

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 28 JUNE 2013

Present

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

Cllr J Lodge
Cllr M Mackrory
Cllr J Reeves
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Councillors A Brown, P Channer (substituted by Cllr Grundy), and Lady P Newton (substituted by Cllr Seagers).

2. Declarations of Interest

Councillor C Guglielmi declared a personal interest in Agenda Item 5a, A120/Ardleigh Waste Transfer Facility, as a Cabinet Member at Tendring District Council.

3. Minutes

The Minutes and Addendum of the Committee held on 31 May 2013 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

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

Application for a proposed development of a new waste management facility, with associated change of use of land.

Location: Land adjacent to A120, A120 North, Ardleigh, Colchester CO7 7SL.

Ref: ESS/16/13/TEN

Public speaker: Mr Philip Atkinson speaking for

And: Councillor Carlo Guglielmi speaking as local Member.

Application for the use of a site as an end of life vehicles de-pollution and treatment facility with the associated storage of material and plant.

Location: Cordons Farm, Long Green, Cressing, Braintree CM77 8DL.

Ref: ESS/06/13/BTE

Public speakers: Councillor Stuart Gulliford speaking against

Mr Justin Kingwell speaking for.

Application for the change of use from a residential care home to a combined day centre for Early Years and Family Solutions.

Location: The Limes, 93 New Century Road, Laindon, Basildon SS15 6AQ.

Ref: CC/BAS/14/13

Public speaker: Mr Stan Collins speaking against.

And: Councillor William Archibald speaking as local Member.

Minerals and Waste

6. A120/Ardleigh Waste Transfer Facility

The Committee considered report DR/25/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the development of a new waste management facility, with associated change of use of land. The facility comprises the erection of a building for the transfer/bulking of municipal waste, together with ancillary development including dual weighbridge, weighbridge kiosk, office and staff welfare building, fire water holding tank and pumphouse, electricity substation, infiltration basin to manage surface water and pipework, package sewage treatment plant, vehicle wash system, staff car parking, vehicle hardstanding, fencing, landscaping, formation of accesses to site and associated works.

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 Framework, Need and Principle
- Policy Considerations
- Landscape and Visual Impact
- Impact on Amenity
- Traffic and Highways
- Water and Flood Impact
- Ecological Impact
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Mr Philip Atkinson, for Lanpro Ltd, on behalf of the Waste Disposal Authority. Mr Atkinson said:

- This site is one of the five Waste Transfer Stations that form part of the Essex Joint Waste Disposal Strategy. Specific criteria were set out when the search for a suitable site was initiated, and this site is considered the most suitable from the 27 initially considered
- It is not near to local residences, is based on an existing site with some similarities in use, and it is well placed to provide a single, efficient facility to provide waste disposal services to both Colchester and Tendring districts
- Care has been taken to minimise the impact on its surroundings, with the proposed use of landscaping and screening
- This route is already used by existing waste disposal lorries en route to

Stanway. No complaints have been received either from the Highways Agency or Essex County Council Highways.

Councillor Carlo Guglielmi, as local Member, then addressed the meeting. He said:

- Tendring District Council have indicated their intention to withdraw the threat of calling for a judicial review, as this had been based on wrong information received
- However, the local authority is still concerned about the traffic flow at the site, especially as this is situated near the busiest roundabout in the district - it is near to where two of the region's trunk roads meet, which is a bottleneck at busy times
- The road also provides main access to the local beaches, which have an economic and recreational importance for the district and the County
- The location itself is certainly convenient for the transporting of rubbish from across the two districts, but Tendring have requested that, if the scheme is approved, a traffic review be carried out after a 12 or 18 month period, to consider the overall impact.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The existing truckstop/haulage depot, which will close if this application succeeds, produces more HGV traffic movement than the WTS will. There are no plans to delineate traffic flow within the site.
- Anticipated vehicle movements are: 210 on Tuesdays to Fridays, 122 on Mondays, 56 on Saturdays and 54 on Sundays. This represents 0.1% of A120 traffic flow, so its impact is neutral
- Waste traffic is already somewhere on the network.
- The Joint Municipal Waste Management Strategy is not a planning document, but is a material planning consideration
- The apparently early start (6.00 am on weekdays) links in with the operating hours of the Courtauld Road site.
- With regard to noise levels measured against background noise, these fall below the required level, and the roller shutters will have been taken into consideration here
- Concerns expressed over on site lighting will be addressed by applying standard condition LGHT1 and amending the proposed condition 7, so that any proposed lighting will require advance approval.

