

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 22 AUGUST 2014

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr P Channer
Cllr M Ellis
Cllr I Grundy

Cllr C Guglielmi
Cllr J Lodge
Cllr J Reeves
Cllr S Walsh
Cllr A Wood

The Chairman opened the meeting by welcoming Mr Graham Thomas, who had just taken over as the Head of Service: Planning & Environment.

1. Apologies and Substitution Notices

Apologies were received from Cllr J Aldridge (substituted by Cllr Grundy), Cllr M Mackrory and Cllr Lady P Newton (substituted by Cllr Wood).

2. Declarations of Interest

Cllr Seagers declared a personal interest in agenda item 5a, Brickfields Way, Rochford, as a local District Councillor, and as local Member.

Cllr Abbott pointed out that, for agenda item 6a, John Ray Infant and Junior School, Braintree, he was listed as local member, this was not geographically within his division.

3. Minutes

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

4. Identification of Items Involving Public Speaking

There were none identified.

5. Brickfields Way, Rochford

The Committee considered report DR/32/14 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 to expand the current waste operation on the same site and that only outline planning permission is being sought at this stage.

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 and justification
- Site suitability
- Potential impacts and reserved matters.

A number of concerns were raised by Members:

- Access to the site from Sutton Road is provided by a mini-roundabout, which can present problems to large vehicles
- There is a suggestion that existing hedgerow will be removed, without replacement

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

- The predicted 26 daily movements between 6:00 and 18:00 included both “emergency” and special deliveries
- Concern was expressed about permitting 24 hour movement of vehicles, but it was recognised that this was an existing industrial site with 24 hour activity, and Condition 6 gives the Authority control of movements relating to this application, as the operator will be required to keep records of vehicle movements and maintain the vehicle count
- There are no restrictions on the direction from which vehicles will come; so they might access the site from both the south and the north ends of Sutton Road. The County Council is looking to make improvements in access to this area
- There is no requirement for a contribution for the increase in use, as the site already benefits from a certificate of lawfulness, which does not control vehicles movements; and where there is no community infrastructure levy in place, the Council is restricted in what it can obtain under a section 106 agreement
- The road within the site will be hard; the Environment Agency has asked for a Phase 2 contamination survey, which will almost certainly lead to this requirement.

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

Following a vote of nine in favour and one against, with Cllr Seagers abstaining, it was

Resolved

That planning permission be granted subject to the following conditions:

1. No development shall take place until details of the scale, layout and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the ‘reserved matters’) have been submitted to

and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

2. An application for the approval of reserved matters, referred to in condition 1, shall be made to the Waste Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters referred to in condition 1 to be approved, whichever is the later.
4. HIGH 4 – Prevention of Mud and Debris on Highway
5. HIGH 5 – Vehicle Movement Limits (145 movements per day)
6. No development shall take place until a breakdown of vehicle movements associated with the use and the number of movements at different periods of the day have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details
7. HIGH 8 – Parking Areas
8. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
9. No development shall take place until an updated Noise Impact Assessment, under taken in accordance with BS4142, has been submitted to and approved in writing by the Waste Planning Authority. The Assessment shall include the noise rating of the exact type of plant and equipment proposed in context of its position, the orientation and scale of the building and the proposed hours of use. The assessment shall also include predicted noise ratings for other generic sources of noise associated with the use in comparison to the background environment. Any mitigation measures proposed to reduce the potential for noise impact shall be implemented and maintained for the life of the development as approved.
10. No development shall take place until details of a maximum free field equivalent continuous noise level (LAeq, 1 hr) at noise sensitive properties adjoining the site, for both day and night time periods of operation Monday to Friday and at weekends, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.

- 11.NSE3 – Monitoring Noise Levels
- 12.LIGHT1 – Fixed lighting Restriction
- 13.DUST1 – Dust Suppression Scheme
- 14.ODR1 – Odour Suppression Scheme
- 15.TREE4 – Tree Protection Scheme
- 16.No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Waste Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.
- 17.No development shall take place until a bird management plan has been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.
- 18.WAST3 – Litter Control
- 19.WASTE5 – No Waste Deposit Outside Defined Areas
- 20.No development shall take place until a Phase 2 Contamination Assessment has been submitted and agreed in writing by the Waste Planning Authority. The assessment shall include an intrusive (soil sampling) investigation of the site and provide a detailed assessment of risk for all potential receptors. Any recommendations for remediation works shall be presented in a remediation statement and implemented as approved.

6. John Ray Infant & Junior School, Braintree

The Committee considered report DR/33/14 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 proposal has 3 elements: the rebuilding of the infant school (following fire damage in August 2013); an extension to the junior school; and the removal of mobile temporary classbases.

