

## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 26 SEPTEMBER 2014**

### **Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr J Aldridge  
Cllr K Bobbin  
Cllr P Channer  
Cllr C Guglielmi

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

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

Apologies were received from Cllr M Ellis and Cllr J Reeves (substituted by Cllr Seagers).

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

Cllr Abbott declared a personal interest in agenda item 5a, Bradwell Quarry, as part of the application lies within his division, and as a member of Rivenhall Parish Council and Braintree District Council. He had also taken part in the minerals process throughout.

Cllr Lady Newton declared a personal interest in agenda item 5a, Bradwell Quarry, as a member of Braintree District Council and having the portfolio for Planning

Cllr Bobbin declared a personal interest in agenda item 5c, Terminus Drive, as local Member and as a member of Basildon Council.

Cllr Aldridge declared a personal interest as a member of the Minerals and Gravel Working Group.

Cllr Mackrory declared a personal interest as a member of the Minerals and Gravel Working Group; and, in agenda item 5d, Park Farm, Chelmsford, as his division is located just to the south of this site.

### **3. Minutes**

The Minutes and Addendum of the Committee held on 22 August 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 items:

- 1) 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/69/12/BAS

Applicant: Heard Environmental

Public Speakers: Richard Eaton speaking against  
Russell Forde speaking for.

- 2) Construction of two storey two form entry Primary School and single storey Early Years Centre with associated hard and soft play space, vehicular accesses, parking and pick up/drop off areas, hard and soft landscaping, drainage, lighting and fencing.

Location: Land north of Apprentice Drive, New Braiswick Park, Colchester

Reference: CC/COL/34/14

Applicant: Essex County Council

Public Speakers: Mike Wilson speaking against  
Andrew Smith speaking for  
Alan Beasley speaking for

And, speaking as a Member,  
Cllr R Gooding

And, speaking as local Member,  
Cllr A Turrell.

## **5. New Braiswick School, Colchester**

The Committee considered report DR/39/14 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 application sought permission for a two storey two form entry Primary School and single storey early years centre with associated development being north of Apprentice Drive adjacent to the New Braiswick Park housing estate and east of the established Fernlea and Braiswick residential areas.

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:

- National Policy Considerations and Consultation Procedure
- Need
- Principle of Location

- Highways impact and access arrangements
- Landscape, design and arboricultural issues
- Ecology
- Heritage
- Impact upon amenity
- Human rights.

In accordance with the protocol on public speaking the Committee was addressed by Mike Withers, a local resident speaking on behalf of the Fernlea Residents Action Group (FRAG). Mr Withers made several points:

- Numerous objections set out in correspondence with Officers have not been addressed in the report;
- The application severely affects the amenity of the residents of Fernlea and particularly impacts on the two residents adjacent to the proposed new exit road, a road which is not seen as buildable;
- The proposals are misleading in not dealing with certain questions and do not present alternative scenarios appropriately; and they contravene planning regulations;
- An independent review concluded that the proposed exit produced the worst possible impact on the local traffic network;
- 77% of local voters do not support this application, as the consultation process failed to address their concerns; and
- There are four allocated sites for schools in Colchester, but the authority has chosen this unallocated one. Present local demographics mean that pupils will have to travel across one of the worst local traffic bottlenecks to reach the school.

Andrew Smith, head teacher and CEO of the Learning Pathways Trust, then addressed the meeting. Mr Smith made several points:

- The Trust has a very good track record, not only sponsoring two academies in Essex rated highly by Ofsted, but working with other schools both in Essex and across England;
- The vision is to provide an outstanding school for the local community with high academic standards;
- The Trust aims to work with local people and organisations, and head teachers operate an open door policy where possible, so that local concerns may be addressed;
- The location is ideally suited to meet local primary school catchment needs. The catchment area will be relatively small, but this is known as a “hotspot”, where there is growing pre-school growth;
- The school plans to admit 50 pupils in 2015, followed by 62 in 2016 and 74 in 2017. Were the school not to be built, these children would have to travel to other schools, out of the area; and
- Car access, parking and movement will be controlled, especially at peak times, and priority will also be given to cycling, walking and using public transport.

Alan Beasley, a local resident speaking on behalf of the Apprentice Drive Residents Committee, then addressed the meeting. Mr Beasley made several

points:

- The Committee supports the proposed traffic scheme with entry on Apprentice Drive and exit on Fernlea, although it is not clear how this will work in practice;
- There remain many issues relating to traffic access. The County Council has underestimated the numbers of cars, and is wrong in presuming that large numbers of people will walk and cycle to the school. The increased traffic numbers and flow may lead to accidents, as has happened at other Colchester schools;
- The roads are narrow around that area, which will not only create bottlenecks, but parents are likely to park in the surrounding streets, which could create difficulties for emergency vehicles. Strictly enforced parking restrictions will be needed in the area; and
- Proposed on-site parking provision is inadequate. The unused area at the north-east corner of the site should be used to provide more.

Cllr Ray Gooding, Cabinet Member for Education and Lifelong Learning, then addressed the meeting. Cllr Gooding made several points:

- There is an overall need for school places across the county, but Colchester is one of the most pressurised for Reception places. He is aware of children needing to be transported by taxi or bus to school because there is insufficient local provision;
- This school will provide for the needs of the area, and, as it is a local school, it is hoped that many will travel on foot and/or by bicycle; and
- The figures in the report are well set out: the need is already there – the children already exist and will need to be transported to schools elsewhere if this application does not go ahead.

