

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 26 JULY 2013

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr A Brown
Cllr P Channer
Cllr M Ellis

Cllr J Lodge
Cllr Lady P Newton
Cllr J Reeves
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Councillors C Guglielmi (substituted by Cllr Seagers) and M Mackrory.

2. Declarations of Interest

Councillor Lady P Newton declared a personal interest in Agenda Item 5a, Cordons Farm Waste Transfer Station, as a Member of Braintree District Council; she would leave the room for the discussion of the item, as Cabinet Member for Planning and Property at Braintree District Council, a member of the Local Development Framework Committee and a member of the Planning Committee.

Councillor J Abbott declared a personal interest in Agenda Item 5a, Cordons Farm Waste Transfer Station, as a Member of Braintree District Council.

3. Minutes

The Minutes and Addendum of the Committee held on 28 June 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 the development of a Waste Management Facility for the transfer/bulking of municipal waste.

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

Ref: ESS/23/13/BTE

Public speaker: Mr Philip Atkinson speaking for

And: Councillor Lady Patricia Newton speaking as local Member.

Minerals and Waste

5. Cordons Farm Waste Transfer Station

The Committee considered report DR/29/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the development of a new waste transfer station for the transfer/bulking of waste. 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:

- Need and Policy Context
- Operations
- Design and Landscape Impact
- Impact on Amenity
- Traffic and Highways
- Flood Risk and Water Quality
- Ecological Impact
- Other Considerations
- 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 and will serve the new waste treatment facility at Courtauld Road, Basildon. It will provide a single, efficient facility to provide waste disposal services to the entire Braintree district and forms a key part of the Joint Municipal Waste Strategy for Essex
- The County Council began the search, in collaboration with Braintree DC, in 2010, and Cordons Farm was considered a good choice because it has been used for waste processing since 1992
- Care has been taken to minimise the impact on its surroundings, with the proposed use of landscaping and screening and improvements to vehicular access
- Main flow of vehicles will not coincide with peak morning and evening traffic times around Galley's Corner; and neither the Highways Agency nor the Highway Authority have raised any objections.

Councillor Lady Patricia Newton, as local Member, then addressed the meeting. She said:

- This has been considered by officers at Braintree District Council, not by Cabinet or Members. The District Council has no objection in principle, although some concerns were noted in respect of the impact on amenity, for example.
- This does represent a departure from the Local Development Plan, so will need careful consideration
- There is clearly a long history to the site, but there has been an amount of planning creep, with other activities in the area, and the Parish Council have indicated their concerns about the cumulative impact of these
- Cressing Parish Council is also concerned about the traffic situation: Galley's Corner is already a bottleneck, and these are very large vehicles. Braintree had already been looking into ways of easing congestion at this roundabout
- The 71,000 tonnes p.a. is more than double that permitted under the 2011 consent – it is surprising that no Environmental Impact Assessment is required here
- The building itself is very large – too large to be hidden, and the site is open countryside. Changing the roof colour will be helpful, but good landscaping and screening will also be required, to minimise the impact on local views
- There are several other potential areas of concern, like the noise, odours and lighting, and, if permission is granted, this site will need careful and robust monitoring.

Councillor Lady Newton left the meeting at this point and for the remainder of this item.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The question of whether an Environmental Impact Assessment is required is a separate process, distinct from the planning application process and so screening for EIA is not a matter for Members to consider. This application has been screened for EIA when the application was submitted and again before the agenda was published, with the decision being that the proposed development would not have a significant impact on the environment and therefore EIA was not required.
- The three streams of waste are currently dealt with as follows:
 - Recyclables – sent to Ipswich
 - Residual waste – most to landfill at Colchester
 - Food waste – to St Ives for processingIn future, residual waste would go to Courtauld Road and a procurement is currently in progress for a biowaste facility for food waste. Dry recyclates would continue to go to Ipswich, however, it was clarified that these are not planning considerations.
- The management and operation of the roller doors is included as part of the application details and the proposed Condition 2 requires the development to be carried out in accordance with those details. For clarification the doors would be closed when vehicles are inside.
- With regard to traffic levels, these have been looked at; however there are

certain levels that trigger further investigation by the Highways Agency and these levels have not been reached. The maximum daily movement figures are no higher than the existing ones and these movements would not (mostly) coincide with peak traffic times.

