

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 22 July 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr L Bowers-Flint
Cllr M Steptoe	Cllr S Kane
Cllr M Grundy	Cllr R Moore
Cllr M Garnett	Cllr B Aspinell
Cllr D Harris	Cllr M Hardware

### 1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr J Fleming, for whom Cllr M Grundy substituted.

### 2. Minutes

The minutes of the meeting held on 27 May 2022 were agreed as a correct record and signed by the Chairman.

### 3. Identification of Items Involved in Public Speaking

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

#### 1) Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford

To consider report DR/25/22 relating to the continuation of development permitted by planning permission ESS/01/11/CHL without compliance with condition 8 (restriction on number of nights on which night-time working is permitted) to allow an additional week night and weekend night working for a period of 2 years. ESS/01/11/CHL amended planning permission ESS/36/03/CHL which was for "Use of a coated roadstone plant and associated facilities for the manufacture of coated roadstone products using predominantly sand and gravel and recycled aggregates produced at the quarry"

**Location:** Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford, CM3 3HR

**Ref:** ESS/10/22/CHL

Public speakers:

- On behalf of the applicant: Mr Ben Ayres – speaking for
- Local Member: Cllr M Steel – speaking against

#### 2) Caretakes House, 32 Takely End, Basildon, Essex

To consider report DR/26/22 relating to the change of use of the Caretakers House, 32 Takely End from use class C3 (residential) to use class C2 (residential institution) to provide temporary accommodation for children in care.

**Location:** Caretakers House, 32 Takely End, Basildon, Essex, SS16 5AZ

**Ref:** CC/BAS/46/22

Public speakers:

- On behalf of the applicant: Mr David Easterbrook – speaking for

#### 4. **Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford**

The Committee considered report DR/25/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and addendum.

The Committee noted the key issues:

- Need
- Traffic & Highways
- Noise

In accordance with the protocol on public speaking the Committee was addressed by Mr Ben Ayres, speaking on behalf of the applicant. Mr Ayres made several points:

- The applicant was seeking the temporary relaxation of the number of nights the asphalt plant would be able to operate for the purpose of supplying major highway works on the A12, A14 and A120.
- It was noted that it is common for road maintenance programmes to require deliveries of asphalt products outside normal day time hours to avoid causing unnecessary congestion, hence, work typically takes place in the evening, overnight and on weekends.
- It was noted that asphalt is a temperature sensitive product which has to be made and laid within a short time span. It was for this reason that the applicant was already able to work during some weekday evenings and weekends.
- The applicant sought to increase the allowance of weekday evenings permissible from 5 to 10 a month and sought to increase the allowance of weekends permissible from 11 to 22 a year.
- The proposed changes only related to the asphalt plant.
- The proposals did not aim to alter the number of HGV movements permissible.
- Quarry liaison meetings had been re-established in April 2022, with the next meeting scheduled for September 2022.
- Quarterly noise monitoring in agreed locations would also take place.

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In accordance with the protocol on public speaking the Committee was addressed by Cllr Mike Steel, speaking as the Local Member. Cllr Steel made several points:

- An increase in night-time working would increase the number of HGV movements overnight and in the morning along the radial distributor road (RDR).
- Residents were concerned about the number of HGV movements along the RDR.
- Due to the temporary removal of General's Lane Bridge, all quarry traffic used the RDR in order to reach the A12.
- It was anticipated that when the north-east bypass would be introduced in 2025 traffic would be eased along the RDR.
- The short-term effect was that HGVs were causing noise disruption. Delaying the increase in weekday evening and weekend working until General's Lane Bridge was in place would ease the traffic and noise experienced by residents.
- Chelmsford City Council were considering noise measurements in order to determine if the installed noise barriers were sufficient.

Following comments and concerns raised by public speakers, it was noted:

- Proposed Condition 17 was intended to ensure that asphalt could be removed from the site out of hours, but that general materials such as bitumen would not be able to come into the site out of hours.

Following comments and concerns raised by members, it was noted:

- The permission would only apply to the road coating aspect of the site.
- It was noted that General's Lane Bridge and the RDR were scheduled for completion in Spring 2023.
- This application was separate to the RDR and that the two year permission would have been recommended regardless of the progress of the road.
- The operator was required by condition to submit records of how many nights and weekends had been worked when requested. They had been submitting this information since December 2021. If it was felt by officers that these records were not representative of the queries received, then additional monitoring could take place.
- Although there was a proposed maximum of the number of weekday nights and weekends worked, this was a maximum which gave flexibility, and this number was not always reached.