Cllr Anne Turrell, local Member for Mile End and Highwoods, then addressed the meeting. Cllr Turrell made several points:

- Colchester is one of the fastest growing towns in the country and the Mile End area has seen the greatest number of new housing in the town; but the education provision has not kept up with this;
- Local residents' concerns are wholly understandable and have been expressed clearly; and
- Should the application be approved, there must not only be good traffic management in place when the school is built, but also strong controls put in place during the construction period, to ensure disturbance to local people is kept to a minimum.

A number of points were made by Members:

- There are several good design features, eg it is a two-storey building, with a pitched roof, with pick-up points and some solar PV provision. However, it lacks a lighting plan and it was suggested that school provision should have been factored into the building of the New Braiswick Estate at its planning stage;
- There has also been a good level of tree retention, although there still will be some loss, and the description "ecologically low value" was questioned,

given the presence of bats, mature oak trees and slow worms, for instance;

- The need for school places is clear and is not decreasing;
- There are always traffic issues around schools, so there was considerable sympathy for local residents;
- There seem to be some issues with the actual construction of the exit road onto Fernlea;
- The physical location of the site is not ideal, having residential development on three sides, and the access roads are relatively narrow.

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

- The proposed 28 staff parking places is based on the ratio of 1 space to every 15 pupils as set out in the adopted Vehicle Parking Standards 2009;
- Entry to the site would be gated. The gates would be controlled by keypad and CCTV (as used elsewhere by the Trust);
- With regard to on-site construction issues, both Colchester BC and Highway Authority have seen the plans and not raised an objection. Concerning the imposition of additional waiting restrictions in those streets adjacent to the site, the developers have agreed a £10,000 contribution to cover the cost; in practice, the Council will retain this for a five-year period, while it assesses the needs and problems and then decides what appropriate course of action should be taken;
- The 424 representations were summarised and appraised which can be found at Appendices 1 and 2 of the officers report and addendum;
- The speed limit is 20 mph in the New Brunswick Park estate along Apprentice Drive and 30 mph within the existing Fernlea estate, as the latter does not meet the necessary criteria, in line with ECC Development Management policies;
- There are clearly defined paths, at both access points linking to within the site itself;
- With regard to whether there is adequate access for service vehicles, Essex Police Crime Prevention officer and Essex Fire and Rescue have raised no objection on these grounds; their full response can be found within the officers report; and
- The creation of a footpath was proposed, to provide additional pedestrian access from the North West of the site; but this is not possible, as the land is outside the control of the applicant.

After brief further discussion, the resolution was proposed and seconded.

Following a vote of ten in favour and none against, with Cllr Abbott 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 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 the application dated 23<sup>rd</sup> May 2014, together with drawing numbers BS-KSS-DWG-A-001 Rev A dated 06/02/14, BS-KSS-DWG-A-002 Rev K dated 08/08/14, BS-KSS-DWG-A-10 Rev B dated 22/05/14, BS-KSS-DWG-A-020 Rev A dated 03/04/14, BS-KSS-DWG-A-100 Rev L dated 21/05/14, BS-KSS-DWG-A-101 Rev L dated 25/05/14, BS-KSS-DWG-A-102 rev D dated 18/03/14, BS-KSS-DWG-A-110 rev D dated 03/06/14, BS-KSS-DWG-A-111 Rev C dated 03/06/14, BS-KSS-DWG-A-200 Rev A dated 04/03/14, BS-KSS-DWG-A-201 Rev A dated 04/03/14, BS-KSS-DWG-A-202 Rev A dated 04/03/14, BS-KSS-DWG-A-203 Rev A dated 04/03/14, BS-KSS-DWG-A-300 Rev J dated 01/09/14, BS-KSS-DWG-A-301 rev H dated 01/09/14, BS-KSS-DWG-A-310 Rev E dated 08/08/14, BS-KSS-DWG-A-1201 Rev B dated 25/07/14, BS-HED-DWG-LA-101 Rev F dated 16/09/14, BS-HED-DWG-LA-102 Rev E dated 16/09/14, BS-HED-DWG-LA-103 Rev F dated 08/08/14, BS-HED-DWG-LA-104 Rev C dated 08/08/14, BS-HED-DWG-LA-105 Rev D dated 08/08/14 and BS-HED-DWG-LA-106 Rev E dated 16/09/14 e-mail from Dalton Warner Davis concerning Tree Works dated 05/09/14, letters from Dalton Warner Davis dated 23/05/15, 19/06/14, 08/08/14 and 15/08/14, letter from Essex County Council Project Sponsor concerning memorandum of understanding and highway contribution dated 16/09/14, the contents of the Design and Access Statement including Landscaping, Material Schedule and refuse Plan dated 04/06/14, Statement Of Community Involvement dated 23/05/14, Tree Survey Report dated 12/06/14, Arboricultural Method Statement dated August 2014, Noise report dated 19/06/14, Archaeological Desktop Assessment dated March 2014, Archaeological Evaluation dated April 2014, Transport Assessment and No dig Access construction Drawing CIV SA 95 0022 A02 dated 08/08/14, School Travel Plan dated 14/07/14, Flood Risk and Drainage Strategy P03 including Drainage Drawing BS ST-D-DWG 2101 dated 08/08/14, Utilities Statement submitted on the 05/06/14, Site Investigation Report dated 12/06/14, Sustainability Statement dated April 2014 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. No beneficial occupation of the development hereby permitted shall take place until the construction of the proposed site access roads, as shown on drawings BS-HED-DWG-LA-106 Rev E dated 16/09/14 and BS-HED-DWG-LA-101 Rev F dated 16/09/14, has been completed.
4. No beneficial occupation of the development hereby permitted shall take place until two new sections of footway along the northern side of Apprentice Drive at the western and eastern end of the site and associated footpath connections into the site, has been completed.

