

## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 31 MAY 2013**

### **Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr W Archibald  
Cllr P Channer  
Cllr M Ellis  
Cllr C Guglielmi

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

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

Apologies were received from Councillors K Bobbin (substituted by Cllr Archibald), A Brown and S Walsh (substituted by Cllr Seagers).

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

No declarations of interest were declared.

### **3. Appointment of Vice Chairman**

Councillor Reeves proposed and Councillor Channer seconded the election of Councillor Carlo Guglielmi as Vice-Chairman of the Committee. There being no other proposals, Councillor Guglielmi was duly appointed.

### **4. Minutes**

The Minutes and Addendum of the Committee held on 19 April 2013 were agreed and signed by the Chairman.

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

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

Application for a change of use of land with appropriate development to enable use of the site as a waste recycling and materials recovery facility, on land to the south of Terminus Drive, Pitsea.

Public speakers: Ms Angela Deering speaking against  
Mr Russell Forde speaking for.

## **Minerals and Waste Development**

### **6. Terminus Drive, Pitsea**

The Committee considered report DR/20/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the change of use of the land and the erection of buildings, hardstanding, roadways, parking and storage areas to enable the use of the site as a waste recycling and materials recovery facility.

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 Policy considerations
- 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

In accordance with the protocol on public speaking the Committee was addressed by Ms Angela Deering, Manager of Cromwell Manor. Ms Deering said:

- The proposed development is likely to have an impact on Cromwell Manor (a Grade II listed building), and specifically on the viability of its current commercial use, through the construction process, ongoing activities causing amenity issues and appearance of the final structure.
- The National Planning Policy Framework requires appropriate consideration to be given to the impact of any development on heritage assets
- There is an absence of landscaping to the southern boundary and some doubt about the whether landscaping could be provided here.

Mr Russell Forde then addressed the meeting. He said:

- The location is suitable – historically it has been used as a minerals yard and under the current Basildon Local Plan is marked for general industrial use
- This is an established company, wishing to remain in the area, to expand and provide more local jobs
- Various studies on the likely impact have been carried out and the EA is satisfied with the results. The County Highway Authority is also content
- It is situated a significant distance from local residential property and so any impact on local residents will be minimal.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- With regard to the vibrations felt at Cromwell Manor, the officers were unable to confirm these, as they felt none during their visits to the site. It was pointed out that the mainline railway is adjacent to the Manor and works at the existing industrial operation adjacent to Pitsea Hall Road and

- the application site, both could both potentially create vibrations
- The increase in the scale of operations was noted but the overall increase in HGV movement should be relatively small. The Highways Agency and the County Highway Authority had no objections, subject to the fulfilment of certain conditions
  - Neither the EA nor Place Services considered there would be a significant negative impact on Wat Tyler Park, which lies to the south of the development.
  - The suitability of other potential sites had been considered by the applicant and the presence of vacant premises at the time of committee cannot be considered as the planning application must be determined as made. . Notwithstanding this, the site is designated for general industrial use. This designation would normally preclude the imposition of conditions, but some had been sought in this case
  - The operators had stated their intention to have a system in place to reduce fumes, although it was not clear how this would work, particularly as it was noted that the south doors, which faced Cromwell Hall, would be open during operation
  - It was noted that if planning permission were to be granted, a condition would require the submission of details regarding the southern boundary treatment, to screen the building from the south, by way of fencing, or vegetation. Expert input would be sought on this
  - Any lighting put up so far was unauthorised; a further condition was required to limit the hours of operation of any lighting, details of which would need to be submitted prior to construction
  - Clarification was sought on the operating hours, which if planning permission were to be granted, would result in the alteration of the suggested standard operating hours condition. This would result in a reduction of hours to those stated within the application, despite the application being on designated general industrial land, which would not usually require such a condition.

The resolution was moved, seconded and following a vote of eight in favour and three against, it was

### **Resolved**

Subject to the inclusion of an additional condition restricting lighting to the hours of operation (LGHT2) and that hours of operation were restricted to 17:00 hours (and not 18:30 hours), that planning permission be granted subject to conditions covering the following matters:-

1. COM1 – commencement of the development within 5 years from the date of this permission.
2. COM3 - Compliance with submitted details
3. COM2 – Notification of commencement within 7 days of implementation
4. WAST1 – Definition of waste materials to be imported
5. WAST5 – Restricting waste to areas as approved
6. HIGHWAYS - Bespoke  
Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Waste Planning Authority shall be

