

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON
22 MAY 2009**

Membership

* N D C Edey (Chairman)	* R Gooding
* W J C Dick (Vice-Chairman)	* Mrs J Reeves
* W Archibald (substitute for C Baker)	* M Mackrory
* K Bobbin	* Mrs M A Miller
* R Boyce	* R A Pearson
* A H Clover	* J Spencer

*present

45. Apologies and Substitution Notices

The Committee Officer informed the Committee that Councillor Baker had sent his apologies, with Councillor Archibald his designated substitute.

46. Minutes

The Minutes and Addendum of the Committee held on 27 April 2009 were approved as a correct record and signed by the Chairman, with the following amendments:

Minute 33/Page 41:-

Councillor Miller had expressed a non-prejudicial interest in 27 April Agenda item 5c (Ref: ESS/51/08/ROC)

Minute 35/Page 46:-

Councillor Mackrory wished it minuted that he was planning to vote against the application (Ref: ESS/37/08/BTE)

Richard Greaves, Principal Planner, informed the Committee that the planning application concerning the development of an integrated Waste Management Facility at Rivenhall, which came before the Committee on April 27 2009, had subsequently been called in by the Secretary of State for her own determination.

47. Declarations of Interest

No declarations of interest were made.

48. Identification of Items Involving Public Speaking

The persons who were registered to speak in accordance with the procedure were identified:-

- 5b) Retrospective application for the installation of temporary pipework to connect two parts of quarry to facilitate movement of water. Colchester Quarry, Warren Lane, Stanway. Ref: ESS/09/09/COL:

- Colchester Borough Councillor Lesley Scott-Boutell, speaking against on behalf of Colchester Borough Council

Minerals and Waste

49. Plumptons Farm, Alresford, Colchester. Continuation of development without complying with condition 17 (restoration) attached to planning permission ref ESS/52/97/TEN(R) seeking variations to the approved restoration scheme. Ref: ESS/04/09/TEN

The Committee considered report DR/28/09 by the Head of Environmental Planning.

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 Continuation of development without complying with condition 17 (restoration) attached to planning permission ref ESS/52/97/TEN(R) seeking variations to the approved restoration scheme at Plumptons Farm, Alresford, Colchester.

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:

- A. Need
- B. Impact upon neighbouring amenity
- C. Impact upon the highway
- D. Impact upon habitats & nature conservation

Councillor Derek Robinson, local member for Brightlingsea, addressed the Committee.

He said:

- I am speaking on behalf of the Alresford Parish Council
- There are three main concerns with this application: highways, wildlife and need.
- The highway concerns relate to the access road. There is a concern over the safety of traffic as they pull onto the B1027.
- The parish council is also objecting on the grounds that the increase in activity at the fishing area would be disruptive to local wildlife.
- Finally, the parish council is sceptical as to the need for this development. There is a doubt as to whether the fishing areas would be used by sufficient numbers to warrant having this development.

Richard Greaves, Principal Planner, responded to the concerns raised by Councillor Robinson. He said that the Environment Agency and Natural England have not raised any objections to the application. He added that the

applicant has sought to demonstrate the need for the application.

Andrew Cook, Strategic Development Principal Engineer, Highways, responded to the concerns raised by Councillor Robinson. He said that whilst the main road does suffer from accidents, this is not in association with the access road. There is appropriate visibility from the access road, and the flow of traffic will actually be less than when the site was used as a quarry.

The Committee was advised that the material making up the access road was permanent compacted earth.

Responding to a question about how fishing at the site would be controlled, Richard Greaves informed the Committee that it would be a controlled facility. The applicant company has a subsidiary angling arm, and there will be a booking system to fish the lakes.

The Committee then voted on the recommendation as amended. A vote being taken, a unanimous vote was recorded and it was: -

Resolved:

