

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

Present:

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

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Councillor B Aspinell.

Councillor J Aldridge declared an interest in item 5.1 of the Agenda (Minute 7) concerning Land at Ashtree Farm, Boyton Cross, Chelmsford as the site was in his Division. Although he had been aware of it for several years Cllr Aldridge considered that as he had not expressed a view on the issue or sought or passed on information and it was an enforcement issue he was not precluded from participating in the debate and voting on this item.

Councillor M Mackrory declared a code interest in item 5.1 of the Agenda (Minute 7) concerning Land at Ashtree Farm, Boyton Cross, Chelmsford, as a Cabinet Member at Chelmsford City Council for Sustainable Development. Councillor Mackrory indicated that he would not participate in the debate or vote on this item.

2. Minutes

The minutes of the meeting held on 26 February 2021 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) Land to the east of Buttleys Lane, Stortford Road, Great Dunmow
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.
Location: Land to the east of Buttleys Lane, Stortford Road, Great Dunmow, CM6 1SH
Ref: CC/UTT/90/20

Public speakers:

- Town Councillor: Cllr Mike Coleman - speaking against
- Local Resident: Mr Anthony Clarke – speaking against
- Uttlesford District Councillor: Cllr Colin Day – speaking against
- Applicant: Mr Gee, Headteacher – speaking for

- Local Member Cllr Barker

4. **Land to the east of Buttleys Lane, Stortford Road, Great Dunmow**

The Committee considered report DR/04/21 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of amendments to some of the proposed conditions and the Memorandum of Understanding proposed.

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
- Site Layout and Design (including Playing Field Assessment)
- Landscape, Trees and Ecology
- Heritage
- Amenity (Noise, Air Quality and Lighting)
- Highways
- Other Issues
 - Community Use
 - Sustainability
 - Flood Risk and Drainage
 - Land Contamination
 - Mineral Safeguarding

In accordance with the protocol on public speaking the Committee was addressed by Cllr Mike Coleman, speaking on behalf of Great Dunmow Town Council. Cllr Coleman made several points:

- The Town Council supported the need for a new secondary school in the area but felt that this proposal was flawed. The short-term gain for primary school places was balanced against damage to the main access road to Great Dunmow. The area for sports pitches had been deemed unsuitable.
- A map was shared with the Committee showing the proposed development in the area of over 4,000 new homes.
- The Transport Consultant had made a clear assessment of the congestion and safety issues on the Stortford Road and experts agreed. Despite some parties engaging in seeking a compromise there was disappointment that other parties had not taken part in the discussions.
- Concern was raised that the school was on the wrong side of Stortford Road with a number of crossings required to make it safe.
- Due to the road layout proposed it would involve a u-turn for each journey into the site. As a result there would be traffic queues and journey times would be affected.
- The road carries trunk road traffic to surrounding areas and can be difficult to cross. There was concern about the lack of information on how the junctions and crossings would work together and safety issues.

- The Town Council felt that cost viability for the applicant was being put before safety and access to the town.

Mr Anthony Clarke, speaking as a local resident, also opposing the application, then addressed the meeting and made several points:

- The objections raised were against the scheme rather than the school as it was considered that the access to the site was unsafe.
- He considered that the officers report acknowledged that there were some deficiencies with the design of the access and that better design options could be found. He agreed with the suggestion by the Town Council that a roundabout access would be better than a T-junction which was considered to be unsafe.
- Statistics on T-Junction safety from The Standing Committee for Road Traffic Statistics were referred to, comparing the number of deaths at T-junctions to none at roundabouts. T-junctions were considered to be inherently unsafe.
- Mr Clarke considered that to avoid injuries the scheme access should be changed to a safer option.

At the Chairman's discretion Cllr Colin Day, speaking as a local Uttlesford District Councillor, also opposing the application, then addressed the meeting and made several points:

- Objections raised with regard to the design of the access to and from the site, particularly with regard to safety and u-turning vehicles and traffic congestion.
- There had been major housing growth in the area over the past 25 years and the infrastructure had not been put in place to support that growth.
- The road on which the site was placed had not been upgraded to cope with the growth in the area and increase in traffic.
- The transport assessment commissioned by the Town Council clearly set out that the proposed access to the school site is unsafe and points out the hazards and risks. Long queues were predicted at the roundabout backing up to the crossing leading to safety issues.

Mr Gee, Headteacher, speaking on behalf of the applicant, then addressed the meeting. Mr Gee made several points:

- In terms of need, it was vital for Dunmow and the current secondary school was not considered fit for purpose and money is spent year on year maintaining it.
- The School had previously agreed with the Local Authority to take on more students, however as the number of students increased the school buildings would become further compromised.
- There was a clear need around primary education. The current primary school Headteachers had worked to meet this need, but the situation was now at point where this new school was the only option to provide the places that were needed.
- The proposed project met the increasing needs for primary and secondary school places and creates a building which is future-proofed on land that has been allocated for education.
- In terms of vision it will provide a world class learning village for the students, other young people in Great Dunmow and the wider community. It would provide state of the art facilities for the students. It would provide access to specialist facilities and teachers for the primary phase of the school, but also access to

these for other young people in the town. There would also be bookable venues and facilities for the wider Great Dunmow community.