5. No beneficial occupation of the development hereby permitted shall take place until an updated school travel plan has been submitted to and approved in writing by the County Planning Authority. Details shall include a programme for monitoring its success in delivering sustainable modes of transport, programme for monitoring cycle parking uptake/provision and how the school will publish the Travel plan and ensure that users embrace the plan. The development shall be implemented in accordance with the approved travel plan.
6. The construction of the development hereby permitted shall not be carried out outside the following times:

07:00 to 18:00 hours Monday to Friday

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

7. No beneficial occupation of the development hereby permitted shall take place until Sound Insulation measures on any building where there is to be amplified sound shall be submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
8. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises as referenced in noise report dated 19/06/14 and letter from Dalton Warner Davis dated 15/08/14.
9. No beneficial occupation of the development hereby permitted shall take place until details of ventilation and extraction plant to be used in the development hereby permitted has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
10. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, luminance and proposed hours of operation have been submitted to and approved in writing by the County Planning Authority. The details shall:
  - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - Show how and where external lighting would be installed, through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

- Detail the proposed hours of operation.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

11. The 1.8m fence adjacent to the Fernlea exit access is to be maintained for the life of the development hereby permitted.
12. Noise break-in levels shall achieve the BB93/BB101<sup>1</sup> limit of 40dB LAeq, based on the 5dB(A) relaxation for naturally ventilated classrooms.
13. In the event that contamination material is discovered on site, details of mitigation and remediation and a timetable for implementation shall be submitted for approval by the County Planning Authority. The mitigation and remediation shall be implemented in accordance with the approved details.
14. The development hereby permitted shall be implemented in accordance with Baseline Ecology Report and Assessment (August 2014), Report of an Invertebrate Study of Mature Oaks (July 2014), Landscape and Ecological Management Plan, Reptile Habitat Management Handbook (August 2014) and Construction Environment Management Plan (August 2014) submitted with this application and shall be implemented in accordance with the submitted details. The mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise approved in writing by the County Planning Authority.
15. No topsoil is to be used for the establishment of the wild flower areas as indicated on BS-HED-DWG-LA-101 Rev D dated 08/08/14.
16. No beneficial occupation of the development hereby permitted shall take place until details of an updated management plan omitting the construction phase has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
17. The development hereby permitted shall be implemented in accordance with the Arboricultural Method Statement (August 2014) and email from Dalton Warner Davis dated 05/09/14.
18. No beneficial occupation of the development hereby permitted shall take place until the surface water drainage scheme as detailed in the Flood Risk Assessment undertaken by Skanska Ref: BS-STL-D-RPT-0001 dated 23/05/2014 and Drainage Drawing BS ST D 2101 dated 08/08/14 has been implemented.

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<sup>1</sup>Building Bulletin 93 (BB93) "Acoustic Design of Schools"

Without prejudice to the foregoing, the surface water drainage scheme shall include measure for:

- Investigation the feasibility of infiltration SuDS as a preference.
- A drainage plan for the site including the proposed location/size of any infiltration/attenuation device.
- A discharge rate to the AW piped network at the agreed rate of 7.6l/s
- Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus allowance for climate change.
- Calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change
- Details of any exceedance and conveyance routes
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.

The meeting adjourned at 12.04 pm, reconvening at 12.11 pm.

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

The Committee considered report DR/37/14 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, although this application had previously been considered in May 2013, following the subsequent Judicial Review, the decision was quashed. The authority was then left to reconsider the application. The applicant revised the application including a lobby to the main building and providing additional supporting information. The application was subject to reconsultation and was reconsidered by Committee in June 2014, where it was resolved to grant planning permission.

Prior to issue of decision a letter was received indicating a further JR challenge was intended to be submitted.

Having taking legal advice, in light of recent case law, the view was taken that consideration in June 2014 had not taken appropriate account of the impact of the development upon the Listed Buildings.

The report presents a fresh analysis of all relevant issues and entirely supersedes earlier reports. Members should put out of their minds the discussion and debate that took place at earlier meetings.