There being no further points raised, the resolution, was proposed by Councillor L Bowers-Flint and seconded by Councillor M Garnett. Following a vote of 8 in favour, 2 abstentions, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 months from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended]. The shorter implementation period reflects that the application seeks amended hours to serve 2022/2023 contracts for asphalt. To limit the impact of the site on local amenity and to comply with Mineral Local Plan adopted November 2014 (MLP) policy DM1.

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the planning application (ESS/63/03/CHL) and supporting statement dated 24 October 2003 and letter 18 November 2003 and amending details and plans as follows:

- Drawing B215r/205 - Site Location;
- Drawing B215r/202 - Site Plan for Proposed Coated Roadstone Plant;
- Drawing B215r/201a - Proposed New Coated Roadstone Plant - Layout & Sections;
- Drawing B215r/204 - Sections through proposed coated roadstone plant and existing quarry processing plant; and
- Drawing B215r/206 - Vehicle stacking and routing arrangements for coated roadstone plant

as amended by application ESS/01/11/CHL dated 21 December 2010, the attached narrative dated December 2010, together with Noise assessment dated December 2010, and drawing no. B215/307a Site layout health and safety dated November 2010, and e-mails from Stewart Lenton dated 23 December 2010 (16:34) and 31<sup>st</sup> January 2011 (15:04) and 18<sup>th</sup> March 2011 (09.39) with report Proposed Night Working - Bats.

As amended by application ESS/10/22/CHL dated 25 January 2022, covering letter from Hanson dated 25 January 2022 and Noise compliance monitoring September 2011 and Additional week night and weekend night working – Noise Impact Assessment dated 1 June 2022.

and in accordance with any Non-Material Amendment(s) as may be subsequently approved in writing by the Mineral 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 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 NPPF, MLP policies DM1 and Chelmsford Local Plan adopted May 2020 (CLP) policy DM29.

3. The development hereby permitted shall only be operated in conjunction with operations at Bulls Lodge Quarry as permitted under planning permissions CHL/1890/87, CHL/1019/87, ESS/44/19/CHL and ESS/25/08/CHL (or any superseding/amending planning permissions or Non-Material Amendments).

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Reason: To ensure that the coated roadstone plant is operated only in conjunction with the adjoining Bulls Lodge Quarry approved under planning permissions CHL/1890/87, CHL/1019/87 and ESS/44/19/CHL and ESS/43/06/CHL (or any superseding/additional planning permissions or Non - Material Amendments) and to comply with MLP policy DM1.

4. This permission shall expire on the 31 December 2030 by which date all plant, machinery, foundations, hardstandings, roadway or structures constructed in connection with this permission shall be removed and the land restored in accordance with planning permission CHL/1890/87 (or any superseding planning permission).

Reason: To provide for the completion of the site within the approved timescale to protect the amenities of local residents and to comply with MLP policies S12 and DM1.

5. The maximum number of HGV movements (in and out of the site) associated with the coated roadstone plant for the life of this permission when aggregated with all other permitted operations at Bulls Lodge Quarry, including sand and gravel extraction, concrete batching plant, recycling facility and band bagging plant shall not exceed 60 per hour during the hours of 0730-0900 and 1630-1800. A permanent record shall be kept of HGV movements, to be submitted to the Mineral Planning Authority on written request.

Reason: In the interest of highway safety, the amenity of the local area and to comply with MLP policies S11 and DM1 and CLP policy DM29.

6. The maximum number of HGV movements (in and out of the site) associated with the coated roadstone plant shall not exceed 60 HGV movements in any one period of 1800-0500 hours and shall not exceed an average of 40 HGV movements in any one period of 1800 and 0500 hours over a 3 month period. To this end a permanent record shall be kept of HGV movements to be submitted to the Mineral Planning Authority upon a written request.

Reason: In the interest of the amenity of the local area and to comply with MLP policy S11 and DM1 and CLP policy DM29.

7. Not less than 66% of aggregates supplied to the development per annum shall be from indigenous sources at Bulls Lodge Quarry (permitted under refs. CHL/1890/87 and CHL/1019/87 (or any superseding planning permission). The quantity and source of aggregates shall be recorded and available for inspection by the Mineral Planning Authority within 7 days of written request.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1.