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 and justification
- Design quality
- Impact on landscape, amenity and traffic

A number of concerns were raised by Members:

- There seems to be an excess of exterior lighting, which is not necessary, is not environmentally suitable, and is likely to have an adverse impact on neighbouring residences. No suggestion is made to explore the option of using led lighting
- 26 trees will be lost as part of this development, but nothing specific is included about replacing these and the landscaping
- There is a suggestion that sprinklers may not be installed.

The resolution was proposed and seconded, with:

- An amendment to the condition in respect of landscaping
- An additional condition with regard to lighting
- The addition of an informative relating to the installation of s
- A sprinkling system.

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 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.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 30/05/2014 together with drawing titled 'Site Location Plan – Proposed Junior + Infant Schools', drawing no. 096 (Revision P02), dated 03/06/14; drawing titled 'Site Layout – Proposed Infant School', drawing no. 097 (Revision P01), dated 27/05/14; drawing titled 'Ground Floor Plan – Proposed', drawing no. 050 (Revision A15), dated 17/04/14; drawing titled 'First Floor Plan – Proposed', drawing no. 051 (Revision A14), dated 17/04/14; drawing titled 'Roof Plan', drawing no. 206 (Revision E02), dated 23/07/14; drawing titled 'Elevations – Proposed', drawing no. 010 (Revision A04), dated 17/04/14; drawing titled 'Junior School Extension Floor Plan & Elevations – Proposed', drawing no. 052

(Revision A05), dated 17/04/14; drawing titled 'Sketch Proposals for Extension to Hall', drawing no. 098 (Rev P00), dated 22/05/14; drawing titled 'Concept Landscape Masterplan', drawing no. JBA 14/133-sk01 Rev A, dated 20/05/14; lighting drawing titled 'John Ray Infants School, Braintree, Essex', drawing no: D24317/PY/A, dated 30/05/14; drainage drawing titled 'Drainage Strategy', drawing no. 665313/100 (Revision P1), dated 13/05/14; the contents of the accompanying 'Planning Design and Access Statement', dated May 2014; 'Preliminary Ecological Appraisal', document reference: 771866-REP-ENV-003-ECO, dated 27 May 2014; 'Arboricultural Impact Assessment', prepared by A. T. Coombes Associates, dated 27 May 2014; 'Transport Statement', document reference: TC/616074/LAB (Revision VO), dated 28 May 2014; 'Phase 1 Preliminary Contamination Assessment Report', document reference: 771886-REP-ENV-001, dated May 2014; 'Phase II Geo-environmental Assessment Report', document reference: 771886-REP-ENV-R2, dated May 2014; 'Memorandum of Understanding' from Essex County Council – Infrastructure Delivery, received via email dated 11/08/14 (15:20) 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:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7, CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 65, RLP 77, RLP 80, RLP 81, RLP 90 and RLP 92.

3. No development beyond installation of the damp proof membrane of the building hereby approved shall take until samples of the materials to be used for the external appearance of the 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.

Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.

4. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of the type, size and position of the proposed signage at the school have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy

(2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.

5. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of a scheme to install a length of frosted glass along the windows on the eastern elevation (Notley Road facing) of the 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.

Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.

6. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of construction of the development. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 7 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site, in the interest of visual amenity and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.

7. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under condition 6 of this permission) 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

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.

8. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of all ground surface

finishes, walling and fencing have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 90 and RLP 92.

9. No development or any preliminary groundwork's shall take place until:
- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

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 prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.

10. No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the County Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Braintree District Council Local Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.

11. No beneficial occupation of the development hereby permitted shall take place until details of the proposed disabled car parking and cycle parking provision have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces to be provided prior to the beneficial occupation of the

development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of the amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.

12. No beneficial occupation of the development hereby permitted shall take place until details of the proposed operation and management of the external lighting, as indicated on drawing titled 'John Ray Infants School, Braintree, Essex', drawing no: D24317/PY/A, dated 30/05/2014 have been submitted to and approved in writing by the County Planning Authority. The details shall include information on the proposed use of sensors together with proposed hours of luminance. The development shall be implemented in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 65, RLP 77, RLP 80 and RLP 90.

13. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety, amenity and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.

Informative

1. Prior to the beneficial occupation of the development it is advised that a School Travel Plan including monitoring arrangements is prepared or the existing School Travel Plan updated, in liaison with the Highway Authority, and subsequently implemented in full.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 – Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

7. Statistics

The Committee considered report DR/34/14, 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 26 September 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.30 am.

Chairman