

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 23 MAY 2014

Present

Cllr R Boyce (Chairman)
Cllr J Aldridge
Cllr K Bobbin
Cllr M Ellis
Cllr I Grundy

Cllr C Guglielmi
Cllr T Higgins
Cllr J Lodge
Cllr Lady P Newton
Cllr C Seagers

1. Apologies and Substitution Notices

Apologies were received from Cllr James Abbott, Cllr Penny Channer, Cllr M Mackrory (substituted by Cllr Higgins) Cllr Jill Reeves (substituted by Cllr Grundy) and Cllr Simon Walsh (substituted by Cllr Seagers).

2. Declarations of Interest

Cllr Bobbin declared a personal interest in agenda item 5a, Mackers Metals, as a local Basildon Councillor.

Cllr Ellis declared a personal interest in agenda item 5a, Mackers Metals, as a local Basildon Councillor.

3. Minutes

The Minutes and Addendum of the Committee held on 25 April 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:

Use of the site as a waste transfer station for the sorting, grading and transfer of inert, non-hazardous waste and waste electrical and electronic equipment (WEEE). Together with the development of a three sided enclosure to further facilitate the proposed operations

Location: The Yard, Wrexham Road, Laindon, Essex, SS15 6PX

Reference: ESS/07/14/BAS

Applicant: Mackers Metals Ltd

Public Speakers: John Scarola speaking against
Jade Semple speaking for

And, speaking as Local Member, Cllr W Archibald.

New single and double storey annex to accommodate an additional 210 pupil numbers, together with single storey extensions to the main hall and head

teacher's room, the provision of a temporary classbase for a period of 12 months and the provision of 8 new cycle parking spaces.

Location: Holy Cross RC Primary School, Tracyses Road, Harlow, CM18 6JJ

Ref: CC/HLW/19/14

Applicant: Essex County Council

Public Speakers: Elizabeth Fitzgerald speaking against
Sue McGuiggan speaking for.

5. Mackers, Metals, Laindon

The Committee considered report DR/18/14 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 a previous application had been refused under delegated authority in February 2013 (attached as Appendix 1 to the paper), and a subsequent appeal dismissed (decision attached as Appendix 2 to the paper). This application seeks the use of the site as a waste transfer station and no longer includes the processing of end of life vehicles.

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 Site Suitability
- Impact on Landscape, Amenity and Traffic
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by John Scarola, Councillor for Laindon Park, Basildon Council. Mr Scarola said:

- The site has produced excessive noise and nuisance over the past three years; and two noise abatement orders have been issued, but have been disregarded
- The number of lorry movements and quantity of waste could exceed the set limits
- The situation is not appropriate – a waste station beside a playschool and children's nursery and near residential property
- The local roads are not suitable for the sort of vehicles
- It would have a bad effect on local amenities – traffic congestion, odours, dangers from combustible materials, poor access to fire
- Over 500 local residents have signed a petition against this, including the local councillors in the two wards.

Jade Semple, representative of Dovetail Architects Ltd, said:

- No objections have been received from many interested parties, eg ECC Highways, Basildon Council, Network Rail, the ECC Urban Design Team and the Fire Authority
- The business intends to move away from scrap metal, which should reduce the noise levels; and materials will come onto the site using household skips and be processed in an enclosed area. This should reduce noise and also keep dust nuisance to a minimum
- There is no food waste proposed to be handled, so no nuisance from either vermin or odour
- The traffic levels will be the same
- The car-crushing activities will cease, dramatically reducing noise levels
- A positive gain will be that the authorities will have more control over the activities on the site.

Bill Archibald, County Councillor for Laindon Park and Fryerns and local Member, said:

- Such a business should not exist in its present location. When Basildon Development Corporation was allowing businesses to set up in this area 50 years ago, this was a backwater; but the town has developed greatly, and now this is a residential area
- Those in favour have cited various affected parties that have not objected, but they have not mentioned the most important people – those who live there and have their everyday lives affected by these activities
- The traffic levels will be unacceptable
- There is no real difference between this application and the previous one, which was refused.