That 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.
2. The development hereby permitted shall be carried out in accordance with the details of the application ESS/04/09/TEN received 23 January 2009 together with drawing numbers P3/284/6 (received 23/01/09) and P3/284/4/3 (received 23/01/09), Phase 1 Habitat Survey by Betts Ecology (December 2008) and Water Vole and Otter Survey by Essex Farming and Wildlife Group (received 23/01/09) except as varied by the following conditions:
3. Clearance of any trees or scrub shall be undertaken outside of the bird nesting season (1st March to 31st of August inclusive) unless otherwise agreed in writing by the Minerals Planning Authority.
4. The western bank of the 'main lake' shown on plan P3/284/4/3 shall be fenced off and made out of bounds to anglers at all times. Any works to this area shall not be undertaken until a pre-clearance inspection has been carried out by a suitable qualified ecologist and any protected species around are moved to a safe area the details of which shall have firstly been approved by the Minerals Planning Authority.
5. Prior to the commencement of the development hereby permitted a long term Nature Conservation Management Plan as set out within the Phase 1 Habitats Survey by Betts Ecology shall be submitted to and approved in writing by the Minerals Planning Authority. The development shall be carried out in accordance with the approved management plan.
6. Prior to the commencement of the development hereby permitted details showing the location of both wet and dry 'scrapes' within the site shall be

submitted to and approved in writing by the Minerals Planning Authority. The development shall be carried out in accordance with the approved details.

7. No fixed lighting of any kind shall be installed on site.
8. Prior to any works being undertaken affecting reed beds and semi improved grassland areas a survey shall be undertaken to establish the presence or otherwise of great crested newts. The survey shall include measures for the relocation of protected species to a suitable location.

50. Retrospective application for the installation of temporary pipework to connect two parts of quarry to facilitate movement of water. Colchester Quarry, Warren Lane, Stanway. Ref: ESS/09/09/COL

The Committee considered report DR/29/09 by the Head of Environmental Planning.

The Committee was advised that the proposal was for the Retrospective application for the installation of temporary pipework to connect two parts of quarry to facilitate movement of water at Colchester Quarry, Warren Lane, Stanway.

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:

- A. Impact on amenity and the immediate area
- B. Development outside of permitted quarry limits

In accordance with the protocol on public speaking the Committee was addressed by Colchester Borough Councillor Lesley Scott-Boutell, speaking against on behalf of Colchester Borough Council.

She said:

- The pipe is visible from Warren Lane and is not well screened by the surrounding hedges.
- It is a visual blight on the landscape and it is highly visible from the A12.
- It is also visible to visitors to Colchester Zoo
- I would also like an explanation as to why this planning permission is retrospective.

Richard Greaves, Principal Planner, replied that it is not illegal for planning permission to be retrospective in this way.

Councillor Archibald said that he felt the status quo was the worst solution to the problem. He also expressed his belief that he did not see on what grounds the Committee should approve this application.

Councillor Mackrory said that he felt these works should have been carried out within the site as per the original planning permission, and as such he would not be supporting the application.

Councillors Gooding and Miller agreed that there needs to be strong wording in the conditions to ensure that the pipes are removed by the end of the year 2010.

Councillors Reeves and Gooding expressed the view that the pipes should be buried.

Councillor Bobbin proposed an amendment that the application should be deferred pending an investigation into the possibility of burying or covering the pipes. Councillor Mackrory seconded the amendment. Following a vote, the amendment was defeated.

Councillor Pearson proposed that a condition be inserted stating that the applicant should cover the pipes and that the Committee should be notified of the wording of this condition at the next meeting. Councillor Dick seconded the proposal. A vote being taken, the proposal was approved by a majority of 7 to 4.

The Committee then voted on the recommendation as amended. Following a vote, it was

Resolved:

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

1. C2 – Development in accordance with plans and details
2. Cess1 - Removal by 31 December 2010.

Post-Meeting Note: The following condition was drafted by Richard Greaves, Principal Planner, to incorporate the amendment agreed by the Committee:

3. Within one month of the date of this planning permission a scheme to mitigate the visual impact of the pipework shall be submitted to and approved in writing by the Mineral Planning Authority. Without prejudice to the foregoing, the scheme shall incorporate measures to cover the pipework with soil or similar material and be seeded with an appropriate grass mix. The approved scheme shall be implemented within 1 month of the date of approval of the scheme.

51. **Winning and working of minerals, removal surplus soils and the erection of a low profile processing plant, concrete batching plant and ancillary buildings (including workshop) interim restoration to lakes and subsequent construction of potable water storage reservoir as an extension to the Ardleigh Reservoir with landscaping and an area of public open space. Wick Farm, Ardleigh. Ref: ESS/57/04/TEN**

The Committee considered report DR/30/09 by the Head of Environmental Planning.

The Committee was advised that the proposal was for the winning and working of minerals, removal of surplus soils and the erection of a low profile processing plant, concrete batching plant and ancillary buildings (including workshop) interim restoration to lakes and subsequent construction of potable water storage reservoir as an extension to the Ardleigh Reservoir with landscaping and an area of public open space at Wick Farm, Ardleigh.