- It cannot currently be determined whether there will be a future need to expand the facility as this would be dependent on future waste arisings in Braintree (currently around 60,000 tonnes); if there was a need to expand the facility above the 71,000tpa figure then any application would need to be considered at that time.
- The creation of a path to the Galley's Corner roundabout, as proposed by one Member, does not satisfy the tests for planning obligations so such a requirement cannot be justified. The landscape officer is satisfied with the proposed scheme.
- With regard to opening times, the site will need to be open on Sundays and Bank Holidays to accommodate waste arising from civic amenity sites. On weekdays, the applicant is willing to curtail the operating hours from an 8.00 pm finish to a 7.30 pm finish, on the understanding that the last lorry will leave at 7.00 pm, but some time will be required to clear up the site.

One Member proposed a resolution to create a path linking the site to the Galley's Corner roundabout, but this was not seconded.

The original resolution, with a 19.30 finish time on weekdays, was moved, seconded and following a vote of eight in favour and one against, agreed. Cllr Abbott abstained. It was:

Resolved

That planning permission be granted subject to the following conditions:

1. COM1 - Commencement within 5 years
2. COM3 - Compliance with Submitted Details
3. HOUR1 - Hours of Operation:
4. 07:00 – 19:30 hours Monday to Friday
5. 07:00 - 14:00 hours Saturday, Sunday and Bank/Public Holidays (except Christmas Day, Boxing Day and New Year's Day when the site shall be closed)
6. DET2 - Design Detail (Variant):
7. No development shall take place until details of eaves, fascias and rainwater drainage have been submitted to and approved in writing by the Waste Planning Authority. The submitted details shall include scaled drawing by section and elevation at scales between 1:20 and 1:1, as appropriate. The development shall be implemented in accordance with the approved details.
8. DET5 - Waste Building Design and Construction (Variant):
9. No development shall take place until details of the roof colour of the building hereby permitted have been submitted to and approved in writing by the

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

10. DET5 - Waste Building Design and Construction (Variant):
11. No development shall take place until details of the stack diameter and design have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
12. HIGH1 - Site Access Road (constructed first)
13. HIGH5 - Vehicle Movement Limits:
14. The total number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:
15. 220 movements (110 in and 110 out) per day Monday to Friday
16. 84 movements (42 in and 42 out) on Saturday, Sunday and Bank/Public Holidays
17. HIGH11 - Visibility Splays
18. HIGH14 - Surface Material
19. NSE1 - Noise Limits (Variant):
20. The free field Rating Noise Level (L_Ar) attributable to the operation of all fixed and mobile plant used at the facility hereby permitted shall not exceed the existing background noise level L_A90,T at any noise sensitive property adjoining the site. Measurements shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
21. NSE1 - Noise Limits (Variant):
22. The free field Equivalent Continuous Noise Level (L_Aeq, 1hr) from vehicles associated with the facility shall not result in an increase in the existing ambient equivalent noise level (L_Aeq, 1hr) by more than 3dB from any adjoin noise sensitive property. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
23. NSE3 - Monitoring Noise Levels (Alternative)
24. NSE5 - White Noise Alarms
25. LIGHT1 - Fixed Lighting Restriction - other than that submitted
26. LGHT2- Use of lighting restriction.
27. LAND2 - Replacement Landscaping
28. ECO1 - Acceptable Survey, Mitigation and Management Plan - Implementation of Scheme
29. ECO4 - Wildlife Protection Plan
30. ARC1 - Advance Archaeological Investigation
31. POLL1 - Surface and Foul Water Drainage & POLL2 - Interception Facilities (Variant):

