

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

Present

Cllr N Edey (Chairman)
Cllr W Dick
Cllr M Garnett
Cllr I Grundy
Cllr T Higgins
Cllr S Hillier

Cllr G McEwen
Cllr M Miller
Cllr D Morris
Cllr J Reeves
Cllr C Riley

1. Apologies and Substitution Notices

Apologies were received from Cllrs R Boyce (substituted by Cllr C Riley) and I Pummell.

Members noted that Cllr I Grundy had become a full member of the Committee, following the death of Cllr R Pearson.

2. Minutes

The Minutes and Addendum of the Committee held on 23 November 2012 were agreed and signed by the Chairman.

3. Matters Arising

- a) **Castle View School.** It is likely that a new application in respect of the Hammer Cage will be submitted to the Committee shortly.
- b) **Kent View Road, Vange (Village Green application).** Councillor Hillier regretted that she had been unable to speak to this application when it was considered at the November 2012 meeting, and that her comments unfortunately had not been passed on to Members. However, she noted that steps were being taken to prepare a business plan for the use of this space, which she believed had been propelled by the Village Green application.

4. Declarations of Interest

Councillor Grundy declared a non-pecuniary interest in Agenda Item 5a.

Councillor Hillier declared a non-pecuniary interest in Agenda Item 6a.

Councillor Morris declared a non-pecuniary interest in Agenda Item 6a.

5. Identification of Items Involving Public Speaking

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

Change of use of land to a Waste Transfer Station to include 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 tanks and pumphouse, underground surface water drainage tanks and pipework, package sewage treatment plant and pipework, vehicle wash system, staff car and cycle parking, vehicle hardstanding, fencing, landscaping, formation of accesses to site and associated works.
Location: Land on the west side of Winsford Way, Chelmsford, CM2 5AA.
Ref: ESS/65/12/CHL

Public speakers: Mr Ian Fergusson (Turley Associates) speaking against
Mr Philip Atkinson (Lanpro Consultancy) speaking for.

Minerals and Waste

6. Winsford Way

The Committee considered report DR/01/13 by the Head of Environmental Planning.

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 change of use of land to a Waste Transfer Station to include 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 tanks and pumphouse, underground surface water drainage tanks and pipework, package sewage treatment plant and pipework, vehicle wash system, staff car and cycle 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 Principle
- Policy Considerations
- The Historic Environment
- Landscape and Visual Impact
- Impact on Amenity
- Traffic & Highways
- Water and Flood Impact
- Ecological Impact.

In accordance with the protocol on public speaking the Committee was addressed by Mr Ian Fergusson, who informed Members that he was speaking

on behalf of the residents of Fordson Road and on behalf of Aberdeen Asset Management, who manage units in the immediate Employment Area. Mr Fergusson said:

- The proposals will blight the Employment Area
- Local residents' ability to enjoy their homes will be adversely affected through the impact of noise, odour air quality and general disturbance during hours of operation
- Local roads will suffer from significant increased traffic levels
- The proposals are in conflict with Chelmsford Policy DC48, which requires no reasonable prospect of relocating the facility elsewhere within the authority's area. Aquila Chelmsford Ltd have already acquired permission for a waste transfer facility at their Mid-Essex Gravel site, and its impact would be less than that of Winsford Way
- The proposals are also in conflict with Chelmsford Policy CP22, which seeks to promote the economic regeneration of North-East Springfield as a commercial gateway
- These proposals may potentially breach the Human Rights Act.

Mr Atkinson then addressed the meeting. Mr Atkinson said:

- The use of the Aquila site had been considered and rejected by the Council because of the size of the site, contamination issues and that there were concerns, echoed by the local parish council, over the impact of traffic along White Hart Lane and through North Springfield.

In response to questions raised, Members were informed that:

- There are no conflicts with the provisions of CP22; Chelmsford CC has raised no objection. Regarding DC48, the site has been vacant for many years, with little prospect of B-Class use. Again, Chelmsford CC has not objected.
- There is no access between Fordson Road and the site. The distance between the site boundary and the houses is 28 metres, and the building will be 30 metres from the north-west edge of the site.
- The 6.00am start reflects the fact that street cleaning vehicles operate outside normal working hours. Similarly, the continued use at weekends and bank holidays reflects collecting patterns in the districts.
- The Grade II listed building in the vicinity is 800 metres away and so is unlikely to be affected by the operations on site.
- The facility uses a negative air pressure system to reduce odours.
- A specific condition is not proposed, but the facility is proposed for the use of waste collections from Chelmsford and Maldon areas only.
- A throughput restriction of 90,000 tpa is proposed by condition.