Policies relevant to the application were detailed in the report.

The resolution was moved, seconded and

Resolved:

That the Committee re-endorse the previous decision to grant planning permission subject to:

1. The applicants and all the relevant landowners of the site entering into a planning and highway agreements to cover the following:
 - A. Monitoring of groundwater including points on the edge of site to assess impact of the development upon ground water levels and the quality and quantity of water available to individual residential properties in the vicinity of the site with private water supplies from wells or boreholes and also monitor the impact upon the moat around Wick Farm, and ponds to the south of the site.
 - B. Requirement that the developer provide a completed Unilateral Obligation. The Unilateral Obligation shall make provision for deepening boreholes or alternative water supply facilities for individual residential properties in the vicinity of the site, including those fronting Wick Lane and Crown Lane North, in the event that ground water monitoring shows a detrimental impact on the potential yield or quality of these wells/boreholes as a result of mineral extraction and/or reservoir construction and other mitigating measures have failed to restore groundwater levels.
 - C. Retention of the area restored for public open space to remain open and available for public use for a period of at least 50 years post completion of the reservoir.
 - D. Provision of a 50 year management programme for the site post completion of the reservoir, including the areas of public open space and new habitat areas.
 - E. Provision for post restoration visitor facilities, including car and cycle parking, disabled access, access to waters edge, toilet facilities and interpretation boards.
 - F. Revocation of any planning permissions to work and process the remaining minerals at Tiptree Quarry and its early closure.

- G. To provide details of the end use of soils and demonstrate that they are to be used in a sustainable manner.
- H. Dedication of new public rights of way around the reservoir including a commuted sum for future maintenance of the new public bridleways.
- I. Following a monitoring period, if the current arrangements lead to access difficulties for Large Goods Vehicles, the provision additional waiting restrictions in Old Ipswich Road. Details to be submitted to and approved in writing by the Minerals Planning Authority.

Planning permission be granted subject to the conditions.

- 1. C1 Commencement within 5 years.
- 2. G1 Details in accordance with submitted plans.
- 3. A2 Hours of operation 07:00 – 18:30 Monday to Friday, 07:00 – 13:00 Saturdays.
- 4. G5 Records of outputs.
- 5. H6 Wheel cleaning.
- 6. H1 Point of access.
- 7. The provision of the access onto Ipswich Road as shown in principle on drawing numbered IT430/SK/01 dated January 2007 to include the following:
 - a. A 4.5 metre by 160 metre visibility splay to the north and 4.5 metre by 215 metre visibility splay to the south as measured from the nearside edge of Ipswich Road.
 - b. Radius kerbs of 15 metres (minimum) returned to an access road width of 7.3 metres which shall be a straight and metalled for at least the first 30 metres from its junction with the public highway.
- 8. The permanent closure of the existing access into the application site from Ipswich Road. Full details to be submitted to and approved in writing by the Minerals Planning Authority.
- 9. The provision of a road signage scheme to include advanced warning signs to inform road users of the presence of Large Goods Vehicles, full details to submitted to and approved in writing by the Minerals Planning Authority.
- 10. The safeguarding/diversion of Public Footpath 19 Ardleigh during construction stages 1 to 4 and completion of the reservoir, full

details to be submitted to and approved in writing by the Minerals Planning Authority.

11. Any gates or barriers provided at the site access shall only open inwards and shall be set back a minimum of 15 metres from the nearside edge of the carriageway.
12. The submission of full details relating to the proposed car park and access arrangements for the recreational use following completion of the reservoir.
13. D4 Lorries to be sheeted.
14. N2 Noise Limits.
15. N3 Noise monitoring.
16. N5 No audible warning devices without prior approval.
17. N1 Silencing of Plant and Machinery.
18. A6 No lighting except in accordance with approved details.
19. Stockpile Heights shall not exceed 46 metres AoD.
20. L1 Submission of a detailed landscaping scheme to be broadly in accordance with the details submitted with the planning application.
21. L2 Replacement Planting.
22. L3 Tree Protection Measures.
23. S1 Soil Movement scheme.
24. S7 Stripping of top and sub soil.
25. S11 Maintenance of Bunds.
26. S4 Soil handling in a dry and friable condition.
27. S13 Spreading soils.
28. S14 Depth of sub and topsoil.
29. S15 stone picking following soil placement.
30. S9 Notification of commencement of soil stripping (add that the maximum period for notification is 21 days).
31. R Archaeological investigation.
32. P3 Fuel and Oil Storage.