A description of the site and its surrounds was provided

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 – particular reference was made to recent case law with respect to S66(1) of the Listed Buildings and Conservation Areas Act 1990.
- Impacts on hydrology
- Economic benefits
- Procedural matters

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Councillor Aldridge left the meeting at 12.41 pm

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In accordance with the protocol on public speaking the Committee was addressed by Richard Eaton, a solicitor representing Cromwell Hall. Mr Eaton made several points:

- There should be a presumption on behalf of the preservation of Cromwell Manor, weighing this up against the public benefit. In February 2014, judgment was given by the Court of Appeal in the Barnwell case, where it clarified the statutory duty to promoting the preservation of listed buildings; and here, preservation means causing no harm at all. Now, to allow any harm to the setting of such a building will require exceptional public benefit
- The Manor has a long and remarkable history, getting its name from being given to Thomas Cromwell by Henry VIII in 1539. It has been subject to alteration, but it still retains many original features. It retains its view to the south. This development would impinge on the skyline, with a large building and piles of rubbish
- As to the claims for public benefit, it has not been plan led – Basildon objects to this development, regarding it as an untidy site. As the Forge

Fields judgment in the High Court in June 2014 made clear, any public benefit in a location must be evaluated against that in another possible location; so without a comparison, no evaluation can be possible

- It has been a wedding venue since 2001 and this development would probably be terminal to the business – this huge building and large quantities of waste are hardly in keeping with a special day.

Russell Forde, Chartered Town Planner and agent for the application, then addressed the meeting. Mr Forde made several points:

- The Committee has already granted approval twice, and a previous plan was for a taller building than the one proposed. The decision hinges on the impact of the building on the setting of Cromwell Manor, as everything else has been considered in forensic detail.
- One important fact – a building will be built here, as this site is allocated for industry. Why should it not be this building?
- A second point is the contradiction of the conservation officer's advice. Originally the detrimental impact of the Cromwell Manor marquee as a dominant feature was cited in objection; but one month later the officer withdrew his objection
- Heard Environmental have outgrown their former site and have made commitments to moving, in the wake of planning permission and the likelihood of resolution. When the building was commenced, it had planning permission
- They provide employment for almost 50 local staff, whose families depend on them for their livelihoods. This provides evidence of huge public interest. The uncertainty of the past few months has taken its toll on the family and this needs resolution.

A number of points were raised by Members:

- There is a considerable amount of traffic here, causing a lot of vibration, which is potentially damaging to Cromwell Manor. It also poses a risk to pedestrians using the footpath
- Basildon has few listed buildings and they need to be protected. Basildon also has dedicated industrial sites, which would be more appropriate for such activities
- Pitsea is a very built up area, with few areas of open countryside. This road gives access to Wat Tyler Country Park. Cromwell Manor represents another such area of open countryside
- Although the building is already in place, the applicant proceeded at his own risk; and it is always up to the applicant to have a design that will not compromise the locality of the development.

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

- The revised recommendation by officers reflects the Forge Fields decision, which was the first decision to be passed down from the newly created Planning Court, which is part of the High Court. The decision was made too late for it to be taken into consideration when this application came before Committee in June; but subsequent advice taken by the County Council was that the decision did represent a change and so the planning

permission was not enforced and the decision was subsequently quashed. The NPPF has not yet been revised to reflect the Forge Fields judgment

- The land has been designated for B1 and B2 use by Basildon Council. This does not necessarily involve the use of a building.

It was noted that the wording of the officer's recommendation should not refer to the entire development, but specifically to the "waste transfer building and lobby".

The resolution, as amended, was proposed and seconded. Following a vote of nine in favour and none against, with Cllr Seagers abstaining, it was

### **Resolved**

That planning permission be refused for the following reason:

1. The proposed waste transfer building and lobby would cause harm to the setting of a listed building and therefore the development does not preserve the setting of Cromwell Manor, a Grade II listed building, contrary to S66 (1) of the Listed Buildings and Conservation Areas Act 1990 and it is considered that there are no significant material considerations to override the statutory presumption against granting planning permission for the development.

And that:

2. Given the on-going harm to the setting of the listed building caused by the unauthorised waste transfer building and lobby, an Enforcement Notice is served requiring the removal of the unauthorised waste transfer building and lobby within a reasonable timeframe – i.e. with 6 months from the date of the notice.

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Councillor Lady Newton left the meeting at this point.

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## **7. Bradwell Quarry**

The Committee considered report DR/35/14 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 noted that the proposal seeks to extend working at an existing quarry 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:

- Policy considerations and need
- Landscape and visual impact
- Water environment
- Noise and dust
- Traffic, highways and public rights of way
- Heritage impact
- Ecology
- Agricultural and soils
- Restoration and afteruse
- Social and economic

A number of points were raised by Members:

- The County Council should have been quicker to require cessation of the stripping of topsoil from sites A3 and A4, as this was clearly more than just trial trenching for archaeological purposes
- A concern was raised about the potential extent of the mineral extraction, as completion of A7 would mean workings almost 4 km in length. At some point the quarry will have to close
- The protection of and enhancements to local footpaths is to be welcomed, as these are valued facilities to local people.

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

- The soil type in sites A3 and A4 is 3a, not 2, as suggested on page 31 of the agenda pack
- Regarding the potential impact of working on Woodhouse Farm, it was confirmed that the present application, for sites A2 and A3, will not be visible from the Woodhouse Farm. When proposals are submitted for A6, this will have to be given due consideration
- A limited use of Woodhouse Lane for site traffic was permitted through a discharge of a condition as part of the working of site A2, but this will not continue as part of A3 and A4. Condition 13 clearly requires all traffic to be via A120 access
- The suggestion that a building or buildings should be erected to replace those currently on site. The existing building provides roosts for bats; so, rather than bat boxes, buildings would provide alternative bat roosts. This could not be required by condition as the buildings would require planning permission in its own right, but it was agreed an informative could be added to request this.

