

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 OCTOBER
2013**

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr A Brown
Cllr M Ellis
Cllr I Grundy

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 Cllrs P Channer (substituted by Cllr I Grundy) and S Walsh (substituted by Cllr C Seagers).

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The Minutes and Addendum of the Committee held on 27 September 2013 were agreed and signed by the Chairman, subject to the following amendment:

Minutes 4, 2nd paragraph, 2nd bullet, should read: "The application that the County Planning Authority had refused, in October 2012, ...).

4. Identification of Items Involving Public Speaking

There were none identified.

Minerals and Waste

5. Former Goods Yard, off Brook Street, Chelmsford

The Committee considered report DR/41/13 by the Director for Operations, Environment and Economy. Members noted that this was being brought back to the Committee to agree the reasons for refusal following the Committee's resolution to refuse planning permission at the September meeting.

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

1. The development would fail to provide any environmental enhancement as required by the Chelmsford Borough Local Development Framework – Chelmsford Town Centre Area Action Plan (2008) and would therefore adversely affect and undermine the ability for the creation of a new built

frontage to face Brook Street. The development would therefore undermine the overall objectives of the Chelmsford Borough Local Development Framework – Chelmsford Town Centre Area Action Plan (2008) and would not deliver sustainable development as required by the Framework. The development would also be contrary to policies CP7 (Area Action Plans) and CP22 (Securing Economic Growth) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);

2. The development would introduce uses such as mixing, processing and manufacturing outside the lawful use of the current permitted use of storage and distribution causing a detrimental impact to the local environment and amenity contrary to policy MLP13 (Development Control) of the Minerals Local Plan (1997), Policy S10 (Development Management Criteria) of the Replacement Minerals Local Plan (SoS Submission 2013) and policies CP7 (Area Action Plans), CP13 (Minimising Environmental Impact), DC4 (Protecting Existing Amenity) and DC29 (Amenity and Pollution) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);
3. The development's plant/building design would not be in keeping with the surrounding town centre location, contrary to policy DC45 (Achieving High Quality Development) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);
4. The submitted Noise Impact Assessment provides insufficient information to be able to fully establish and determine whether there would be an acceptable noise impact from the proposed development on the local environment and amenity, including the impact upon nearby residential and business properties. It is therefore considered that the development could have an unacceptable impact from noise emissions on local amenity, contrary to the Framework, policy MLP13 (Development Control) of the Minerals Local Plan (1997) and policies CP13 (Minimising Environmental Impact), DC4 (Protecting Existing Amenity) and DC29 (Amenity and Pollution) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008).

6. Sandon Quarry – erection of fence

The Committee considered report DR/42/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal was for a retrospective planning application for the erection of a 43.2m x 2m high acoustic mitigation fence along the northern boundary of the access road to Sandon Quarry.

Policies relevant to the application were detailed in the report.

Details of Consultations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Impact on Amenity.

In response to a question raised, Members were informed that the temporary life end date of the fence (December 2017) had been aligned with the current permission for landfill, rather than with that for extraction (February 2042), as there is no activity in respect of extraction at present.

The resolution was moved, seconded and unanimously agreed and it was

Resolved:

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

1. COM3 – Compliance with submitted details.
2. GEN1 - Submission of details of fence colour within 1 month and subsequent implementation.
3. TEMP1 – Temporary life of fence (end date of 31 December 2017).

County Council Development

7. Woodlands Comprehensive School, Basildon

The Committee considered report DR/43/13 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 advised that the proposal was for the construction of a new full size '3G' Artificial Grass Pitch (AGP) with fencing, replacing an area of hard play and grass playing fields.

Policies relevant to the application were detailed in the report.

Details of Consultations and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Policy Considerations
- Impact on Amenity
- Landscape and Visual Impact
- Traffic Impact
- Water Impact.

In response to questions and concerns raised, Members were informed that:

- There is no provision for lighting or the infrastructure for lighting included in this application.
- The surrounding fence uses a fine mesh, which is denser at the bottom, as a rebound surface
- The County Planning Authority consults Sport England on such proposals, but is not reliant on the latter's views, as Sport England is a third party operating outside of planning controls
- Although there are no conditions relating to community use of this facility, the County Planning Authority is not averse to community use, and Woodlands School has its own agreements in place outside of the planning realm with regard to the use of its facilities. It was noted that the school has enjoyed good relations with its local community
- Although the addition of a condition restricting the installation of lighting was not appropriate here, it was suggested that an informative should be put in place to state that this planning permission does not grant planning permission for any fixed lighting on or for the Artificial Grass Pitch. Such lighting would require further planning permission.