A number of concerns were raised by Members:

- There already seems to be a significant number of such sites in the Basildon area
- The ongoing safety of local people, and particularly the children at the nursery school next door, must be paramount
- The views of local residents are important, and their opposition understandable, but the proposals should improve their overall situation

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

- The applicant will not be able to combine present activities (ie car breaking) with the proposed ones (waste transfer) at any time, as the development of the site is dependent on the surrender of the existing Certificate of Lawful Use or Development
- That, although this proposal provides some regulation of the number of vehicles entering and leaving the site, the issue of vehicles stacking, before they enter the site, is one for local enforcement
- The transit vehicles that will be used do not have large turning circles
- The seven metre height limit provides a one-metre extension for a mechanical arm above the height of the building (six metres)
- The proposed workings (with regard to noise, for example) are taken into account in the Conditions

- The references to “vehicles” in Condition 5 should be to “heavy vehicles” and it was agreed that the wording should be amended accordingly.

One Member proposed a resolution to change the working hours to 08.00 to 14.00 on Saturdays, but this was not seconded.

A resolution to delay a decision on this application and to conduct a site visit was proposed and seconded, but following a vote of two in favour and eight against, it was not carried.

The original resolution, with the amended wording set out in the Addendum and discussed further changes to Conditions 5 and 14 was moved and seconded. Following a vote of eight in favour and two against, it was

Resolved

That planning permission be granted subject to the following conditions:

1. COM1 – Commencement within five years
2. COM3 – Compliance with Submitted Details
3. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations:

08:00-17:30 Monday to Friday

08:00-13:00 Saturday

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

4. DET5 – Waste Building Design and Construction
5. The total number of heavy goods vehicle movements associated with the development hereby permitted shall not exceed the following limits:

60 movements (30 in and 30 out) per day Monday to Friday

30 movements (15 in and 15 out) on Saturdays.

No heavy vehicle movements shall take place outside the hours of operation authorised in condition 3 of this permission.

6. The rating noise level, as assessed in accordance with BS4142, emanating from the site shall not exceed (including any attributable penalty):

46dB LAeq, 1hr Monday to Friday; or

45dB LAeq, 1hr Saturday.

7. NSE3 – Monitoring Noise Levels

8. No materials shall be stockpiled or stored, outside of the three-sided enclosure, permitted by this consent, at a height greater than 3 metres when measured from adjacent ground level.
 9. LGHT1 – Fixed Lighting Restriction
 10. TREE2 – Tree Protection Scheme
 11. WAST1 – Waste Type Restriction
 12. WAST5 – No Waste Deposit Outside Defined Areas
 13. WAST7 – Essex and Southend Waste Restriction
 14. No plant and/or machinery shall be erected or installed unless at ground level. Any such plant and/or machinery erected or installed shall have a maximum operational height of 7 metres (when measured from the adjacent ground level).
 15. No development shall take place until a planning obligation under Section 106 of the Town & Country Planning Act 1990 has been entered into with Basildon District Council and the Waste Planning authority to permanently discontinue the use of the site allowed by the Certificate of Lawful Use or Development (ref: 04/1556/LDC) without the grant of planning permission for that use.
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Councillors Archibald and Higgins left the meeting at this point.

6. Holy Cross Roman Catholic Primary School

The Committee considered report DR/19/14 by the Director of Operations: Environment and Economy.

The Committee was advised that the school intended to double its intake and therefore had to build the necessary accommodation, including seven new classrooms.

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
- Traffic and highway impact
- Impact on the environment and amenity

In accordance with the protocol on public speaking the Committee was addressed by Elizabeth Fitzgerald, Development Manager, Harlow Council, Ms Fitzgerald said:

- The proposal seeks to double the size of the school with no additional parking provision
- Existing provision of 24 bays is already used to the fullest extent. Additional tandem bays have been provided by the Church off site; these are neither owned by the school nor are they favoured by parents dropping off or collecting their children
- The parking has been justified based solely on the use of the parking by the school alone. Parking is at a premium in Harlow generally, but here there are two schools, a crèche and a church, which is already creating an untenable position for local residents
- A green travel plan has been requested by the County Council, but only as an informative, which is not legally binding
- Harlow Council wishes to support the growth of schools, but it believes this application shows a lack of understanding of the locality
- If this is approved, Harlow would request that conditions relating to staggered start times and provisions relating to the green travel plan be included, rather than be just informatives.

Miss Sue McGuiggan, Head Teacher at Holy Cross School, said:

- There is an acute shortage of Primary School places in Harlow, particularly in the area Holy Cross serves. This is a strategically planned expansion, in cooperation with the County Council.
- The School is highly oversubscribed and proven capacity for expansion. The Diocese of Brentwood favours the expansion
- The parish and the School share a car park and the school has full and prioritised use of this facility. (This is diocesan land)
- The School has a very good working relationship with Passmores Academy and are in agreement about having staggered start and exit times
- The school has a comprehensive travel plan, promoting walking and cycling to school
- There are other parking facilities nearby.

