

## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 22 AUGUST 2014**

### **Present**

Cllr R Boyce (Chairman)

Cllr J Abbott

Cllr K Bobbin

Cllr P Channer

Cllr M Ellis

Cllr I Grundy

Cllr J Lodge

Cllr J Reeves

Cllr S Walsh

Cllr A Wood

The Chairman opened the meeting by welcoming Mr Graham Thomas, who has just taken over as the Head of Service: Planning & Environment.

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

Apologies were received from Cllr J Aldridge (substituted by Cllr Grundy), Cllr M Mackrory and Cllr Lady P Newton (substituted by Cllr Wood).

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

Cllr Seagers declared a personal interest in agenda item 5a, Brickfields Way, Rochford, as a local District Councillor, and as local Member.

Cllr Abbott pointed out that, for agenda item 6a, John Ray Infant and Junior School, Braintree, he was listed as local member however this was not geographically within his division.

### **3. Minutes**

The Minutes and Addendum of the Committee held on 25 July 2014 were agreed and signed by the Chairman.

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

There were none identified.

### **5. Brickfields Way, Rochford**

The Committee considered report DR/32/14 by the Director for Operations, Environment and Economy.

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

The Committee was reminded that this was an application seeking outline planning permission with some reserved matters. Policies relevant to the application and details of consultation and representations received were set out in the report.

The Committee noted the key issues that were:

- Need and justification
- Site suitability
- Potential impacts and reserved matters.

A number of concerns were raised by Members including:

- The proposed 24 hour operation;
- Access to the site, from Sutton Road, which is provided by a mini-roundabout and can present problems to large vehicles; and
- That there is a suggestion that the existing hedgerow would be removed, without replacement.

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

- That between 18:00 and 6:00 it has been predicted that the use would result in 26 vehicle movements.
- With regard to the actual 24 hour operation, this is an existing employment area from which many other sites operate such hours. In view of the concerns raised, suggested condition 6 nevertheless attempts to give the Waste Planning Authority the ability to control and monitor the number of vehicle movements associated with the use. Following on from the discussion it was suggested that this condition could be suitably amended to ensure the operator, should planning permission be granted, be required to keep records of vehicle movements to ensure the enforceability of any such details approved.
- There are no restrictions on the direction from which vehicles will come. Routeing plans are difficult to enforce and generally go beyond that considered reasonable in context of vehicles being on the public highway.
- In this case, it is not considered that a requirement for a monetary highway contribution, in consideration of the existing site use and the proposed number of vehicle movements, could be justified. Members were also reminded that the Highway Authority are restricted by the number of financial contributions which they could seek in respect of one project.
- The road within the site would be hardsurfaced; the Environment Agency has asked for a Phase 2 contamination survey, which will almost certainly lead to this requirement. Details of which would be confirmed at the reserved matters stage.

After further discussion, the original resolution with a re-wording of condition 6 was proposed and seconded.

Following a vote of nine in favour and one against, with Cllr Seagers abstaining, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

1. No development shall take place until details of the scale, layout and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
2. An application for the approval of reserved matters, referred to in condition 1, shall be made to the Waste Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters referred to in condition 1 to be approved, whichever is the later.
4. No development shall take place until details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.
5. The total number of vehicle movements associated with the development hereby permitted shall not exceed 145 movements per day.
6. No development shall take place until a breakdown of vehicle movements associated with the use and the number of movements at different periods of the day have been submitted to and approved in writing by the Waste Planning Authority. A written record shall be maintained at the site office of all movements to and from the site, by heavy goods vehicles. Such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority on demand at any time. The development shall be implemented in accordance with the approved details.
7. No beneficial occupation of the development hereby permitted shall take place until the parking areas, as subsequently approved as part of the reserved matters, have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.
8. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the Waste Planning

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

9. No development shall take place until an updated Noise Impact Assessment, under taken in accordance with BS4142, has been submitted to and approved in writing by the Waste Planning Authority. The Assessment shall include the noise rating of the exact type of plant and equipment proposed in context of its position, the orientation and scale of the building and the proposed hours of use. The assessment shall also include predicted noise ratings for other generic sources of noise associated with the use in comparison to the background environment. Any mitigation measures proposed to reduce the potential for noise impact shall be implemented and maintained for the life of the development as approved.
10. No development shall take place until details of a maximum free field equivalent continuous noise level (LAeq, 1 hr) at noise sensitive properties adjoining the site, for both day and night time periods of operation Monday to Friday and at weekends, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.
11. Noise levels shall be monitored at six monthly intervals, at noise sensitive properties to be agreed in advance in writing by the Waste Planning Authority, from the date of beneficial occupation of development hereby permitted. 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. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.
12. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Waste Planning Authority. The 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.
13. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

14. No development shall take place until details of measures to prevent odour nuisance have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details which shall thereafter be retained and maintained in a fully functional condition for the duration of the development hereby permitted.
15. No development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:
  - a. A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS5837 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.
  - b. Details of each retained tree in a separate schedule in accordance with paragraph 4.2.6 of BS5837.
  - c. A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 1989, 'Recommendations for Tree Work'.
  - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS5837.
  - e. Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
  - g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS5837.
  - h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
  - i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS5837.
  - j. Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
  - k. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
  - l. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and

- enclosures, with particular regard to ground compaction and phytotoxicity.
  - m. Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.
  - n. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS5837.
  - o. The timing of the various phases of the works or development in the context of the tree protection measures.
16. No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Waste Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.
17. No development shall take place until a bird management plan has been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.
18. No development shall take place until details of measures for litter control have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details and thereafter shall be maintained for the duration of the development hereby permitted.
19. No deposition, storage, processing, handling or transfer of waste shall take place outside of the confines of the building, details of which will be approved as part of the reserved matters.
20. No development shall take place until a Phase 2 Contamination Assessment has been submitted and agreed in writing by the Waste Planning Authority. The assessment shall include an intrusive (soil sampling) investigation of the site and provide a detailed assessment of risk for all potential receptors. Any recommendations for remediation works shall be presented in a remediation statement and implemented as approved.