In view of comments received and ensuing discussion, the resolution was proposed and seconded, with the following:

- An informative, suggesting consideration should be given to providing additional buildings for bats
- Additional condition as set out in the Addendum, to require scheme of phasing for restoration of site R and site A2

Following a unanimous vote in favour, it was

**Resolved:**

That planning permission be **granted** subject to

- i. The prior completion, within 12 months, of Legal Agreements under the Planning and Highways Acts to secure: obligations covering the following matters
  - 25 year management period for 9.4 ha of priority habitat and in the event any of the priority habitats are relocated a further 25 years of aftercare to be provided
  - Commitment to adhere to Master Plan in term of phasing and restoration, delivering 41.6ha of priority biodiversity habitat on a prorate basis if sites A5, A6 and A7 are permitted.
  - Accruing of a fund or financial bond to cover the costs of management of the priority habits. The developer to submit a schedule of the likely costs arising over the management period
  - Deeks Cottage and Haywards not be used as residential properties whilst machinery is within 100m of the properties
  - Retention and maintenance of existing measures in the highway to prevent/discourage access onto the private access road at the crossings with Ash Lane and Church Road
  - Disciplinary measures to be enforced by the company if drivers found using minor roads and the crossing points to access the access road
  - Removal of access road if the IWMF is not implemented, or not required with respect to Waste Local Plan preferred sites or future potential mineral permissions
  - Extension of PRoW Bradwell 24 to PRoW Bradwell 55 upon restoration of the site, creation of bridleway section to provide direct route between Sheepcotes Lane and Pantlings Lane and upgrading of footpaths to bridleway status upon completion of restoration to create a bridleway route between Sheepcotes Lane and Pantlings Lane, regularising the routes of paths crossing the haul road.
  - Continuation of site liaison group
  - 3 monthly monitoring of boreholes, and pond level board installation at Curd Hall (subject to owners agreement) and further investigation of potential affects of quarrying on the pond at Curd Hall and if necessary provision of mitigation measures.
- ii) And conditions relating to the following matters;

1. Comm 1 commencement
2. COMM3 Compliance with submitted details and addition all relevant plans/elevations and details with respect to planning permission for the processing plant, concrete batching plant, bagging plant, dry silo mortar plant, office, weighbridge, access road and other infrastructure.
3. CESS2 Cessation of development – extraction 3 years, restoration 4 years
4. CESS3 Removal of ancillary development
5. CESS7 Revised Restoration in Event of Suspension of Operations
6. HOUR2 Hours of working
7. Sand & gravel processing plant & dry silo mortar plant– Monday to Friday 7am to 6:30pm, Saturday 7am to 1pm
8. BESPOKE Bagging unit Monday to Friday 6am to 10pm, Saturday 7am to 1pm. No export of materials after 6:30pm
9. BESPOKE No earth moving on Saturdays and Sundays
10. BESPOKE With no working at all on Saturday afternoon, Sunday, Bank and Public Holidays.
11. BESPOKE The bagging plant shall not operate between 6am and 7am and between 6.30pm and 10.00pm unless the roller shutter doors are closed
12. PROD2 Records of output
13. HIGH 2 – Vehicular access
14. BESPOKE Maintenance of signage and measures to deter access and egress to the private access road by local traffic
15. HIGH3 Surfacing/maintenance of Access Road
16. HIGH 4 Prevention of mud and debris on highway
17. HIGH 5 Vehicle movements limits
18. HIGH 6 Lorry sheeting
19. HIGH7 Pedestrian/PROW Signage
20. HIGH8 Parking areas – particularly in relation to earth moving contractors
21. HIGH9 Vehicle routing – not using local roads to get to access road
22. NSE1 Noise Limits
23. NSE2 Temporary Operations
24. NSE3 Monitoring Noise Levels
25. NSE5 White noise alarms
26. NSE6 Silencing of Plant and Machinery
27. BESPOKE constraint on nature and number of plant operating within close proximity of Heron's Farm, Deeks Cottage and Haywards.
28. VIS2 Stockpile heights
29. LGHT1 Fixed Lighting Restriction – with respect to any additional lighting
30. LGHT2 Use of Lighting Restriction
31. DUST1 Dust Suppression scheme
32. DUST3 Spraying of Haul Road
33. LAND1 Landscape Scheme
34. LAND2 Replacement Landscaping
35. TREE1 Tree Protection
36. ECO2 Provision for Translocation of Protected Species
37. ECO3 Protection of Breeding Birds
38. ECO4 Habitat Creation/Habitat Restoration Scheme prior to commencement of restoration works
39. ECO5 Habitat Management Plan & Construction and Environmental Management Plan

