

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 JUNE 2014

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr J Aldridge
Cllr K Bobbin
Cllr M Ellis
Cllr C Guglielmi

Cllr J Lodge
Cllr M Mackrory
Cllr Lady P Newton
Cllr J Reeves
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr Penny Channer (substituted by Cllr Seagers).

2. Declarations of Interest

Cllr Bobbin declared a personal interest in agenda item 5a, Terminus Drive, Pitsea, as a local Basildon Councillor, and would withdraw for the consideration of this item.

Cllr Ellis declared a personal interest in agenda item 5a, Terminus Drive, Pitsea, as a local Basildon Councillor.

3. Minutes

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

4. Identification of Items Involving Public Speaking

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

Change of use to waste recycling and materials recovery facility and erection of buildings, containment walls, hardstanding, roadways, fencing, parking, storage areas and ancillary development (part retrospective)

Location: Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, Essex SS16 4UH

Reference: ESS/69/BAS

Applicant: Heard Environmental

Public Speakers: Trevor Hutchinson speaking against
Russell Forde speaking for.

Councillor Bobbin left the meeting at this point

5. Terminus Drive, Pitsea

The Committee considered report DR/21/14 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 an application had been previously considered by the Committee and Planning Permission had been issued in June 2013. However, following Judicial Review, ECC had agreed to the quashing of the permission. This was a revised application.

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 and location
- Highway impacts
- Impacts on public rights of way
- Design, landscape and visual impacts
- Impacts on ecology
- Impacts on local and residential amenity
- Impacts on the historic environment and viability of Cromwell Manor
- Impacts on hydrology
- Economic benefits.

In accordance with the protocol on public speaking the Committee was addressed by Trevor Hutchinson, planning agent for Cromwell Manor. Mr Hutchinson said:

- Any harm or loss to a heritage asset must be justified, and should be weighed against any public benefits of the proposal. This proposal clearly causes harm, but only brings limited benefits
- The venue is unlikely to remain attractive as a wedding venue if the proposals go through
- The test of benefit is whether a particular site is required to provide the benefit – but this site is not identified as a suitable site on any existing or emerging local waste plan
- The existing 15 jobs are outweighed by the economic benefits of Cromwell Manor as a wedding venue, with the potential loss of employment by those working at Cromwell Manor as well
- The lighting design is substandard
- The 7 pre-commencement conditions included in the previous consent have been totally disregarded.

Russell Forde, representative of Smart Planning, said:

- Permission was previously granted for this site. Following the challenge by judicial review, and subsequent agreement to have consent quashed, the operator has addressed several issues that were previously raised as having potential impact on the adjacent building
- The County Council's officers have agreed that the proposals are acceptable in terms of local and national planning policy
- The Environment Agency has issued a draft permit for the site, indicating it can operate without detriment to the environment and adjacent sites
- The operator is a responsible local employer, committed to reducing landfill by reducing waste and working within all permits and conditions
- The original decision was to grant permission and, although there have been no material changes since then, the new application answers any questions raised by Members and at the judicial review
- A conscious business decision was made at some point to develop a wedding venue next to an allocated industrial estate
- Officers can provide an accurate account of the lighting arrangements on site.

A number of concerns were raised by Members:

- The height of the building does have a visual impact; and its colour adds to this
- Although recycling does need to move up through the planning hierarchy, this is not a designated site
- The condition restricting the use of machinery to one piece at any one time may be hard to enforce – although it was noted that the applicant himself had proposed this restriction
- It is hard to assess at what point the cumulative impact of the workings on the site may become “substantial harm”

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

- The five grounds for the judicial review had been covered
- The railway line to the south of the site lies approximately one metre (in altitude) below the site
- Access roads to the site will be metalled, but not necessarily all those on site
- If permission is not granted, the building on site will have to be demolished
- The 3 metre high sleeper wall to the north of the site exists to protect the public right of way; and there is also a hedge/tree screen between the wall and the right of way
- The proposed lighting scheme aims to reduce impact on the railway and residential amenity, and it is subject to assessment

After further discussion, the original resolution was proposed and seconded, with amendments relating to:

- The restricting of lighting hours and requirement for any additional, lighting to be subject of approval
- Details of dust suppression measures outside the building to be submitted
- The changing of the colour of the main building, to mitigate visual impact

- The use of plant from 8.00 am to 5.00 pm, Monday to Friday only and not on Saturday mornings.