33. Ra2 Aftercare scheme to be approved.
 34. T3 Expiration of planning permission modified to relate to mineral extraction and construction of the reservoir.
 35. T7 Removal of plant and equipment removal when no longer required.
 36. Prior to the commencement of each new phase of a working an ecological survey and mitigation shall be carried out in accordance with an approved scheme.
 37. T5 Details of restoration if works stop.
 38. G3 No importation for processing other than cement for the concrete batching plant.
 39. G2 Removal of permitted development rights (minerals only).
 40. D1 Dust management scheme.
 41. No existing vegetation shall be removed between September and February.
 42. Through the duration of the mineral extraction provision shall be made for fodder crops in accordance with an approved scheme.
 43. Prior to the commencement of the development hereby approved the developer shall provide written confirmation to the Mineral Planning Authority that a Habitats Directive compliant source of water will be available to supply the reservoir.
 44. Mineral extraction and reservoir construction operations within 100 metres of Chilver's Cottages, Whinstones and Gate House Farm shall be limited to no more than 8 weeks in any one calendar year.
 45. Detailed restoration scheme to be submitted and approved in writing.
 46. Details of the link between the existing and proposed reservoir to be submitted and approved in writing.
2. A further report to be submitted to the Committee should the legal agreement not be signed by the end of August 2009 to allow Members to review progress.

Development by the County Council

52. Retrospective planning application at Friars Grove Infant School, Upland Drive, Colchester, CO4 0PZ. Ref: CC/COL/05/09

The Committee considered report DR/31/09 by the Head of Environmental

Planning.

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 retrospective planning application for erection of an aluminium frame and fabric roofed canopy to the south west elevation of the infant school building, complete with decking and fencing. Friars Grove Infant School, Upland Drive, Colchester,

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:

- A. Need and Principle of Development
- B. Design
- C. Amenity and Landscape Impact

The resolution was moved, seconded and

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 CC/COL/05/09 dated 27 November 2008, together with a drawing number 08139-01 dated 27 November 2008 and Design and Access Statement dated 27 November 2008, except as varied by the following condition:
2. Details of decking and fencing, including materials, elevations, plans, demonstrating heights, depth and width with type of fencing to be used shall be submitted to and approved in writing by the County Planning Authority within 1 month from the date of permission and thereafter implemented in accordance with the approved details.
3. Within 3 months from the date of this permission a noise attenuation scheme, incorporating either new boundary treatment with landscaping at the boundary of the application site and the nearest noise sensitive property to the south of the canopy or noise absorbent treatment material for both the canopy and ground surface directly beneath the canopy, shall be submitted to and be approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

53. The construction of 2 new plots to existing traveller's site at Sandiacres Travellers Site, Long Green, Cressing, Braintree, Essex, CM7 8DL. Ref: CC/BTE/14/09

The Committee considered report DR/32/09 by the Head of Environmental Planning.

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 construction of 2 new plots to existing traveller's site, comprising new double "Day Block" with kitchens and toilets and hardstandings enclosed by closeboard fencing and steel entrance gates at Sandiacres Travellers Site, Long Green, Cressing, Braintree

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:

- A. Need
- B. Design
- C. Impact on the Residential and Local Amenity
- D. Highways.

The resolution was moved, seconded and following a vote of 11 in favour and 0 against, with Councillor Edey 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 begun before the expiry of 3 years from the date of this permission.
2. That the development hereby permitted shall be carried out in accordance with the details submitted of the application reference dated 13 February 2009 together with drawing numbers: A4003 Site Location and Amenity Block Plan and Elevations proposed and design and Access statement dated 13 February 2009, except as varied by the following condition:
3. No development shall take place until details of close-boarded fencing to be erected on the north-western boundary of the site, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details

54. Information Items

The Committee **noted** the following report from the Head of Environmental Planning:

Applications, Enforcement and Appeals Statistics (DR/33/09)

55. Date of Next Meeting

The Chairman informed the Committee that the next meeting would take place at 10.30 on Friday 26 June 2009 in Committee Room 1, County Hall, Chelmsford.

The Chairman expressed his gratitude to all members of the Committee for their hard work over the past 4 years

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Meeting ended at 12.00

Chairman