40. ECO7 Update of Survey before Commencement of Development
41. LS1 Limits of Excavation
42. LS4 Stripping of Top and Subsoil
43. Topsoil and soil stripping in accordance with submitted details
44. LS5 Maintenance of Bunds
45. LS6 Retention of Soils
46. LS8 Soil Handled in a Dry and Friable Condition
47. LS10 Notification of Commencement of Soil Stripping
48. LS11 Notification of Soil Placement
49. LS12 Topsoil and Subsoil Storage
50. BESPOKE The screening bund adjacent to Green pastures shall be removed prior to restoration of the site, unless planning permission ESS/37/08/BTE has been commenced. If to be retained details shall be submitted for its reshaping and planting.
51. BESPOKE Micro scale level plans for the margins of the water body known as New Field Lagoon.
52. ARC1 Advance Archaeological Investigation
53. POLL1 Surface Water Drainage
54. POLL4 Fuel/Chemical Storage
55. POLL6 Groundwater monitoring
56. POLL8 Prevention of plant and machinery pollution
57. BESPOKE In the event that contamination is found submit details of mitigation and remediation for approval
58. RES1 Stones to be Picked
59. RES4 Final Landform
60. AFT1 Agricultural Aftercare Scheme to be approved
61. BESPOKE Agricultural access route across eastern side of Site R, route to be submitted for approval within 6 months
62. MIN1 No Importation except with respect to bagging and dry silo mortar plant
63. GPDO2 Removal of PD Rights – Specific
64. BESPOKE Not less 66% of materials for the bagging plant shall be supplied from indigenous materials excavated at Bradwell Quarry
65. BESPOKE Air emissions and stack height in relation to the dry silo mortar plant shall be in accordance with approved details
66. BESPOKE The colour of all buildings shall be maintained grey
67. BESPOKE – Phasing scheme for restoration of site R and site A2 to ensure completion of restoration within 3 years of commencement of extraction within site A3 and A4. Phasing scheme to be submitted within 6 months of commencement of development.

Informative

Request to consider replacement buildings to provide bat roosts

## **8. Colchester Quarry**

The Committee considered report DR/36/14 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 noted the complex planning history of the site and that this application seeks to consolidate all existing planning permissions on the site into one, as well as the extraction of sand and gravel at Five Ways Fruit Farm, an extension of time for existing operations on site and the importation of inert waste for restoration purposes.

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:

- Policy considerations
- Need
- Landscape and visual impact
- Ecology
- Noise, dust and odour
- Traffic and highways
- Heritage impact
- Water management

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

**Resolved:**

That planning permission be **granted** subject to:

The completion, within 3 months, of a legal agreement including the following matters:

- Submission of a revised restoration scheme in the event that ESS/63/06/COL is implemented by 11 May 2015.
- The applicant to use best endeavours to upgrade proposed permissive rights of way and existing PROW so that they can be used for cycling;
- A Monument/Conservation Management Plan for Grymes Dyke, in consultation with English Heritage;
- Landscape Management Plan for medium to long term management of the site beyond the 5-year aftercare period;
- The formal implementation of a Local Liaison Group;

and conditions covering the following matters:

1. COM1 – Commencement by 11 May 2015 and notification to the MPA of such commencement.
2. COM3 - Compliance with submitted details.
3. CESS7 – Revised restoration in event of suspension of operations.

4. BESPOKE - Submission of elevations and layout drawings including surfacing of access road, colours of plant and traffic calming methods associated with the DSM plant, recycling facility and associated mobile plant parking area, processing plant, quarry workshop, concrete plant, site offices, visitor parking and lorry parking, within 3 months of the date of permission.

5. HOUR2 – Hours of working (mineral specific):

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays

No stripping, movement, temporary or permanent placing of soils before 0730 hours on any day.

6. BESPOKE - Hours of operation for the DSM Plant:

0500 – 2000 hours Monday to Friday

0500 – 1800 hours Saturdays

No deliveries of HGV movements other than between:

0700– 1800 hours Monday to Friday

0700– 1230 hours Saturdays.

7. BESPOKE - Hours of operation for the recycling plant:

0700 – 1830 hours Monday to Friday

0700- 1230 hours Saturdays.

8. BESPOKE - Hours of operation for concrete plant:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays.

9. BESPOKE - No freestanding stockpiles of aggregate shall be stored within the DSM operational area.
10. BESPOKE - The DSM shall use only indigenous sands.
11. WAST2 – Skips to be incidental to main use.
12. BESPOKE - The recycling plant shall process only dry inert 'Type A' waste and road planings/construction waste.
13. BESPOKE - All waste residues from recycling process to be removed from site each week.
14. BESPOKE - No handling, processing or storage of waste outside of the permitted recycling area.
15. VIS2 – Stockpile heights not to exceed 6.1m in recycling area.
16. BESPOKE - Processing plant used only in connection with sand and gravel from Colchester Quarry.
17. BESPOKE - Quarry workshop used only for the repair of plant and vehicles associated with the quarry and no other use.