The resolution was moved, seconded and unanimously agreed and 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 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 30 August 2013 and covering letter dated 04 September 2013, together with:
 - the 'Woodlands School: All Weather Pitch Landscape Management Plan' ref WWA/1232/DOC/602 PLANNING ISSUE dated August 2013,
 - the 'Woodlands School: All Weather Pitch Landscape Specification' ref WWA/1232/DOC/601 PLANNING ISSUE dated August 2013,
 - Planning Statement v2 dated August 2013,
 - Letter from SRL Technical Services Ltd dated 27 August 2013,

drawing numbers:

 - 1323/LP/301 Rev A dated 08/10/13,
 - WS NHA DWG L AWP1 I Rev 03 dated 28/01/13,

- WS NHA DWG L AWP2 I Rev 03 dated 28/01/13,
- WS NHA DWG L AWP3 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP4 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP5 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP6 I Rev 03 dated 27/08/13,
- WS NHA DWG L AWP7 I Rev 01 dated 28/08/13,

and the contents of the Design and Access Statement ref WS-NHA-RPT-A-115-I-01 dated August 2013

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. Any tree or shrub forming part of a landscaping scheme approved in connection with the development hereby approved that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.
4. Prior to the first use of the development hereby permitted, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the County Planning Authority. The development shall be implemented and maintained in accordance with the approved Management and Maintenance Scheme for the life of the development hereby permitted.

Informative

This planning permission does not grant planning permission for any fixed lighting on or for the Artificial Grass Pitch. Such lighting would require further planning permission.

Enforcement Update

8. Land adjacent to the Cock Inn, Boreham

The Committee considered report DR/44/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised importation, deposition crushing and processing of construction and demolition waste (including concrete, brick other rubble and road scalpings), on land adjacent to The Cock Inn, Boreham, as reported to the Committee on 19 April 2013.

In response to a question raised, Members were informed that most of the work left to do at the site involved the removal of materials, and should be completed

by the end of November.

The resolution was moved, seconded and unanimously agreed and it was

Resolved:

That:

- 1) Subject to the continued removal of excess materials to restrict the operation to that permitted by the CLUED, it is not considered expedient to take further enforcement action at this time.
- 2) a further update shall be provided at the January 2014 meeting.

9. Land at A120/B1256 intersection, Braintree

The Committee considered report DR/45/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the importation, deposition and spreading of waste materials on the land, substantially raising the land levels at the intersection of the A120 and B1256 (Stortford Road), Braintree.

In response to questions and concerns raised, Members were informed that:

- The site is described as being both Braintree and Little Canfield in the report; the reason is that the Land Registry lists it as Braintree, but it now comes under Uttlesford
- The enforcement notice has been served and is extant
- Officers have delegated powers to take further action, but wish to give the landowner the opportunity to redress the situation.

The resolution was moved, seconded and unanimously agreed and it was:

Resolved:

That:

- 1) Subject to the removal of the unauthorised material from the site no further action is taken, however if all imported waste materials deposited on the land have not been removed and the land restored (as required by the Enforcement Notice issued June 2009) legal proceedings are commenced for non-compliance with the notice, and:
- 2) a further update shall be provided at the January 2014 meeting.

10. Land at Dairy House Farm, Great Holland

The Committee considered report DR/46/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials and consequential raising of the land levels on land at Dairy House Farm, Little Clacton Road, Great Holland.

In response to a question raised, Members were informed that the land had been restored to its original level.

An additional condition, requesting a report to the November meeting was agreed.

The resolution was moved, seconded and unanimously agreed and it was

Resolved:

That:

- 1) Subject to no further extraction and exportation of mineral taking place and that the land is restored, no further action is taken.
- 2) a further update shall be provided at the November 2013 meeting.

11. Land at Springvale Farm, Navestock – information item

The Committee considered report DR/47/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

12. Land at Armigers Farm, Thaxted – information item

The Committee considered report DR/48/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

Appeal Decision

13. Land adjacent to Manning Grove, Great Bromley

The Committee considered report DR/49/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

14. Statistics

The Committee considered report DR/50/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

15. Online Tracking of Planning Applications

In response to a Member's question on the likely date for the online system to go live, the Minerals and Waste Planning Manager confirmed that the test version was already live; and the scheduled date for the main version to go live was 11 November.

16. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 22 November 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.20am.

Chairman