Following a vote of six in favour and three against, with Cllrs Abbott and Lady Newton abstaining, it was

Resolved

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

1. COM3 - Compliance with submitted details
2. COM2 – Notification of commencement within 7 days of implementation
3. WAST1 – Definition of waste materials to be imported
4. WAST5 – Restricting waste to areas as approved
5. Bespoke - no use of tracked vehicles east of the building except for construction and maintenance
6. HIGH13 – surface materials of access
7. HIGH14 – Access gates
8. HIGHWAYS - Bespoke
Linage on surface to define route, linage to be maintained. The Public's rights and ease of access over the public footpath shall be maintained free and unobstructed at all times.
9. HIGH7 – erection of warning signage for PRow Vange 136
10. HIGHWAYS - Bespoke
Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
11. HIGHWAYS - Bespoke
The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the building and retained at all times.
12. HIGH5 – restriction to 100 HGV movements [50 in and 50 out] per day (Monday to Friday) 50 HGV movements [25 in and 25 out] per day (Saturdays)
13. HIGH1– improvement to Terminus Drive access
14. HIGH2 – All Access to be via Terminus Drive
15. LAND1 – Requires submission details regarding a landscaping scheme, including preparation of appropriate ground conditions prior to planting and planting species shall include 40% flowering shrubs
16. LAND2 – Requires replacement of trees/and shrubs (if necessary) within 5 years of commencement
17. VIS 2- Restricting stockpile heights to 4m
18. HOUR1 – Restricts construction times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
19. HOUR5 - Restricts hours of operation times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
20. NSE3 – Requires noise monitoring to be undertaken and submitted within one month of commencing operations to validate predictions and

thereafter as required by Waste Planning Authority to demonstrate compliance .

If measured noise levels exceed those detailed proposed mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority within 1 month of noise monitoring identifying noise levels greater than the maximum limits.

21. Bespoke - maintenance of sound proofing of the waste processing building through the life of development
22. Bespoke - no operation of crusher, trommel or shredder at one time, and submission and approval of management scheme to achieve this.
23. DUST1 – Implementation in accordance with approved dust suppression measures
24. Bespoke – Prior to beneficial use of waste building submission and approval of details of dust suppression mist system for main building and dust suppression for outside storage areas
25. LGHT1 - Requires submission details regarding any additional proposed lighting on site
26. ECO1- Implementation in accordance with approved Reptile Mitigation Measures
27. Light monitoring to demonstrate compliance
28. Vibration monitoring
29. POLL1 - Requires submission details regarding surface water drainage and an assessment of the hydrological and hydrogeological context of the development.
30. Bespoke – the colour of the main building shall be Goosewing Grey and the lobby Mineral Green/Moorland
31. NSE3 – Monitoring noise levels – setting maximum noise levels and approving monitoring locations
32. Bespoke – Doors in east elevation of lobby to main building to remain closed at all times and only used in case of emergencies
33. Bespoke – no more than 50,000 tonnes per annum throughput, records made available to WPA upon request.

Councillor Bobbin rejoined the meeting at this point.

6. Montgomery Infant & Junior School, Colchester

The Committee considered report DR/22/14 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 school intended to double its intake and therefore had to build the necessary accommodation, including eight new classrooms.

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
- Impact on playing field provision
- Impact on landscape and ecology
- Impact on residential amenity
- Highways and parking

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

- There was no planned mitigation for the loss of the trees to the new car parking area. This could be included
- There were no specific lighting conditions, either relating to sustainability or limiting impact on the local community; these could be added
- A requirement could be added to ensure the removal of the existing temporary classroom, when the work is complete. There is already a condition to remove the temporary classbase provided for the construction period.
- Although Sport England had requested that consideration be given to providing facilities for public use, there could be no presumption that local people would want to use these facilities; and this was beyond the scope of this application in any case
- Consideration will be given to providing some more technical details on the construction of these buildings in the circulated papers. Members were reminded that fuller details of each application are available on the planning website
- Officers will take back Members' concerns over the practicality of building on one storey only

The resolution was proposed and seconded, with the addition of conditions relating to:

- of landscaping
- The restriction of lighting
- The removal of the temporary classroom on completion of the project.