## **6. John Ray Infant & Junior School, Braintree**

The Committee considered report DR/33/14 by the Director of Operations: Environment and Economy.

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

The Committee was advised that the proposal has 3 elements: the rebuilding of the infant school (following fire damage in August 2013); an extension to the junior school; and the removal of mobile temporary classbases.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need and justification
- Design quality
- Impact on landscape, amenity and traffic

A number of concerns were raised by Members including:

- There seems to be an excess of exterior lighting, which is not necessary, is not environmentally suitable, and is likely to have an adverse impact on neighbouring residences.
- 26 trees would be lost as part of this development and there appears no specific requirement to replace these.
- There is a suggestion that a sprinkler system may not be installed.

A resolution was proposed and seconded, with:

- An amendment to the condition in respect of landscaping to include specific reference to replacement planting;
- A condition requiring the re-submission of the external lighting scheme; and
- An additional informative relating to the installation of a sprinkler system.

Following a unanimous vote in favour, it was

**Resolved:**

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

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

*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 30/05/2014 together with drawing titled 'Site Location Plan – Proposed Junior + Infant Schools', drawing no. 096 (Revision P02), dated 03/06/14; drawing titled 'Site Layout – Proposed Infant School', drawing no. 097 (Revision P01), dated 27/05/14; drawing titled 'Ground Floor

Plan – Proposed’, drawing no. 050 (Revision A15), dated 17/04/14; drawing titled ‘First Floor Plan – Proposed’, drawing no. 051 (Revision A14), dated 17/04/14; drawing titled ‘Roof Plan’, drawing no. 206 (Revision E02), dated 23/07/14; drawing titled ‘Elevations – Proposed’, drawing no. 010 (Revision A04), dated 17/04/14; drawing titled ‘Junior School Extension Floor Plan & Elevations – Proposed’, drawing no. 052 (Revision A05), dated 17/04/14; drawing titled ‘Sketch Proposals for Extension to Hall’, drawing no. 098 (Rev P00), dated 22/05/14; drawing titled ‘Concept Landscape Masterplan’, drawing no. JBA 14/133-sk01 Rev A, dated 20/05/14; lighting drawing titled ‘John Ray Infants School, Braintree, Essex’, drawing no: D24317/PY/A, dated 30/05/14; drainage drawing titled ‘Drainage Strategy’, drawing no. 665313/100 (Revision P1), dated 13/05/14; the contents of the accompanying ‘Planning Design and Access Statement’, dated May 2014; ‘Preliminary Ecological Appraisal’, document reference: 771866-REP-ENV-003-ECO, dated 27 May 2014; ‘Arboricultural Impact Assessment’, prepared by A. T. Coombes Associates, dated 27 May 2014; ‘Transport Statement’, document reference: TC/616074/LAB (Revision VO), dated 28 May 2014; ‘Phase 1 Preliminary Contamination Assessment Report’, document reference: 771886-REP-ENV-001, dated May 2014; ‘Phase II Geo-environmental Assessment Report’, document reference: 771886-REP-ENV-R2, dated May 2014; ‘Memorandum of Understanding’ from Essex County Council – Infrastructure Delivery, received via email dated 11/08/14 (15:20) 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 the 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 Braintree District Council Local Development Framework Core Strategy (2011) policies CS7, CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 65, RLP 77, RLP 80, RLP 81, RLP 90 and RLP 92.*

3. No development beyond installation of the damp proof membrane of the building hereby approved shall take until samples of the materials to be used for the external appearance of the building have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

4. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of the type, size and position of the proposed signage at the school have been submitted to and



approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

5. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of a scheme to install a length of frosted glass along the windows on the eastern elevation (Notley Road facing) of the building have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

6. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of construction of the development. The landscape scheme shall, without prejudice, seek to provide replacement planting for the trees that will be lost as a result of implementation of the proposal. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 7 of this permission.

*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 comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.*

7. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under condition 6 of this permission) 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: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.*

8. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of all ground surface finishes, walling and fencing have been submitted to and approved in writing by the County Planning Authority. 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 Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 90 and RLP 92.*

9. No development or any preliminary groundwork's shall take place until:
  - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
  - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall 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 and to ensure protection for the existing natural environment and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.*

10. No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the County Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.

*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 Braintree District Council Local*

*Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.*

11. No beneficial occupation of the development hereby permitted shall take place until details of the proposed disabled car parking and cycle parking provision have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

*Reason: In the interest of the amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.*

12. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until a revised lighting scheme has been submitted to and approved in writing by the County Planning Authority. The details shall include the location, height, design, sensors and luminance of all external fixed lighting proposed together with information on the proposed hours of use. 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 Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 65, RLP 77, RLP 80 and RLP 90.*

13. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety, amenity and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.*

#### Informative

1. Prior to the beneficial occupation of the development it is advised that a School Travel Plan including monitoring arrangements is prepared or the

existing School Travel Plan updated, in liaison with the Highway Authority, and subsequently implemented in full.

2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 – Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.
3. There is clear evidence that the installation of Automatic Water Suppressions Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. Even where not required under Building Regulations, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. The inclusion of AWSS, in this development, was supported by Members of Essex County Council's Development & Regulation Committee.

#### **7. Statistics**

The Committee considered report DR/34/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

#### **8. Date and time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 26 September 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.30 am.

Chairman