32. No development shall take place until a detailed scheme to accommodate/dispose of all surface and foul water drainage, install oil and petrol separators and install trapped gullies and roof drainage - sealed at roof level has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved scheme/details and maintained for the life of the development hereby permitted.
33. WAST1 - Waste Type Restriction and Tonnage to 71,250 tonnes per annum
34. WAST7 - Essex and Southend-on-Sea's Waste Only
35. Odour levels shall be monitored within 1 month of the date of the commencement of waste transfer operations at the site. The results of the monitoring shall be submitted to the Waste Planning Authority within 2 weeks of the date of the monitoring unless otherwise agreed in writing. Monitoring shall be carried out at (and beyond if necessary) the site and the results shall include a remediation strategy should levels be higher than set out in the predictions contained within the Odour Assessment, reference: 663433/BR/R08 Revision 3, dated May 2013. Any required remediation shall be carried out following the written request of the Waste Planning Authority. Odour monitoring shall continue on an annual basis for the life of the development hereby permitted unless otherwise agreed in writing by the Waste Planning Authority.
36. GEN1 - Advance Submission of Details:
37. No development shall take place until details of the materials to be used for sub-surface utility pipework have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the type of material proposed as well as an assessment of suitability in context of the existing ground conditions. The development shall be implemented in accordance with the approved details.
38. GEN1 - Advance Submission of Details:
39. No development shall take place until an update to the contamination survey submitted with the application (Phase II Geo-environmental Assessment, reference: 663433/BR/R17 - Revision 3, dated May 2013) has been submitted and approved in writing by the Waste Planning Authority. The update shall include details of the results of the additional soil sampling, which has been undertaken, and provide clarification of the identified levels of methane and carbon dioxide on site providing a remediation strategy if required. The development shall be implemented in accordance with the approved details.
40. GEN1 - Advance Submission of Details:
41. No development shall take place until details to demonstrate that the piped drainage storage capacity is above 360m³ have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

6. Frobisher Primary and Nursery School

The Committee considered report DR/30/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was retrospective application for the continued use of 2 classbases for a temporary period until 31 August 2018 and external refurbishment of the 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
- Policy considerations
- Design
- Impact on Landscape and Residential Amenity
- Traffic and Highways.

Members questioned whether these proposals could be described as a “high quality built environment”, as referred to under the NPPF, but noted that the facilities would meet a need at the school. They also hoped that the school would benefit from more permanent facilities in due course.

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 following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/TEN/23/13 dated 7 May 2013 and validated on 24 May 2013 together with Drawing Numbers 192-01 A (Location & Block Plans) dated April 2013, 192-02 (Existing Plan & Elevations) dated April 2013, 192-03 (Proposed Plan & Elevations) dated April 2013 and the Planning, Design and Access Statement dated May 2013 together with emails from Jon Green, Laurie Wood Associates dated 2 July 2013 13:13 and 2 July 2013 14:41 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 condition:
2. The use of the temporary classbases hereby permitted shall cease on 31 August 2018 and within 3 months of that date shall be removed from site and the land restored to its former condition within a further 28 days.

7. Millhouse Infant School and Nursery

The Committee considered report DR/31/13 by the Head of Planning, Environment and Growth.

The Committee was advised that the proposal was for the erection of a detached single storey timber framed building at the school.

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.

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 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 application reference CC/BAS/24/13 dated 3 June 2013 and validated on 6 June 2013 together with drawing numbers 10 Planning: Millhouse School 39-91 Scheme (Location Plan) dated 7 May 2013, 11 Planning: Millhouse 39-91 Scheme (Site Plan) dated 7 May 2013, 14a Planning: Millhouse School 39-91 Scheme Rev A (Elevations) dated 25 June 2013, 13 Planning: Millhouse School 39-91 Scheme (Roof Plan) dated 7 May 2013, 12a Planning: Millhouse School 39-91 Scheme Rev A (Plans and Section) dated 25 June 2013, 15a Planning: Millhouse School 39-91 Scheme (Visualisation – NTS) dated 25 June 2013, 100 Planning: Millhouse School 39-91 Scheme (Western Red Cedar timber cladding) dated 7 May 2013, 101 Planning: Millhouse School 39-91 Scheme (Douglas Fir Window Frames) dated 7 May 2013, 102 Planning: Millhouse School 39-91 Scheme (Black uPVC rainwater goods, Alwitra Evalon Roof membrane and trims and non-slip deck and hardwood column) dated 7 May 2013, 103 Planning: Millhouse School 39-91 Scheme (Sample finished buildings) dated 7 May 2013 and the Design and Access Statements 17 Planning: Millhouse School 39-91 Scheme dated 7 May 2013 and Supporting Documents/Statements 16 Planning: Millhouse School 39-91 Scheme dated 7 May 2013 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. No development or any preliminary ground works 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 consent of the County Planning Authority.

4. Any excavation works shall be located outside the Root Protection Area (RPA) of the trees to be retained. In the event that excavation works are necessary within the RPA, the works shall be undertaken using hand tools only, working around the tree roots so as to prevent damage or injury to the tree root. No tree root with a diameter greater than 25mm shall be severed unless agreed in advance in writing by the County Planning Authority.

Information Item

8. Statistics June 2013

The Committee considered report DR/32/13, 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.

9. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 23 August 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.05pm.

Chairman