

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 19 APRIL 2013

Present

Cllr N Edey (Chairman)
Cllr R Boyce
Cllr W Dick
Cllr M Garnett
Cllr I Grundy
Cllr T Higgins

Cllr G McEwen
Cllr M Miller
Cllr D Morris
Cllr I Pummell
Cllr J Reeves
Cllr C Riley

1. Apologies and Substitution Notices

Apologies were received from Councillor Hillier (substituted by Cllr Riley).

2. Declarations of Interest

Councillor Dick declared a non-pecuniary interest in Agenda Item 5a, as Member for Thundersley.

Councillor Riley declared a non-pecuniary interest in Agenda Item 5a, as Cabinet Member for the Environment at Castle Point BC.

Councillor Garnett declared a non-pecuniary interest in Agenda Item 5b, as Member for Harlow North.

3. Minutes

The Minutes and Addendum of the Committee held on 22 March 2013 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

There were none identified.

Minerals and Waste Development

5. Manor Trading Estate, Benfleet

The Committee considered report DR/14/13 by the Assistant Director, Sustainability, Environment and Enterprise.

The Members of the Committee noted the contents of the Addendum attached to these minutes and a change to the conditions.

The Committee was advised that the proposal was for the change of use of the site from storage land to the manufacture and storage of blocks using waste tyres as raw material and the storage and sale of waste tyre products and the use of existing offices.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Highways and Vehicle Access
- Visual Impact, Odours and Fumes
- Noise
- Fire Risk
- Flooding.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- Tyres are not known to give off odours as part of this process or in storage and burnt or dirty tyres would not be received at the site
- There are ongoing problems with the drainage from The Manor Trading Estate as a whole but this process does not use water and traffic flow from the site would be reduced
- The unit is situated 30 m from the boundary perimeter and utilises electrically powered machinery, which is quieter than its petrol/diesel counterpart
- Tyres and tyre blocks are surprisingly difficult to ignite initially. The Fire Officer's recommendations have been adopted
- There will be a height restriction on the storage of the tyre bales
- The area was formerly a part of a builder's yard, and is set within an existing builder's yard.

The resolution was moved, seconded and following a vote of four in favour and eight against, further discussion was held and it was

Resolved

That planning permission be refused for the following reasons:

The impact on the surrounding area of the odours produced by the tyres and the risk of fire.

In accordance with the Committee Protocol, it was agreed Officers present a report to the next meeting setting out appropriate advice as to the clarity and reasonableness of the reasons put forward for refusal of the application and a plan for appropriate enforcement action, if necessary. It was also agreed that the flooding issue should be considered.

6. Former Kores Nordic Site, West Road, Harlow

The Committee considered report DR/19/13 by the Assistant Director, Sustainability, Environment and Enterprise. The Committee noted that this was

an additional item to the agenda, being considered at this meeting to expedite resolution of the issues.

The Members of the Committee were advised that the proposal was for a non-material amendment to planning permission Ref. ESS/38/11/HLW to allow: a reduced concreted yard area; amended dimensions of the fire sprinkler tank and pump house; relocation of vehicle wash bay and modification of refuelling area; alteration to weighbridges and kerbs; and amended location of vehicle and pedestrian doors at the site of the proposed Waste Transfer Station.

Details of Consultation and Representations received were set out in the report. Members were informed that officers would normally authorise non-material amendments, but these amendments had been brought to the Committee, as Harlow District Council had concerns about this process (although not about the proposed changes themselves).

The Committee noted the key issues that were:

- Procedure
- Environmental/Residential Impact

The resolution was moved, seconded and unanimously agreed and

Resolved:

That the application for non-material amendments to planning permission ref ESS/38/11/HLW is **granted**.

Village Green

7. Harwich Green

The Committee considered report DR/15/13 by the County Solicitor.

Members considered an application made by Mr Andy Rutter from The Harwich Society to register land at Harwich Green, Harwich, as a town or village green pursuant to the provisions of Section 15 of the Commons Act 2006 ("the 2006 Act").

The Committee noted:

- The application had been amended by agreement, with a smaller area now under request; but this reduction had not lessened the case as put forward
- The original date stated for when the land had become town green was 1970 and had been changed to 1984 by the applicant without objection
- The Local Member had made no comment.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application in its amended form was moved, seconded and unanimously agreed and

Resolved:

- (1) That the applicant's substitute plan for the application land and the area of Harwich East Ward for the locality be accepted.
- (2) That the application for town or village green status in relation to the area shown on the front of the report is accepted and the town and village green record be amended to include the application site with town or village green status recording the owner as Tendring District Council.

Enforcement of Planning Control**8. Birkett Hall**

The Committee considered report DR/16/13 by the Assistant Director, Sustainability, Environment and Enterprise.

The Members of the Committee were advised that the enforcement related to the unauthorised importation of and spreading of waste materials (including waste soils and rubble) on the land and the unauthorised raising of land.

Members having noted the proposal, the resolution was moved, seconded and unanimously agreed and

Resolved:

1. Subject to no further waste materials being imported to the site, it is not considered expedient to take enforcement action requiring the removal of the previously deposited waste materials. Officers shall continue to monitor the site to ensure that the land is restored appropriately, and thereafter
2. a further update shall be provided at the October 2013 meeting.

9. Cock Inn

The Committee considered report DR/17/13 by the Assistant Director, Sustainability, Environment and Enterprise.

The Members of the Committee were advised that the enforcement related to the unauthorised importation, deposition crushing and processing of construction and demolition waste (including concrete, brick other rubble and road scalplings).

Members having noted the proposal, the resolution was moved, seconded and unanimously agreed and

Resolved:

1. Subject to the continued removal of excess materials to restrict the operation to that permitted by the CLUED, it is not considered expedient to take further enforcement action. Officers shall continue to monitor the site to ensure that the materials are removed in accordance with a timetable to be agreed with the operator.
2. a further update shall be provided at the October 2013 meeting.

Information Items

10. Statistics April 2013

The Committee considered report DR/18/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Assistant Director Sustainability, Environment and Enterprise.

The Committee **NOTED** the report.

11. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 24 May 2013 at 10.30am in Committee Room 1.

12. Closing Remarks

The Chairman noted that, at the forthcoming elections, several Members of the Committee would not be standing for re-election, himself included. He expressed his thanks to and appreciation of all those who had served on the Committee over the past four years, and all those officers who had assisted. He also wished well to all those who would be standing for re-election in May.

Councillor McEwen expressed thanks on behalf of the Committee to Councillor Edey for his many years in the chair and wished him well in his "retirement".

There being no further business the meeting closed at 11.45am.

Chairman