

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON
26 OCTOBER 2012**

Present

Cllr N Edey (Chairman)
Cllr R Boyce
Cllr W Dick
Cllr M Garnett
Cllr T Higgins
Cllr S Hillier

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

1. Apologies and Substitution Notices

Apologies were received from Cllr R Pearson.

2. Minutes

The Minutes and Addendum of the Committee held on 24 August 2012 were agreed and signed by the Chairman.

3. Matters Arising

There were no matters arising.

4. Declarations of Interest

Councillor Theresa Higgins declared a non-pecuniary interest in Agenda Item 5b as a Member of Colchester Borough Council.

5. Identification of Items Involving Public Speaking

The persons identified to speak in accordance with the procedure were identified for the following item:

The erection and use of a hammer cage and associated landscaping (part retrospective)

Location: Castle View School, Foksville Road, Canvey Island, Essex, SS8 7AZ

Ref: CC/CPT/36/12

Public speakers: Mrs Sally Collins speaking for

Local Member: Cllr Brian Wood.

Minerals and Waste

6. Castle View School

The Committee considered report DR/36/12 by the Head of Environmental Planning.

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

The Committee was advised that the proposal was for the erection and use of the hammer cage and associated landscaping on the site.

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
- Impact on Residential Amenity
- Landscape and Visual Impact
- Flood Risk.

In accordance with the protocol on public speaking, Mrs Sally Collins was offered the opportunity to speak but declined.

The Committee was addressed by local Member, Cllr Brian Wood, who tabled some photographs of the site.

Cllr Wood said:

- The nearest bungalow to the cage is totally dominated by the cage, which is three metres higher than the bungalow
- A new 2-storey house has had its view of Hadleigh Castle obscured
- The outlook from the bungalow at the junction of the roads is filled by the cage
- The impact of the proposed new trees will be to block out even more light from the nearby houses
- The previous cage was sited at the north end of the playing field, in a non-residential area
- The case for the health and safety considerations cited for not moving the cage to another part of the field was very weak.

A number of concerns were raised by Members.

Members discussed the installation noting, in particular, the location, use and visual impact.

The resolution was moved, seconded and following a vote of five in favour and six against, a 2nd resolution to refuse planning permission was moved, seconded and following a vote of six in favour, five against, it was:

Resolved

That planning permission be refused for the following reasons:

That the structure is of an overbearing and oppressive nature and is detrimental to the visual amenity.

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.

7. Queen Boudica School

The Committee considered report DR/37/12 by the Head of Environmental Planning.

The Committee was advised that the proposal was to extend the accommodation and facilities of the school, as part of the expansion of school roll to 420 places.

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
- Design & Renewable Energy
- Impact on Playing Field Provision
- Highway Impacts.

In response to a question raised by Members it was noted that

- The playing field area would not be used by the general public, but purely by the school, within school hours.

Members also noted that, if the proposal is granted by Members, contrary to the Sports England Objection, the decision will need to be referred to the Secretary of State, who has 21 days to determine if he wants to call in the decision,

The resolution was moved, seconded and unanimously agreed and

Resolved:

That subject to the Secretary of State not wishing to call-in the application for his own determination, planning permission be **granted** pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 5

years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 05 September 2012, together with drawing numbers: 01 (location plan); 02 (existing site plan); 102 (proposed site plan (overall)); 103 (proposed site plan); 104 (site and contractor access) REV.A;200 (GA plan); 400 (Elevation proposed); 402 (sections); 500 (3D views and sections); 501 (3D cutaway) all dated July 2012; BCE/3995/PH01 (REV.B) phasing plan; BCE/3995/PH02 (REV.B) phasing plan. Also the Design and Access statement dated 05 September 2012, the construction timetable dated 01 May 2012, the site methodology statement from Donovan Steward at 20:53 on 10 October 2012, the Ecological Survey Report dated July 2007, the Entomological Survey of Turner Village, Colchester dated March 2008 and the letter from MLM Consulting regarding an updated Ecological Assessment dated 03 September 2012. Also the Archaeological Field Evaluation ref 66960 dated August 2007, the Site and proposed trench location dated 10 August 2008, the Phase II geo-environmental assessment report dated 22 August 2012, the flood risk statement dated 13 August 2012, the contents of the Primary School places in Colchester developed in 2011 and The Queen Boudica Primary School Travel Plan dated summer 2012, the pre-consultation feedback responses dated 11 July 2012 and the letter from Sport England dated 07 August 2012.

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:

3. The development hereby permitted shall only be constructed during the following times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

4. No works or development shall take place beyond the installation of a damp proof membrane until details, colours and materials samples to be used for the external appearance of the building have been submitted to and approved in writing by the County Planning Authority. The details shall include the materials, colours and finishes to be used on all buildings and fences. The development shall be implemented in accordance with the approved details.

5. No works or development shall take place until a landscape scheme has been submitted to and approved 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 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 scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details.

6. 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.

Minerals and Waste Development

8. Minerals and Waste Site Monitoring Protocol

The Committee considered report DR/38/12 by the Head of Environmental Planning.

The Committee was advised that the proposal was to set out a Minerals and Waste Site Monitoring Protocol that covers both 'chargeable' and 'non-chargeable' minerals and waste sites taking into account best practice and changes to legislation.

Details of the proposed protocol were set out in the report.

In response to comments, concerns and questions raised by Members it was noted that:

- The fees (currently £288 for active sites and £96 for inactive sites) were under review and were likely to rise to £331 and £110 in the near future. These rates were fixed by the Regulations.
- The regulations are aimed at planning conditions, rather than the nature of the waste itself, so Bradwell was included in the list, as were the civic amenity sites
- The list attached to the papers dated from March 2011; an updated list would be used.

Having noted the proposed protocol, the Committee **Endorsed** the methodology for chargeable and non-chargeable site monitoring for mineral and waste sites in Essex, as set out in the paper.

Information Items

9. Enforcement Update 2012 (July-September)

The Committee considered report DR/39/12, Enforcement Matters for the period 1 July to 30 September 2012 by the Head of Environmental Planning.

The Committee **NOTED** the report.

10. Statistics

The Committee considered report DR/40/12, Applications, Enforcement and Appeals Statistics, as at end September 2012, by the Head of Environmental Planning.

The Committee **NOTED** the report

11. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 23 November 2012 at 10.30am in Committee Room 1.

Before closing the meeting, the Chairman informed Members that Tony Sullivan, Enforcement Officer, Minerals and Waste Planning, will be retiring shortly, and his replacement will be joining the Department in December. The Committee wished him well for the future.

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