18. BESPOKE - No topsoil, subsoil, overburden or soil making material to be removed from site.
19. LAND1 – Landscape scheme including detailed landscape/restoration proposals, surfacing of footpaths, tracks and fencing, detailed sections, depths of excavation and contours within 3 months of date of permission.
20. LAND2 – Replacement landscaping.
21. BESPOKE – Progressive stripping, extraction and restoration to ensure Stanway and FWFF are restored concurrently and in a phased manner.
22. AFT1 – Aftercare scheme to be agreed.
23. AFT2 – Drainage of restored land.
24. ARC1 – Advance scheme of archaeological investigation.
25. EC03 – Protection of legally protected species.
26. LS2 – Soil movement scheme.
27. LS3 – Machine movement scheme.
28. LS4 - Stripping of top and subsoil.
29. LS5 – Maintenance of bunds.
30. BESPOKE - 'Soil Bund 12' to be in place prior to commencement of any works other than formation of the access track.
31. BESPOKE - Soil Bund 12 shall be no higher than 2m in height.
32. BESPOKE - Soil bunds 13 and 14 shall be no higher than 3m in height.
33. LS8 – Soil handled in a dry and friable condition.
34. LS10 – Notification of commencement of soil stripping.
35. LS11 – Notification of soil placement.
36. LS14 – Final soil coverage.
37. BESPOKE - Height of temporary stockpiles of soil-making material not to exceed height of boundary bunds.
38. BESPOKE - No imported material to FWFF.
39. HIGH2 – Vehicular access from Warren Lane only.
40. BESPOKE - Hedge to be kept cut back to maintain visibility along Warren Lane.
41. HIGH3 – Surfacing/maintenance of access road and Warren Lane shall be swept.
42. HIGH4 – Prevention of mud and debris on highway.
43. HIGH6 – Lorry sheeting.
44. HIGH5 – Vehicle movements associated with recycling site no more than 70 movements of up to 32t gvw per day.
45. BESPOKE - No mineral shall be imported to the site from Bellhouse beyond the timescales permitted by ESS/07/01/COL/REV (or as subsequently varied).
46. POLL1 – Surface and foul water drainage, including for the DSM plant and recycling area.
47. POLL6 - Groundwater monitoring and mitigation if levels impact on nearby private wells.
48. LGHT1 – Fixed lighting restriction.
49. BESPOKE - Reptile mitigation strategy.
50. BESPOKE - Construction Environment Management Plan.
51. BESPOKE - Ecological Management Plan.
52. NSE1 - Noise limits for all permitted site operations:

The Bungalow	52dB LAeq
Dyer's Road	53dB LAeq
Egremont Way	51dB LAeq
Randoms	53dB LAeq
Heath Road/Grymes Dyke Way	50dB LAeq
Wiseman's Farm	50dB LAeq
The Nook	50dB LAeq.

- 53.NSE2 – Temporary operations (not to exceed 70dBA).
- 54.NSE3 – Monitoring noise levels and the submission of a scheme of mitigation should noise levels be exceeded.
- 55.NSE5 – White noise alarms.
- 56.NSE6 – Silencing of plant and machinery.
- 57.DUST1 – Dust suppression scheme for all permitted operations.
- 58.POLL4 – Fuel/Chemical storage.
- 59.CESS2 – Cessation and removal from site of sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge, workshop and related infrastructure by 31 October 2026.
- 60.CESS2 – Cessation and removal from site of the inert recycling operation and associated mobile plant parking area by 31 December 2037.
- 61.CESS2 – Cessation and restoration of FWFF area within the application site within 7 years of commencement of operations at FWFF and restoration of the entire site by 31 December 2037.
- 62.RES1 – Stones to be picked.
- 63.MIN1 – No importation except via conveyor from Bellhouse.
- 64.WAST1 – Waste type restriction.
- 65.GPDO1 – Removal of PD rights beyond the areas shown on drawing B30/489 dated February 2005.
- 66.BESPOKE – Scheme for pumps used for dewatering to be submitted and approved within 3 months.

## **9. Park Farm, Chelmsford**

The Committee considered report DR/38/14 by the Director for Operations, Environment and Economy.

The Committee noted that the report seeks an extension to complete the Section 106 on an existing agreement, and seeks an additional year to allow time to sort out certain legal agreements out with the developers.

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

**Resolved:**

- 1 The Committee re-endorse the previous decision to grant planning permission subject to the amended head of terms for the legal agreements and planning conditions (with additional condition for EMP) as set out below.

Heads of terms of the legal agreement(s)

- A) Within 1 month the prior completion of a S106 Legal Agreement to secure obligations to cover the following matters:
- Not to commence implementation of the mineral/backfill development until lawful commencement of GBP development (CCC application ref: 09/01314/EIA).
  - Prior to commencement of the mineral development to obtain approval from ECC of the construction and environmental management plan as required by CCC application ref: 09/01314/EIA, subject to Chelmsford City Council being in a position confirming they intend to approve the same construction and environmental management plan.
  - Prior to commencement of dewatering of the application site to obtain approval from ECC of the drainage management system (in particular with respect to the settlement pond and discharge of water resulting from dewatering and surface water from the application site) as required by CCC application Ref. 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same drainage management system.
  - Groundwater monitoring outside the application site as described within the application and Environmental Statement
  - Scheme of mitigation to be submitted should the water level in ponds outside the site drop significantly due to activities associated with the mineral/backfill development.
  - Requirement for applicant to serve Unilateral Undertakings (UU) (the wording of which to be agreed in advance with MPA) on licensed abstractors. The UUs obligating to put licensed abstractors on mains water supply should there be significant detrimental impact upon water abstractions resulting from the mineral/backfill development.
  - Early implementation of planting on the north and west boundary of New Hall School, as proposed by planning application CCC Ref: 09/01314/EIA.
  - Access/egress to and from the public highway for vehicles associated with the mineral/backfill development only at locations as approved under planning application CCC Ref: 09/01314/EIA.
- B) Within 12 months, the completion of a legal agreement under the Planning Acts or such alternative forms as may be agreed by the Director for

Operations: Environment and Economy and the County Council's Legal Officer, to amend the scheme of obligations relating to the application site as currently set out within the existing s52 legal agreement associated with planning permissions CHL/1890/87 and CHL/1019/87 to take account of the proposals.