- There was disappointment regarding the objections to the application, particularly as the counter proposal for entry onto the site from a roundabout would make the scheme unviable. There were no objections from the statutory consultees including highways.

With the agreement of the Chairman, Councillor Susan Barker, Local County Member then addressed the meeting and made several points:

- The school was wanted and needed in Dunmow, however it was understood to be primary places where there was immediate pressure rather than secondary places. The secondary school was already there despite being older and dilapidated in parts.
- It was felt that there were better solutions. Land was put aside in the Dunmow Neighbourhood Plan for this school. The land could be used differently with a separate access for parking. The scheme could be done differently.
- The road B1256 which the site is on leads to the supermarket which takes 72% of the retail shop in the area. Access from other villages in the area to the supermarket is via this road and access to the A120 out of Dunmow.
- Disappointment was expressed with the design of this access and it was felt that this could be designing in a problem. There was also disappointment with the cycle and pedestrian access. There was no immediate access from the Flich Way.
- It was felt that another look should be taken at this scheme to find a better solution.

In response to the issues raised, the following points were made by officers:

- In terms of safety, the access that had been put forward conforms to the design guidance and had been through stage 1 road safety audit with all of the crossings and the change to the proposed roundabout access to the new development to the north. It had been reviewed by engineers and as it progressed it would go through three further safety audits if taken forward. The Highway Authority were not concerned about the safety of the junction due to the features that had been put in place and the process that it had gone through.
- In terms of the nature and capacity of the road, it had been modelled and there was a need to put crossings in to ensure children could cross safely. The area and where people were travelling from both now and in the future had been looked at. The nature of the road would change. The speed limit would be reduced to 30mph, there would be crossings and footways and cycleways either side. From the modelling undertaken the potential delays were not considered to be severe. There would be delays around starting and finishing times of school but mitigation measures such as staggered start and finish times were being considered. A comprehensive assessment had been carried out.

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

- The roundabout design put forward by the Town Council had not been assessed by the Planners or Highway Authority as it had not been worked up as a deliverable proposal by the applicant. The request was to determine the application as it stands. Changing the roundabout to have a fourth arm would

require land take as it would have to be enlarged and the road was already proposed to be re-aligned with the new development.

- Members raised the issue of a 20mph limit along the road, particularly at school times. The road was currently 50mph and was proposed to be reduced to 30mph. A 20mph limit had not been taken forward but could be considered as there was further work to be done looking at the environment around the school.
- The current proposal, whilst not necessarily optimal was considered workable.
- Parking restrictions would come up as part of the application to the north with works starting in April. Depending on the timing of the applications, these could also be included or secured by way of Traffic Regulation Order. There would be a Travel Plan for the school, both primary and secondary and that would include options for parking and striding, working with the supermarket and opportunities in the new developments, which would be vital to the success of the school.
- There is a proposed pupil drop off point on site and a separate bus drop-off point. As part of the Transport Assessment, trips to the school were looked at currently along with moving towards full capacity of the school and moving to the south. It was a robust assessment for staff and pupils. More detail would be part of the travel plan.
- It was noted that the T-junction in this proposal was a left in and left out design with mitigation in place to prevent right turns which would reduce the impact of any potential issues.
- It was noted that to refuse an application there would need to be solid grounds for refusal. It was clarified that there was no right of appeal on this type of application, if refused.
- Consideration of staggered school start and finish times would be welcomed to reduce the impact of congestion at these peak times. A condition was proposed requiring the school to submit a schedule of school start and finish times for review and approval, seeking to stagger the primary and secondary elements of the school.
- It was noted that there were solar panels proposed in the design of the building. The school would not be carbon neutral but it would be 36% above the building regulations which is better than required by current local plan policy.
- The numbers of housing proposed in the immediate vicinity were clarified.
- The road is a priority two road and therefore not one in which physical methods of traffic calming would be placed. However following development in the area and the proposals in this application, there would be a number of crossings and a compact roundabout. There would be foot and cycleways on both sides and an island in the middle. All of this would go through safety audits as it progresses. Speed limits would be picked up through the safety audit process. Considerations around speed cameras would also be considered by the Highway Authority as part of the process.
- There was a suggestion for electric charging points on site, the number had not been defined but there was a proposed condition seeking to secure where on the site they would be placed.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed and seconded. Following a unanimous vote of eleven in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to submission of a signed Memorandum of Understanding, within one month of this resolution, which seeks to confirm that prior to beneficial occupation of any of the buildings hereby permitted, the developer shall seek to secure a Traffic Regulation Order (TRO) to prevent right hand turns out of the school access; overtaking on the B1256 in the vicinity of the school; and a speed limit reduction to 30mph along the B1256 in the vicinity of the school; and on attainment of the TROs provide all necessary signing and road marking;

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 beyond damp proof membrane of the main school building hereby permitted 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 9th 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 beyond damp proof membrane of the main school building hereby permitted 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 (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.