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 Secretary of State not calling in the application for his own determination and
- 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.
2. The development hereby permitted shall be carried out in accordance with the details of application reference CC/COL/15/14 dated 10 February 2014, 16 February 2014 and 17 February 2014 and validated on 26 February 2014 together with Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan prepared by Hayden's Arboricultural Consultants (Project Number 3784) dated 18 October 2013, Extended Phase 1 Habitat Survey prepared by MLM Environmental (Document Reference ACC/771460/R1) dated 18 November 2013, Montgomery Junior School Interim Travel Plan Version 2.0 dated December 2013, Montgomery Infant School and Nursery Interim Travel Plan dated January 2014, Ground Investigation Report (13711SI) prepared by RSA Geotechnics Ltd dated December 2013, Unexploded Ordnance Desk Study prepared by MACC International Ltd (Project Number 3600) dated 5 November 2013, Design and Access Statement (Project Number 6126) dated January 2014 and Drawing numbers 6126-1102 (Proposed Site Location Plan) dated January 2014, 6126-1102-P6 (Proposed Site Plan) dated 24 January 2014, 6126-1100-P1 (Existing Site Plan) dated 24 January 2014, IG13/261/200 Revision T3 (Proposed Drainage Layout) dated 20 December 2013, 6126-1201-P5 (Proposed Ground Floor Plan) dated 10 February 2014, 6126-1202-P5 (Proposed Roof Plan) dated 10 February 2014, 6126-1221-P1 (Existing Junior School - Extract Plans) dated 24 January 2014, 6126-1222-P1 (Existing Infants School - Extract Plans) dated 24 January 2014, 6126-1230-P4 (Existing Junior School - Proposed Alterations) dated 24 January 2014, 6126-1231-P3 (Existing Infant School - Proposed Alterations) dated 24 January 2014, 6126-1304-P4 (Proposed Elevations) dated 10 February 2014, 6126-1305-P1 (Proposed Covered Canopy Elevations) dated 24 January 2014, 6126-1404-P2 (Proposed Sections A-A& B-B) dated 10 February 2014, 6126-1501-P1 (Frontage Extension Proposals) dated 24 January 2014 and 6126-1502 (Rear Entrance Proposals to Infants) dated January 2014, email from Kevin Harrison, Stanley Bragg Architects dated 29 May 2014 10:46 together with drawings HD/CRS/09 (Single Classroom 2 x UK123 Ultima Modules with WC's & Sink) dated 7 July 2009, HD/9254/03 (Plans & Elevations - Single Classroom Block with toilets - 2 x UK123) dated 2013 and Tech Turf information sheet, email from Alex Drouet, Barnes Construction dated 13 May 2014 11:08, email from Alex Drouet, Barnes Construction dated 12 May 2014 12:58 together with drawing numbers 6126-1103 (Proposed Fire Path and Sports Pitches) dated May 2014 and 6126-1105 (Existing Sports Pitches) dated May 2014 and email from Alex Drouet, Barnes Construction dated 10 June 2014 15:31 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 conditions:
3. No development shall take place until details and samples of the materials to be used on the classbase extension and covered walkway links hereby permitted have been submitted to and approved in writing by the County

Planning Authority. The details shall include the colours and finishes to be used on the building. The development shall be implemented in accordance with the approved details.

4. No development shall take place until details of the external materials and colour of the proposed extension to the northern elevation of the Infant School 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.
5. No development shall take place until details of all ground surface finishes, including kerbs, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
6. No development or any preliminary ground-works shall take place until:
 - a) All trees/hedges to be retained during the construction works have been protected by fencing of the HERAS type. The fencing shall be erected around the trees/hedges and positioned from the trees/hedges in accordance with British Standard 5837:201 "Trees in Relation to Construction", and;
 - b) All weather notices prohibiting access have been erected on the fencing demarcating a construction exclusion zone as detailed in BS5837:2012 section 6.

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 written consent of the County Planning Authority.

7. Unless otherwise approved in writing by the County Planning Authority, no retained trees/hedges shall be cut down, uprooted or destroyed, nor shall any retained trees' branches, stems or roots be pruned
8. No development or preliminary ground-works shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.
9. During the construction duration of the development hereby permitted no commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.
10. Within 3 months of the completion of the development hereby permitted, or within 1 month of its first beneficial occupation, whichever is the sooner, the use of the temporary classbase provided for the duration of the construction works,

as defined on drawing reference 6126-1101-P6 Revision P6 (Proposed Site Plan) dated 24 January 2014, shall cease and thereafter shall be removed from the site within 1 month and the land reinstated to its former condition within a further 28 days.

7. Statistics

The Committee considered report DR/23/14, 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 25 July 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.15 pm.

Chairman