with planning policy and the harm being caused. Formal enforcement action, in certain circumstances, may well be the only effective way in which to remedy the breach of planning control.”*

Given the ambiguity of the groundworkers' yard planning permission – i.e. that it is not clear that a change of use has actually taken place at the site and the position that development plan policy may now be generally supportive in principle of such development, it is not considered expedient that ECC as WPA takes enforcement action to remedy the alleged breach of planning control. This position is especially relevant given that CCC has suggested ECC could serve a 'Stop Notice'. A Stop Notice<sup>3</sup> (not a Temporary Stop Notice) is capable of appeal as it must accompany an Enforcement Notice and if such a notice was quashed on appeal, ECC would be at risk of paying significant financial compensation.

Whilst it is appreciated that harm is being caused in the locality, especially from HGVs using the site, it is clear from the planning background and permission already issued by CCC that potentially limitless 'materials'<sup>4</sup> were always intended to be imported and removed by HGV. In turn, this does not indicate that the character or intensity has changed to a degree to indicate that a material change of use has taken place.

If 'waste processing' takes place at the site, then CCC has the ability to serve a Breach of Condition Notice to address any harm caused by such an activity. It is not clear why CCC has not taken such action already. Additionally, should stockpile heights exceed 5m, then again CCC has the authority and ability to enforce the planning permission it granted.

The one caveat to the above, is that in this instance the WPA are not necessarily immediately likely to take enforcement action (as the site is not currently active). The WPA also has reservations about the live Enforcement Notice served by CCC which covers the extension area (blue land on Plan 1 above); and, should it be that the WPA considers it appropriate to use its own powers in relation to activities on the site, it may be that the WPA may need to request that CCC withdraw this notice to allow the WPA to appropriately re-issue a more suitable notice, covering a larger planning unit (both the red and blue land in Plan 1 above).

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<sup>3</sup> A stop notice must be issued either with or before the enforcement notice comes into effect. A stop notice cannot be issued without an enforcement notice being issued. The service of a stop notice will take place where the local planning authority considers it expedient to stop an activity before the associated enforcement notice comes into effect. A stop notice would not normally come into effect until 3 days after service unless special considerations are attached indicating that it should come into effect earlier. There is no right of appeal against a stop notice. An appeal against an enforcement notice will hold the requirements of the enforcement notice in abeyance, but the requirements of the stop notice to cease a particular activity remain effective. As a stop notice prevents an activity from continuing, there is a right to claim compensation against the local planning authority if the notice has not been served properly.

<sup>4</sup> Albeit stockpiled no more than 5m

Finally, ECC, as WPA, has remained constructive throughout its conversations with CCC and has always offered to assist and advise where possible. This position has not changed. Officers of the WPA will continue to assist CCC where appropriate.

## **6. RECOMMENDED**

That:

1. Without prejudice to Chelmsford City Council's role as local planning authority, it is not considered expedient for Essex County Council, as Waste Planning Authority, to take enforcement action to remedy any harm being caused by the alleged unauthorised waste use.
2. That the committee continues to be updated should the position change.

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## **BACKGROUND INFORMATION**

1. Planning Application ESS/14/12/CHL - The use of the site as a waste storage and recycling centre for demolition and construction waste. Proposed associated development to include the installation of a weighbridge, office portacabin, various containers and bays for the storage of material, a 2m high perimeter fence and the construction of a new internal access and road.
2. Application ref: ESS/04/13/CHL - The use of the site as a waste storage and recycling centre for demolition and construction waste. Proposed development to include the installation of a weighbridge, office, various containers and bays for the storage of material, a 2m high perimeter fence and alterations to the internal access road.
3. Planning permission ref: 14/01584/FUL and supporting documentation and background correspondence - Retain use of land as groundworkers' contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertake landscaping works. Two metre high chain link fencing.

## **LIST OF APPENDICES**

1. Appendix 1 – Planning permission 14/01584/FUL

## **LOCAL MEMBER NOTIFICATION**

Chelmsford - Broomfield and Writtle



**TOWN AND COUNTRY PLANNING ACT 1990**

Town and Country Planning (Development Management Procedure) (England) Order 2010

**Agent:**

The Planning & Design Bureau  
Mr Stewart Rowe  
45 Hart Road  
Thundersley  
Essex  
SS7 3PB

**Applicant:**

Mr Jamie Walker  
J G Walker Groundworks Ltd  
161 Springfield Road  
Springfield  
Chelmsford  
Essex  
CM2 6JP  
United Kingdom

**PLANNING PERMISSION**

**LOCATION:** Ash Tree Farm Bishops Stortford Road Roxwell Chelmsford CM1 4LP

**PROPOSAL:** Retain use of land as groundworkers contractors yard, including the storage of plant materials and machinery. Reposition and retain containers and portable toilet, new diesel tank. Alter existing vehicular access onto Roxwell Road and undertake landscaping works. Two metre high chain link fencing.