The resolution was moved, seconded and following a vote of nine in favour and one against, it was

Resolved

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

1. COM1 – commencement within 5 years.
2. COM3 - Compliance with submitted details including adherence to the submitted surface water drainage scheme

3. POLL1 – Surface water drainage
4. HIGH2 – Vehicular access from existing A120 slip roads only. No vehicles shall use the private access located between the proposal site and Bromley Road/Slough Lane.
5. NSE1 - Noise limits
6. NSE3 – Monitoring noise levels
7. LGHT1 – Fixed lighting restriction
8. LGHT2- Use of lighting restriction
9. ECO5 - Biodiversity Mitigation and Enhancement Plan
10. ECO3 – Protection of legally protected species (Tree and hedge removal outside of bird-nesting season unless ecologist confirms none present).
11. LAND1 – Landscape Scheme omitting Ash and Aspen, including appropriate pit design, retention of Oak, and post-planting management plan
12. LAND2 – Replacement Landscaping.
13. DET1 – Details of external appearance including fences.
14. WAST1 – Waste type restriction and tonnage of 115,000 tpa
15. WAST7 – Essex and Southend-on-Sea's Waste Only
16. Hours of operation:
06:00 – 19:30 hours Monday to Friday
08:00 – 16:00 hours Saturdays, Sundays and Bank/Public Holidays (except Christmas Day, Boxing Day and New Year's Day when the site shall be closed).
17. GEN1 – Advance submission of details of cabinet power washer and vehicle wash and splash guards prior to beneficial occupation
18. DUST1 – Dust suppression scheme.

7. Cordons Farm ELV Facility

The Committee considered report DR/26/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the use of the site as an end of life vehicles de-pollution and treatment facility with the associated storage of material and plant.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need & Policy Context
- Operations
- Potential Impact on the Environment & Amenity
- Cumulative Impact of Waste Uses.

The Committee noted that, as per the Addendum, further representations had been received, and as a result additional noise conditions had been recommended to be imposed should permission be granted.

In accordance with the protocol on public speaking the Committee was addressed by Councillor Stuart Gulliford, for Cressing Parish Council. Councillor

Gulliford said:

- This application should not be considered in isolation from one for the creation of a Waste Transfer Station on the Cordons Farm site, which is due to come to Committee, as these together will have a significant combined impact
- The County Council will not carry out an Environmental Impact Assessment on these projects; and this contravenes current planning regulations
- The fact that three noise assessments have been carried out suggests there is a problem
- The Galleys Corner roundabout is already a well-known bottleneck; and the access road, Long Green, is inappropriate as such, being in effect a country lane.
- Cressing is a rural parish and should not be treated as an industrial area.

Mr Justin Kingwell, as the operator, then addressed the meeting. He said:

- He has operated his existing business in the area for 15 years, providing employment for local people. This development will contribute to the local economy and will require 8 new staff
- The building is at present vacant and is well suited to the proposed use, having a long history of industrial use
- He is committed to the area, having invested significantly in the project. It will provide a needed service and he will continue to be careful to minimise any impact on the local environment.

Before Members' questions were received, officers responded to two points made:

- The Waste Transfer Station application is still pending determination
- Although the noise issues were revisited, the Council's noise consultant has stated that his original comments remain unchanged.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- Pollution control and fire risk were issues of separate regulation, outside planning; Noise assessment is made on the assumption of the building's doors being closed when activity takes place inside.
- No restriction had been placed on the type of vehicles, although the overall throughput is restricted to 10,000 tonnes per annum (as amended from 25,000 tonnes in the Addendum); however normally the WPA would not restrict tonnage without good reason.
- A scheme for reducing noise levels would have to be approved before Saturday working commences
- This application should be considered on its own merits; if the proposed Waste Transfer Station (to the rear of the Cordons Farm site) is brought to Committee, Members would need to consider the cumulative impact at that time.

A Member proposed an amendment to defer consideration of this item, on the

following grounds:

- Noise issues
- Lack of clarity about whether the building's doors would be closed
- Cumulative impact of this development and the proposed Waste Transfer Station
- Total tonnage

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

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

Resolved

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

1. COM1 – Commencement within 5 years.
2. COM3 – Compliance with Submitted Details.
3. The throughput of vehicles for de-pollution at the site shall not exceed 10,000 tonnes per annum. The operator shall maintain records of their monthly and annual throughput which shall be made available to the Waste Planning Authority within 14 days of a written request.
4. Prior to any operations being undertaken on a Saturday a scheme to reduce the predicted noise level, from activities undertaken, shall be submitted to and approved by the Waste Planning Authority. The scheme shall include measures, practices and/or any mitigation proposed to reduce noise impact on a Saturday. The development shall be implemented in accordance with the approved scheme.
5. Except for temporary operations, the noise rating level, L_{Ar,T} (free field) at nearby residential properties, derived in accordance with BS 4142: 1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises shall not exceed the background noise level (LA₉₀).
6. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations:

07:00-19:00 hours Monday to Friday

07:00-16:00 hours Saturday

and shall not take place on Sundays or Bank or Public Holidays.