- constructed and maintained free from obstruction within the site at all times for that sole purpose.
7. HIGHWAYS - Bespoke  
Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of associated materials and manoeuvring shall be provided clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
  8. HIGH13 – surface materials of access
  9. HIGH14 – Access gates
  10. HIGHWAYS - Bespoke  
The Public's rights and ease of access over the public footpath shall be maintained free and unobstructed at all times.
  11. HIGH7 – erection of warning signage for PRoW Vange 136
  12. HIGHWAYS - Bespoke  
Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
  13. 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 development and retained at all times.
  14. 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)
  15. HIGH1 – improvement to Terminus Drive access
  16. HIGH2 – All Access to be via Terminus Drive
  17. DET1 – Requires submission of details regarding material, colours and finishes for the waste processing building and acoustic barrier
  18. LAND1 – Requires submission details regarding a landscaping scheme
  19. LAND2 – Requires replacement of trees/and shrubs (if necessary) within 5 years of commencement
  20. DET5 – Requires submission of details regarding the southern boundary treatment
  21. HOUR1 – Restricts construction times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
  22. HOUR5 - Restricts hours of operation times to 07:00 to 17:00 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
  23. NSE3 – Requires noise monitoring to be undertaken and submitted within one month of commencing operations to validate predictions.  
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 the monitoring being carried out.
  24. NSE4 - Requires submission details regarding the sound proofing of the waste processing building
  25. DUST1 – Implementation in accordance with approved dust suppression measures
  26. LGHT1 - Requires submission details regarding any proposed lighting on site

27. ADDITION OF LGHT 2 – Restricts hours of illumination to the amended hours of operation, specifically to 07:00 to 17:00 hours Monday to Friday and 07:00 to 13:00 hours Saturdays.
28. ECO1- Implementation in accordance with approved Reptile Mitigation Measures
29. POLL1 - Requires submission details regarding surface water drainage and an assessment of the hydrological and hydrogeological context of the development.

## INFORMATIVES

1. The Highways Agency requests that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced on the A13.
2. Although only a 2 metre wide area is to be delineated as the PRoW public access rights to Footpath status will still subsist across the full width as shaded pink on KAB 11.
3. Network Rail requests the applicant should contact Asset Protection at [AssetProtectionAnglia@networkrail.co.uk](mailto:AssetProtectionAnglia@networkrail.co.uk) to determine the scope of entering an asset protection agreement.
4. The Environment Agency requests the applicant to discuss with the Environment Agency the requirements of the Environmental Permitting Regulations 2010.

## 7. Unit 2, Manor Trading Estate

The Committee considered report DR/21/13 by the Head of Planning, Environment and Economic Growth. Members noted that this was being brought back to the Committee to agree the reason for refusal following the Committee's resolution to refuse planning permission at the April meeting. The Committee noted that enforcement would be taken within a reasonable timescale to be agreed by officers should an appeal not be lodged against the refusal of planning permission.

Members, having noted the proposal, **AGREED** that planning permission be refused for the following reasons:

1. The proposed development would lead to an unacceptable odours and fire risk which would have a detrimental impact on the residential and local amenity contrary to policy EC3 of the Castle Point Local Plan (CPLP) (adopted November 1998) and Policy W10E of the Essex and Southend Waste Local Plan (adopted September 2001), and;
2. as the development is a retrospective change of use operating without the benefit of a planning permission, enforcement action be taken requiring the cessation of the development to take place within a reasonable timescale to prevent further harm to the local amenity.

## Committee Protocol

## 8. Revision of Protocol

The Committee considered report DR/22/13 by the Head of Planning, Environment and Growth.

The Members of the Committee noted the contents of the Addendum attached to these minutes and the changes to Sections 1, 6 & 9 of the Protocol.

Members noted that the purpose of the item was to seek the Committee's endorsement of a revised Committee Protocol, which had last been revised in December 2010. These latest revisions reflected the changes brought about by the Localism Act 2011 and recent case law.

Some concern was expressed over the potential for new Committee Members to take decisions not having received training.. After some discussion on this issue, it was proposed that an amendment should be made to Section 3, Member Training, requiring that "No Member shall take part in the business of the Development & Regulation Committee before completing initial essential training."

The resolution for the amendment was moved, seconded and following a vote of three in favour and eight against, the amendment was not approved.

Consequently, the Committee **ENDORSED** the Protocol, as submitted, with the amendments set out in the Addendum.

The Committee also **AGREED** to review the Public Speaking Protocol in six months' time.

## Enforcement of Planning Control

### 9. Local Enforcement Plan

The Committee considered report DR/23/13 by the Head of Planning, Environment and Economic Growth.

The Members of the Committee noted an amendment to the Visit Frequency to Activity A18 for an incinerator (other than a pet crematorium), where there has been a complaint (found on page 119 of 140 of the Committee Pack). It should be 6 months, not 12 months.

The Members of the Committee were advised that the report seeks the Committee's endorsement of a Local Enforcement and Site Monitoring Plan ('the Plan'), as advised to be prepared by the National Planning Policy Framework. The Plan incorporates and updates previous versions of the Council's enforcement protocols and concordat and adds the chargeable and non-chargeable site monitoring procedures (previously endorsed by the Committee in October 2012).

Members having noted the report, **ENDORSED** the Plan.

**Information Items****10. Statistics April 2013**

The Committee considered report DR/24/13, 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.

**11. Date and Time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 28 June 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.17pm.

Chairman