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

- The new building will be partly of one storey construction, as the proposed numbers do not require it to be wholly two storey
- The development would utilise natural ventilation but no renewable technology is proposed
- The travel plan is proposed to be required through informative only. The standard conditions note that this is the standard approach
- Parking standards do not require the provision of a drop-off point for parents
- The number of proposed cycle spaces has been calculated using the number of pupils currently cycling to school and projected numbers arising from the proposed annexe
- The playground will be largely unaffected
- The construction area will be fenced off and it will be up to the school to manage supervision, etc of this area.

The resolution was moved, seconded and 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.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 03 March 2014, cover letter dated 07 March 2014, together with
 - Design Analysis for Proposed Extension and Alteration Works by Roffmarsh Partnership Ltd;
 - Supporting Planning Statement by Capita dated 28 February 2014;
 - Report to Cabinet Member dated 12 December 2013;
 - Statement of Community Involvement;
 - Consultation on proposals to increase primary provision in Harlow from September 2014 dated November 2013;
 - Sustainability Statement;
 - Statement of Utilities and Services;
 - Construction Statement;
 - Transport Statement by Robert West dated February 2014;
 - Noise survey and assessment by Adrian James Acoustics Ltd dated 14 February 2014;
 - Flood Risk Assessment by GTA Civils Ltd dated 09 April 2014;
 - Soft Landscape Specification by Wynne-Williams Associates dated February 2014;
 - Specification by Wynne-Williams Associates dated April 2014
 - Preliminary Ecological Appraisal by Essex Ecology Services Ltd dated January 2014;
 - Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan by Hayden's Arboricultural Consultants dated 21 February 2014;
 - Archaeological Evaluation by Trial-Trenching dated February 2014;
 - Emails from Roffmarsh dated 08 April 2014, 09 April 2014, 10 April 2014, 14 April 2014, 16 April 2014, 17 April 2014, 01 May 2014, 06 May 2014;
 - Email from the School Organisation Officer dated 15 April 2014

together with drawing numbers:

- 1401/LL/101 Rev A dated 04/14/14;

- 1401/LD/501 dated 04/04/14;
- 1401/LP/301 Rev A dated 08/04/14;
- HD/9254/03A dated 08/05/14;
- 3943-D dated 21/02/14;
- 3875-E-302 Rev P1 dated 19/02/14;
- DBS/13692/01 Rev P2 dated 20/02/14;
- M340/WD21/T1 dated March 2014;
- M340/F1 dated May 2013;
- M.340/F2 dated May 2013;
- M340/F3 dated October 2013;
- M340/F5 dated January 2014;
- M340/F6 dated January 2014
- M340/F7 dated January 2014;
- M340/F9 dated February 2014;
- M340/F10B dated 08/05/14;
- M340/F11 dated February 2014;
- M340/F12 dated February 2014;
- M340/F13 dated February 2014;
- M340/F14 dated February 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 removal of trees or shrubs shall be carried out on site between 1st March and 1st September inclusive in any year, unless an ecological assessment has been undertaken, submitted to and approved in writing by the County Planning Authority which confirms that no species would be adversely affected by the removal of trees/shrubs.
4. The temporary construction access shown on drawing ref M340/F10A dated 08/05/14 shall be removed and the land shall be reinstated to playing field use prior to the first beneficial occupation of the development hereby permitted.
5. The development hereby permitted shall be carried out in accordance with the tree protection methodology as set out in the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan by Hayden's Arboricultural Consultants dated 21 February 2014 and drawing ref 3943-D dated 21/02/14.
6. The use of the temporary classbase hereby permitted, as shown on drawing ref M340/F10B dated 08/05/14, shall cease by 30 September 2015 and within 3 months of that date the unit shall be removed from site and the land restored to its former condition within a further 28 days.
7. Adequate control measures shall be applied to ensure noise emanating from the temporary classroom shown on drawing ref M340/F10B dated 08/05/14 does not result in adverse noise impacts to nearby residents. This may

include, but is not restricted to, the closing of windows, aural observations at the site boundary and minimisation of the use of amplified music.

7. Statistics

The Committee considered report DR/20/14, 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 27 June 2014 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.08 pm.

Chairman