**APPLICATION NO:** 14/01584/FUL

**DATE RECEIVED:** 10 November 2014

**DRAWING NO(s):** PDB/14/SP/01; PDB/14/SP/02; PDB/14/170/01; PDB/14/170/02; PDB/14/170/03; PDB/14/170/04; PDB/14/170/05; PDB/14/170/06; LANDSCAPE AND VISUAL APPRAISAL; PDB/14/170/07;

The Council has given consideration to the application and plans as specified above, and hereby gives notice of its decision to **GRANT PLANNING PERMISSION** subject to the following: -

**Condition 1**

No goods vehicles operating from the site in connection with the use hereby permitted shall enter or leave the site, or be loaded or unloaded, outside the hours of 7 am to 6 pm Mondays to Fridays, 7 am to 1 pm on Saturdays or at any time on Sundays or on Bank or Public Holidays.

**Reason**

In the interests of the amenities of occupiers of nearby residential properties.

**Condition 2**

No industrial activities or the processing of materials shall take place on the site.

**Reason**

In the interests of the amenities of occupiers of nearby residential properties.

**Condition 3**

No means of external illumination shall be installed without the submission of details and their prior approval in writing by the local planning authority

**Reason:**

In the interests of the amenities of the local residents and visual amenities of the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 4**

There shall be no storage of goods or materials above the 5-metre datum line shown on drawing PDB/14/170/03.

**Reason**

In the interests of the character and appearance of the area.

**Condition 5**

Within one month of the date of this permission the portable office, cycle shelter and portable toilet shown on drawing PDB/14/170/02 shall be removed from the location on the bund. With the exception of the fencing shown on the approved drawings, no building, structure or means of enclosure shall be placed on the bund unless otherwise agreed in writing by the local planning authority.

**Reason**

In the interests of the character and appearance of the area.

**Condition 6**

Unless otherwise agreed in writing with the local planning authority, the alterations to the access road shown on drawings PDB/14/SP/01 and 02 shall be completed within 6 months of the date of this permission.

**Reason**

In the interests of highway safety.

**Condition 7**

The construction of the access road shall not be commenced until a Construction Method Statement including Traffic Management has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. Access into the whole site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. Wheel and underbody washing facilities.

**Reason**

To ensure that on-street parking of these vehicles on the A1060 does not occur, that vehicles can access and egress the site and to ensure that loose materials and that spoil is not brought out onto the highway in the interests of highway safety.

**Condition 8**

Within 3 months of the date of this permission full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and in accordance with an agreed timetable unless the local planning authority gives its written consent to any variation.

**Reason:**

In order to add character to the development and to integrate the development into the area in accordance with Policy DC45 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**Condition 9**

The landscaping required by condition 8 of this permission shall be maintained in accordance with a schedule of landscape maintenance for a minimum period of five years, which shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure that the landscaping and planting is appropriately maintained in the interests of the character and appearance of the area in accordance with Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document.

**Condition 10**

With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise agreed in writing by the local planning authority.

Reason

In order to achieve satisfactory development of the site

**Positive and Proactive Statement**

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

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Date: 5 February 2015

Signed:

*David Green*

**DAVID GREEN**

Director of Sustainable Communities

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED**

**Important Note: This Planning permission does not override the need to obtain any necessary approvals under the Building Regulations, Party Wall Act or any other relevant legislation. Separate approval may also be required in other areas, for example, restrictive covenants, shared agreements, easements, rights of way etc.**

The provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this development and will be determined at Building Regulation Stage.

### **NOTICE TO APPLICANT WHERE PERMISSION IS SUBJECT TO CONDITIONS**

#### **Appeals to the Department for Communities and Local Government**

- If you are aggrieved by the decision of your Local Planning Authority to impose conditions on your permission for the proposed development then you can appeal to the Secretary of State for the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within six months of the Council's decision.
- **However if the development as described in your application is the same or substantially the same as development that is currently the subject of an enforcement notice then you must appeal within 28 days of the date of the service of this enforcement notice.**
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

#### **Notification of Appeals to the Council**

- You must send a copy of your appeal to the local authority. In accordance with appeal procedures, when forwarding copies of appeal forms and additional information, plans or drawings direct to the local authority, please send electronic copies to [planning.appeals@chelmsford.gov.uk](mailto:planning.appeals@chelmsford.gov.uk) or address to the Director of Sustainable Communities, Chelmsford City Council, P.O. Box 7544, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1XP.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Department for Communities and Local Government grant permission to develop land subject to conditions, the owner can claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990.

#### **Compensation**

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in Section 114 and related to provisions of the Town and Country Planning Act 1990.

**DR/07/21****Report to:** DEVELOPMENT & REGULATION (26 March 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of January	33
Nº. Decisions issued in February	0
Nº. Decisions issued this financial year	32
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in February	0
Nº. applications where Section 106 Agreements pending at the end of February	7

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of January	7
Nº. Decisions issued in February	2
Nº. Decisions issued this financial year	35
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in February	2

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in February	2
Nº. Committee determined applications issued in February	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	169
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of February	76
Nº. of referrals to Secretary of State under delegated powers in February	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of January	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of last quarter	30
Nº. of cases cleared last quarter	21
Nº. of enforcement notices issued in February	1
Nº. of breach of condition notices issued in February	0
Nº. of planning contravention notices issued in February	1
Nº. of Temporary Stop Notices issued in February	1
Nº. of Stop Notices issued in February	0