

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 28 MARCH 2014

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr P Channer
Cllr M Ellis

Cllr I Grundy
Cllr C Guglielmi
Cllr M Mackrory
Cllr Lady P Newton
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr Anne Brown, Cllr John Lodge and Cllr Jill Reeves (substituted by Cllr Grundy).

2. Declarations of Interest

Cllr Lady Newton declared a personal interest in agenda item 5a, Little Warley Hall Farm, as a Member of Braintree District Council and Portfolio Holder for Planning at Braintree.

Cllr Abbott declared a personal interest in agenda item 5a, Little Warley Hall Farm, as a Member of Braintree District Council.

Cllr Bobbin declared a personal interest in agenda item 6a, Fulmar Way, Wickford, as a member of Basildon Council.

3. Minutes

The Minutes and Addendum of the Committee held on 28 February 2014 were agreed and signed by the Chairman, subject to the amendment of the last paragraph on page 3, to accurately reflect the voting:

“The resolution was moved, seconded and following a vote of none in favour and eleven against, failed. Then a second resolution, to identify the reasons for this decision was moved and seconded and following a vote of eleven in favour and none against it was Resolved ...”

4. Identification of Items Involving Public Speaking

The person identified to speak in accordance with the procedure was identified for the following item:

Change of use from B8 (Storage and Distribution) to a waste transfer (Health Care Waste), storage and associated offices.

Location: Fulmar Way, Wickford Business Park, Wickford, SS11 8YW

Ref: ESS/08/14/BAS

Public Speaker: Tim Hammond speaking for.

5. Little Warley Hall Farm

The Committee considered report DR/09/14 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 the original application (attached as Appendix 1 to the paper) was retrospective and so referred to an existing development. Permission had been resolved to be refused by the Committee at its meeting of 28 February, and, in line with Committee Protocol, the formal decision was being taken at this meeting to allow officers to present appropriate and reasonable reasons for refusal to the Committee. The Committee would also consider whether it was appropriate to take enforcement action.

The Committee noted the Considerations as set out in the Report.

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

- It was not appropriate to introduce any new reasons for refusal without re-consideration of the application;
- Any enforcement notice would follow once permission had been refused. Any appeal against a notice would need to be lodged before the notice takes effect, normally within 28 days of service. Provided a valid appeal is lodged the Planning Inspectorate would decide what the appeal procedure would be (eg by written submissions or public enquiry) and as such this would determine the length of time any appeal would take. If significant harm was being caused from odour etc. after an Enforcement notice was served the planning authority could serve a Stop Notice, however if planning permission was subsequently granted the council could be liable for a significant compensation claim from the appellant for loss of business.
- Officers of the Council would need evidence of any suggestion of a change in activity – eg an increase in vehicle movement.

The resolution was moved, seconded and following a unanimous vote in favour it was

Resolved

That planning permission be refused for the following reasons:-

1. That the development occupies an inappropriate location, which does not conform with the principles of sustainable development, as defined within the Framework, due to the detrimental impact the provision would have on the locality and local residential amenity, contrary to Essex and Southend Waste Local Plan 2001 policy W3A (Sustainable Development, National Waste

Hierarchy & Proximity Principle).

2. Insufficient and/or inadequate information has been provided to demonstrate that the design of the development would not cause unacceptable odour impacts and/or an unacceptable impact upon groundwater and flooding in the event of structural damage/failure to the tank, contrary to Essex and Southend Waste Local Plan 2001 policy W10E (Material Considerations: Policy Compliance and Effects of the Development) and Braintree District Local Plan Review 2005 policies RLP36 (Industrial and Environmental Standards), RLP62 (Development Likely to Give Rise to Pollution, or the Risk of Pollution) and RLP90 (Layout and Design of Development).

And that:

3. Given the continued injury to local amenity, it is considered expedient that an Enforcement Notice is issued requiring removal of the tank within 3 months of the date the notice comes into effect.

6. Fulmar Way, Wickford

The Committee considered report DR/10/14 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 was for a change of use. At present the Operator carries out both laundry and waste transfer functions on one part of the site; the plan proposes to relocate the waste transfer activities to the application site, leaving the laundry at the existing site. There is no intention to change or expand current operations.

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 & Principle of Development
- Impacts upon Local Amenity

In accordance with the protocol on public speaking the Committee was addressed by Tim Hammond, representative of SKM Enviros. Mr Hammond said:

- This proposal forms part of PHS's ongoing development strategy, one of several sites in the South East, enabling it to provide a better and more efficient service
- It brings a building back into use, with appropriate economic and employment benefits. It will replicate the work carried out in the present Unit, providing an essential public service.
- PHS has been on this site many years, with no problems with local

residents or authority. There has been no nuisance recorded, either through noise or odour.

- The activities will be closely regulated by the Environment Agency – the appropriate permit has been applied for.

In response to a Member's question regarding operations on bank holidays, it was confirmed by the presenting officer that due to some of the facilities the applicant serves (hospital/health care facilities) continuing to operate on bank holidays they would need to still collect the necessary healthcare wastes. However, the operation would run at a reduced service with no processing taking place, simply storage/ bulking of the waste would take place.

The resolution was moved and seconded, and with a unanimous vote in favour, it was:

Resolved:

That planning permission be **granted** subject to conditions covering the following matters:

1. COM1 – to be implemented within 5 years;
2. COM3 – to be carried out in accordance with submitted details; and
3. HIGH2 – compliance with indicated access.

7. Kingswode Hoe, Colchester

The Committee considered report DR/11/14 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 application seeks to extend the use of 3 temporary classbases to 31 August 2019.

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
- Policy considerations
- Design and location
- Impacts on Landscapes and Residential Amenity

Concern was expressed as to whether 5 years was justified.

In response to a question on the likely timescale for the Education Estates Strategy Review, Members were informed that a Report should be produced in 2-

3 months' time. However, that would only set out the principles of how the review would be undertaken; then the review itself would need be carried out and then the recommendations implemented, subject to planning, thus it might be a number of years before the outcomes were implemented.

Another Member expressed disappointment that funding was not being found for replacement of temporary classrooms, in the wake of the capital programme.

One Member proposed amending the period of the extension from five to three years. This was seconded and, following a vote of 7 in favour and 2 against, was agreed.

The resolution, as amended, to extend the permission was moved and seconded and, following a vote of 7 in favour, 1 against, with Cllr Bobbin abstaining, 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 carried out in accordance with the details of the application reference CC/COL/04/14 dated 14 January 2014 and validated on 20 January 2014 together with Essex County Council Information Sheet dated 10 January 2014 and Site Plan: Kingswode Hoe School, Colchester 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 condition:
2. The use of the temporary classbases hereby permitted shall cease on 31 August 2017 and within 3 months of that date the units shall be removed from site and the land restored to its former condition within a further 28 days.

8. Periodic Reviews of Old Mineral Planning Permissions

The Committee considered report DR/12/14, by the Director of Operations: Environment and Economy, on the programme of Periodic Reviews of Old Mineral Planning Permissions.

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

The Committee **NOTED** the report.

9. Statistics

The Committee considered report DR/13/14, 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.

10. Date and time of Next Meeting

The Committee noted that the next meeting will be held on Friday 25 April 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.15 am.

Chairman