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. No development beyond damp proof membrane of the main school building hereby permitted 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.

15. No development beyond damp proof membrane of the main school building hereby permitted 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.

16. No development beyond damp proof membrane of the main school building hereby permitted 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 'Off-Site Works By Others', drawing number 198131-016 (Rev B), dated 18/01/2021 (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.

17. No development beyond damp proof membrane of the main school building hereby permitted 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.

18. No development beyond damp proof membrane of the main school building hereby permitted 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, as shown in principle on drawing titled 'Stortford Road Access Arrangements', drawing number 198131-003 (Rev F), dated 21/12/2020. 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.

19. No development beyond damp proof membrane of the main school building hereby permitted 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.

20. No development beyond damp proof membrane of the main school building hereby permitted 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 permitted. 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.

21. 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.

22. 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.

23. 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.

24. 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 20% 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).

25. 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).

26. 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.

27. Prior to any works commencing on the natural turf playing field hereby permitted, 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 26th 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.

28. 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).

29. 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.

30. 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).

31. No development shall commence on the natural turf playing field hereby permitted 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.

32. No development beyond damp proof membrane of the sports centre hereby permitted 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.

33. 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).

34. 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.

35. 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

36. No development beyond damp proof membrane of the main school building hereby permitted 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).

5. Adjournment

With the agreement of the Committee, the Chairman adjourned the meeting at 11:58am. The meeting reconvened at 12:05pm.

6. Former Edith Borthwick School, Bocking, Braintree

The Committee considered report DR/05/21 by the Chief Planning Officer.

Members noted the addendum to the agenda particularly in respect of amendments to the proposed conditions.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Policy Considerations
- Impact on Historic Environment
- Impact on Natural Environment
- Impact on Residential Amenity

The resolution, including the amendments to the conditions in the Addendum, was proposed and seconded. Following a unanimous vote of eleven in favour, it was

Resolved

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 2020
- 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

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

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved 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 to 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 Braintree District Local Plan Review 2005 and Policy LPP68 of the Publication Draft Local Plan 2017.*

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.*

7. Land at Ashtree Farm, Boyton Cross, Chelmsford

The Committee considered report DR/06/21 by the Chief Planning Officer.

Members noted the background and planning history with regard to this site, with planning permission for a groundworkers' contractors yard (ref: 14/01584/FUL) having been granted by Chelmsford City Council in 2015.

The Waste Planning Authority had been approached by Chelmsford City Council (CCC) to reconcile an alleged breach of planning control concerning an alleged change of use. In accordance with the procedure set out in the Local Enforcement and Site Monitoring Plan the report considered the expediency of taking action using the 3 stage approach; 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.

Following the officer presentation Cllr Mackrory, having declared an interest as stated under minute 1, was removed from the meeting by the meeting host, to be an observer

only and took no part in the discussion or decision-making on this item. Cllr Mackrory did not return to the meeting.

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

- CCC had served some breach of condition notices in 2017 and the Waste Planning Authority (WPA) was aware of the issues with the site at that point.
- Correspondence had been received by the Committee in advance of the meeting from local residents on the issues at the site.
- Under the terms of an enforcement notice issued by CCC, the stockpile of inert waste material had to be removed from the land marked blue on the map in the report (page 121 of the agenda pack). Whilst it could technically be moved onto the adjoining land (edged red on the same plan), there is a condition in the planning permission granted by CCC for that part of the site that the height of stockpiled material is limited to 5 metres.
- There had been action taken by the landowner to remove the occupier of the site and there had been a challenge back from the occupying company to retain access the site.
- Concern was raised that the original planning permission granted by CCC did not impose restrictions through conditions as well as it could have. It was a complicated case with an unfortunate sequence of events. The site was not allocated as an employment site (it was countryside land) when the previous applications for a waste use had been refused by ECC. Concern was raised at the time that the applicant may still be seeking a waste-related use before the application for the groundworkers' yard was lodged with CCC. Unfortunately the WPA was not consulted by CCC at the time.
- The main issue seems to be the expansion of the site and the large mound created outside the area controlled by the groundworkers' yard permission. CCC can take enforcement action for a county matter as prescribed in the planning legislation. CCC had served an enforcement notice for the land marked blue on the map to remove the large mound of waste material. The notice is to be complied with by October 2021 and the position may need to be reviewed at that point.
- Members considered that it was not appropriate for one authority to take over the enforcement for planning consent issued by another authority. It was considered that it would be helpful for CCC to take enforcement action on the site based on the current planning permission in place and any breaches of those conditions, as the impact on residents was acknowledged.
- It was noted that Members would like to see the professional relationship between the professional officers at each authority continuing, in order to remedy the issue.

There being no further points raised, the resolution was proposed and seconded. Councillor Hillier, not having been present for the whole item due to technical issues and Cllr Mackrory, who was not present and did not take part in this item due to a declared interest, did not vote on this matter. Following a vote of nine in favour, it was

Resolved

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.

8. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/07/21, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

9. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 23 April 2021, to be held as an online meeting.

There being no further business, the meeting closed at 13.10pm