Planning permission be granted subject to the conditions

Conditions relating to the following matters:

- COMM1 Commencement within 5 years
- COM3 Compliance with Submitted Details
- PROD 1 Export restriction - no greater rate than 325,000 tonnes per annum
- CESS5 Cessation of Mineral Development within 4 years, cessation of landfilling and restoration within 8 years except for restoration of boundary with Bulls Lodge Quarry extraction
- CESS3 Removal of Ancillary Development
- CESS7 Revised Restoration in Event of Suspension of Operations
- HOUR2 Hours of working (Mineral Specific)  
07:00 to 18:30 hours Monday to Friday  
07:00 to 13:00 hours Saturdays  
and at no other times or on Sundays, Bank or Public Holidays.
- The schedule of work and timescales shall be carried out to accommodate the infrastructure delivery plan set out in the proposal of application ref. 09/01314/EIA
- South and east facing slopes of stores of overburden and subsoil shall be no greater than 1:3 and shall be top soiled and seeded in first available planting season and subject to a programme of maintenance
- LGHT1 Fixed Lighting Restriction
- ECO3 Protection of Breeding Birds
- Submission of method statement with respect to removal of hedgerow
- Scheme of mitigation should ponds within the site dry due to mineral operations
- 10m standoff to all retained hedgerow and hedgerow trees
- NSE1 Noise Limits
- NSE2 Temporary Noisy Operations
- NSE3 Monitoring Noise Levels
- NSE5 White Noise Alarms
- NSE6 Silencing of Plant and Machinery
- HIGH3 Surfacing/Maintenance of Haul Road
- HIGH2 Vehicular Access
- DUST1 Dust Suppression Scheme – including source of water for dust suppression
- POLL6 Groundwater Monitoring
- Flood risk mitigation in accordance with FRA Dec 2011
- Details of method of soil stripping and placement
- LS4 Stripping of Top and Subsoil
- LS5 Maintenance of Bunds

- LS8 Soil Handled in a Dry and Friable Condition
- LS10 Notification of Commencement of Soil Stripping
- LS12 Topsoil and Subsoil Storage
- ARC1 Advance Archaeological Investigation
- No material other than overburden, subsoils and excavation waste (except topsoils) shall be disposed in the void
- POLL 4 Fuel/Chemical Storage
- POLL 8 Prevention of Plant and Machinery Pollution
- Scheme for removal of suspended solids from surface water run-off
- RES4 Final Landform
- Interim restoration scheme to rough grassland for phases where infilling complete, but redevelopment under GBP development not planned within 6 months
- Submission of restoration details for northern boundary area as indicated hatched on ES4.16 ensuring levels tie in with those permitted as part of CHL/1890/87 or any subsequent amendment
- Nature and use of infilling materials in accordance with report by URS Mineral Extraction and Backfill dated May 2012 and ensure the made up ground over which the Radial Distributor Road associated with application Ref 09/01314/EIA being dealt with by CCC is backfilled with appropriate material and compacted to finished levels to support the new RDR design requirements.
- MIN1 No Importation
- WAST6 No Crushing of Stone
- GPDO2 Removal of PD Rights
- Scheme of mitigation should ponds inside the site dry due to mineral operations
- No extraction or infilling at the site 4 years after commencement until the submission and approval of a reassessment of the impact of the proposals on ecology and the water environment.
- Submission of details of use of surplus topsoils
- Submission and approval of Ecological Management Plan prior to commencement of material operations

#### 10. **Statistics**

The Committee considered report DR/40/14, 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.

#### 11. **Committee protocol and public speaking policy**

The Committee considered report DR/41/14, which had been circulated as a late addition to the agenda.

The paper sought:

- to rationalise the wordings found in the Committee Protocol and the Public Speaking Protocol with regard to the publication of meeting papers
- to update the Public Speaking Protocol with regard to reporting of

meetings, in the wake of the new rights given to the public by the Openness of Local Government Bodies Regulations 2014.

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

**Resolved:**

That the following changes to the 'Public Speaking at the Development and Regulation Committee' edition dated November 2010 are adopted:

The words "The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website "are added in substitution for the following existing text, with any minor variations that the context may require:-

- page 2, 2<sup>nd</sup> full paragraph, 3<sup>rd</sup> sentence 'The report is available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'; and
- page 4, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence 'The agenda and reports for the Committee are published and are available for public inspection at least seven working days in advance of the Committee.'
- Page 6, 2<sup>nd</sup> full paragraph, 3<sup>rd</sup> sentence 'The report will be available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'

And that the following words are deleted from the Committee Protocol, updated 31<sup>st</sup> May 2013: page 7, fifth paragraph, 3<sup>rd</sup> sentence 'Except with the approval of the Chairman, no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.'

**12. Date and time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 24 October 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 2.17 pm.

Chairman