7. ELV1 – Processing in Storage Bays (Building)

8. Any vehicles and/or materials stored within the 'Operational Area' of the Parking Plan, plan number KH/01, submitted as additional information on 17/05/2013, shall not exceed a height of 2 metres when measured from ground level.
9. ELV3 – Restriction of Sale of Vehicle Parts
10. No baling, shearing and/or fragmenting of metals shall take place on site.
11. NSE5 White Noise Alarms
12. Any externally operated forklift shall only operate during the hours permitted under Condition 6 of this planning permission. No externally operated forklift shall be operated at the site unless it has been fitted with and uses an effective silencer to ensure that the A-weighted sound power level, LWA, site does not exceed 78 dB(A). All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

County Council Development

8. The Limes, Laindon

The Committee considered report DR/27/13 by the Head of Planning, Environment and Growth.

The Committee was advised that the proposal was for the change of use from a residential care home to a combined day centre for Early Years and Family Solutions.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need
- Policy considerations
- Design
- Impact on Landscape and Residential Amenity
- Traffic & Highways.

In accordance with the protocol on public speaking the Committee was addressed by Mr Stan Collins, a local resident, who was also speaking primarily on behalf of four local households immediately adjacent to The Limes. Mr Collins said:

- He has submitted a petition, signed by 52 residents living nearby, objecting to the proposal to reopen the facility and run a Family Solutions/Early Years centre at The Limes
- His concerns are centred on safety issues. The Limes is situated opposite the main entrance to Merrylands Primary School; this change of use is likely to increase the volume of traffic and so danger to both children and adults. There is a lot of car parking on the street in this area, made worse by the displacing of commuter parking from neighbouring streets

- Most users of the Centre itself will be likely to choose car travel and the Centre will have just seven parking spaces in total. These are sufficient for the six Centre based staff but in the course of a day other user numbers will be: 18 transient staff, an unspecified number of maintenance and delivery staff, 25 families using the Centre, and 20 Family Solutions users. This will mean more traffic and more on-street parking.
- The application should be refused, or at least a decision deferred until the parking and congestion issues are resolved.

Councillor Bill Archibald, as local Member, then addressed the meeting. He said:

- He is in favour of this application, as it is a needed facility that will serve local people
- He is aware of the troubles that local people have suffered in the past, although these stemmed as much from those visiting The Limes as from the residents of the home as it was
- This area experiences much irresponsible parking by parents, which causes traffic problems
- Further congestion is caused as a knock-on effect from the double yellow lines painted in nearby Durham Road, at the insistence of local residents, as it was used for for parking by commuters
- He was concerned at the suggestion that such a facility would be better located in an area of social housing, rather than a private estate.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The imposition of further double yellow lines in this area may well have an impact on other areas
- There is sufficient space at the Centre to allow cars to drive in and drop off passengers and It may be possible to encourage those using the Centre to adopt this approach
- It was suggested that the local Highways Panel might look into the traffic issues here
- Parking at the Centre will meet Parking Standards requirements; it is not possible to say how the spaces will be used.

The resolution was moved, seconded and following a vote of eight in favour and one against, with two abstentions, 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 reference CC/BAS/14/13 dated 12 February 2013 and validated on 2 April 2013 together with Site Location Plan Sheet 1 of 2 dated 20 May 2009, Site Location Plan Sheet 2 of 2, Drawing Number Mg374.mcd (Proposed Layout) dated October 2012, email from Emma Blewer, Lambert Smith Hampton dated 27 February 2013 13:49, letter from Paul Freer, Lambert Smith Hampton dated 29 May 2013, email from Paul Freer, Lambert Smith Hampton dated 11 June 2013 10:47 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:
3. The development hereby permitted shall only be carried out during the following times
07.30 to 18.00 Mondays, Wednesdays and Fridays
07:30 to 21:00 Tuesdays and Thursdays
09:30 to 18:00 Saturdays
And at no other times or on Sundays, Bank or Public Holidays.
4. No beneficial occupation of the development hereby permitted shall take place until details of powered two wheeler and cycle parking facilities have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for powered two wheeler and cycle parking 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.
5. No development shall take place until details, of the areas to be used within the site for the purpose of loading/unloading/reception and the storage of building materials, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Information Item

9. Statistics May 2013

The Committee considered report DR/28/13, 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.

10. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 26 July 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.30pm.

Chairman