The resolution was moved, seconded and following a vote of 10 in favour, none against, and one abstention, 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. HOUR3 – Hours of operation
 - 0600 hours – 2000 hours Monday to Friday
 - 0800 hours – 1600 hours Saturdays and Sundays and Bank/Public Holidays
 - No working on Christmas Day, Boxing Day or New Year's Day
4. Construction hours:
 - 0700 hours – 1700 hours Monday to Friday
 - 0800 hours – 1300 hours Saturdays
 - No working on Sundays or Bank/Public Holidays.
5. Doors to be closed except to allow vehicular access.
6. NSE1 – Noise Limits (47dB).
7. NSE3 – Monitoring Noise Levels.
8. WAST1 – Waste Type Restriction.
9. WAST7 – Essex and Southend-on-Sea's Waste Only.
10. Waste tonnage restriction of 90,000 tpa.
11. ECO1 – Acceptable survey and mitigation plan – implementation of Preliminary Ecological Assessment recommendations.
12. CO4 – Habitat and Management Creation Scheme.
13. Protection of retained habitats during construction.
14. ECO3 – Protection of Breeding Birds.
15. ECO7 – Update of Survey before Commencement of Development.

16. LAND1 – Landscape Scheme (including retention of planting up to the visibility splay on Winsford Way).
17. LAND2 – Replacement Landscaping.
18. All tree works and tree protection measures to be implemented in accordance with the Tree Report.
19. POLL1 - Surface Water Drainage.
20. POLL1 – Foul Water Drainage.
21. HIGH1 – Site Access Road (Constructed First).
22. HIGH14 – Gates.
23. HIGH10 -Visibility Splays.
24. HIGH14 – Surface Water.
25. HIGH16 – Loading/Unloading.
26. Construction management plan including construction vehicle routes and hours of deliveries to be submitted prior to commencement of development.
27. HIGH4 – Prevention of Mud and Debris on Highway (Alternative). Facilities to be segregated from pedestrian users.
28. DET1 – Details of External Appearance of Boundary Treatments.
29. DET5 – Office and Substation Building Design and Construction.

7. Bellhouse gas flare

The Committee considered report DR/02/13 by the Head of Environmental Planning.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

The Committee was advised that the proposal was to relocate a 2000 SCMH flare within the Bellhouse Landfill Site for a temporary period not exceeding 9 months.

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 Considerations

- Need
- Retrospective Nature of the Application
- Amenity/Landscape Impact
- Impact on Listed Buildings.

The Committee was advised that the agent for the application had informed the Waste Planning Authority that the flare had been removed from site; however the application has not been withdrawn and therefore remains before Members for consideration.

The resolution was moved, seconded and unanimously agreed and

Resolved:

- A. That planning permission be granted subject to conditions covering the following matters:
 1. COM3 – Compliance with submitted details.
 2. CESS2 – Cessation of development within 9 months of the date of permission.
 3. NSE6 – Silencing of plant and machinery.
 4. NSE1 – Noise limits at noise sensitive properties between the hours of 0700 and 2200 and an internal night-time noise limit outside of the above hours.
- B. That it is not expedient to take enforcement action regarding the premature relocation of the gas flare.

Village Green

8. Pound Lane Recreation Ground, Laindon

The Committee considered report DR/03/13 by the County Solicitor.

Members considered an application made by Mr T B Adams dated 23 August 2010 under Section 15 of the Commons Act 2006 (“the 2006 Act”), to register land at Pound Lane Recreation Ground, Laindon as a town or village green.

The Committee noted:

- A non-statutory public local inquiry has been held and the Inspector’s report was attached as Appendix 1 in the agenda for information.
- The actual area of the application land did not include the community hall, tarmac surfaced area and children’s play area at the north-east corner of the plot (as had been shown on the original plan)
- No further representations had been received, either from the applicant or the objector following the Inspector’s Report

Following the presentation, which included photographs and detailed maps of the site, the recommendation to reject the application was moved, seconded and

unanimously agreed and

Resolved:

That the application is rejected as the application land has a legal status which defeats the acquisition of village green rights over it.

Information Items

9. Enforcement Update 2012 (October – December 2012)

The Committee considered report DR/04/13, Enforcement Matters for the period 1 October to 31 December 2012 by the Head of Environmental Planning.

The Committee **NOTED** the report.

10. Statistics

The Committee considered report DR/05/13, Applications, Enforcement and Appeals Statistics, as at end September 2012, by the Head of Environmental Planning.

The Committee **NOTED** the report

11. Date and Time of Next Meeting

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

There being no further business the meeting closed at 11.10am.