8. For a period of 2 years from the date of commencement of this planning permission the permitted hours of operation and export of materials shall not be outside the following:

0500 to 1800 hours Monday to Friday;

0500 to 1300 Saturday;

and at no other time on Sundays and Public Holidays except for essential plant maintenance works and except for the following:

a) weekday night working 1800 to 2400 hours Monday to Thursday and 0000 to 0500 hours Tuesday to Friday, subject to no more than 10 weekday nights working in any month

b) weekend working 1800 Friday to 0500 Monday, subject to no more than 22 weekends in a year.

Upon expiration of the two year period from the date of commencement of this planning permission the hours of operation and export of material shall not be outside the following:

0500 to 1800 hours Monday to Friday;

0500 to 1300 Saturday;

and at no other time on Sundays and Public Holidays except for essential plant maintenance works and except for the following:

a) weekday night working 1800 to 2400 hours Monday to Thursday and 0000 to 0500 hours Tuesday to Friday, subject to no more than 5 weekday nights working in any month; and

b) weekend working 1800 Friday to 0500 Monday, subject to no more than 11 weekends in a year.

Reason: In the interests of local amenity and in accordance with DM1 and CLP policy DM29.

9. Access to and egress from the site shall be obtained solely by way of Radial Distributor Road (Beaulieu Parkway) Roundabout 5.

Reason: In the interest of the highway safety and amenity of the local area and to comply with MLP policy S11 and DM1.

10. The free field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hr}}$ ) at noise sensitive locations listed below, due to all permitted combined operations at Bulls Lodge Quarry between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours Saturday shall not exceed, the levels as set out below:

Location	Criterion dB $L_{Aeq, 1 \text{ hr}}$
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Wallace's Lane	53
Generals Lane (Bulls Lodge Cottages)	51
Brick House Farm	55
Mount Maskall	47
Beaulieu Park A	51
Beaulieu Park B	51

The free field Equivalent Continuous Noise Level ( $L_{Aeq, 1 \text{ hr}}$ ) at noise sensitive locations listed below, due to operations at the site between 1300 and 1800 hours Saturday and 0700 and 1800 hours Sunday (subject to the requirements of condition 8) shall not exceed, the levels as set out below:

Location	Criterion dB $L_{Aeq, 1 \text{ hr}}$
Wallace's Lane	47
Generals Lane (Bulls Lodge Cottages)	44
Brick House Farm	54
Mount Maskall	43
Beaulieu Park A	44
Beaulieu Park B	44

The free field Equivalent Noise Level at noise sensitive locations listed above, due to operations at the site when operational between 1800 and 0700 Mondays to Sundays (subject to the requirements of condition 8) shall not exceed 42 dB  $L_{Aeq, 1 \text{ hr}}$ .

Maximum noise limits apply at the residential properties in the vicinity of the locations points named above. The locations points are identified on drawing in Appendix C of Walker Beak Mason report entitled "Additional Week Night and Weekend Night Working Noise Impact Assessment" Ref 5247 dated 1 June 2022

Noise levels shall be monitored by the operating company at three monthly intervals at the above locations. Measurements shall be made no closer than 3.5 metres from the façade of properties. The results shall include the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. All noise measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Monitoring should preferably be undertaken in calm weather conditions avoiding wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C).

The survey shall be for a minimum of two separate 15 min periods during the daytime working hours and a minimum of two 15 min periods during night-time working hours and should avoid meal breaks and periods of plant breakdown. The frequency, extent and duration of such monitoring may be modified at the discretion of the Mineral Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels, or less frequently where the need does not arise.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.

11. No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 500mm in diameter.

Reason: In the interest of highway safety, safeguarding local amenity and to comply with MLP policy DM1.

12. Aggregate and other materials associated with the coated roadstone plant shall not be stored in stockpiles greater than 8 metres in height above immediate surrounding ground levels.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1.

13. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interest of the amenity of the local area and highway safety and to comply with MLP policy DM1.

14. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded to at least 110% of the tank/drums capacity with a sealed sump within the bunded area and no direct discharge to any watercourse, land or underground strata. All fill, draw and overflow pipes shall be within the bunded area.

Reason: In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator or plant for the movement of materials), shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and comply with MLP policy DM1.

16. Unless otherwise approved in writing by the Mineral Planning Authority, lighting shall be erected, installed and operated in accordance with the details in the letter dated 18 March 2010 (SLR ref 403.00027.00305) and drawing reference B215/307a (dated Nov 10) accompanying the application. No alternative lighting proposals shall be erected or installed until details of the location, height, design,, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. Lighting on site shall be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and in the interests of highway safety and to comply with MLP policy DM1 and CLP policy DM29.

17. There shall be no importation of materials e.g. bitumen via the public highway outside of the following hours 0700 to 1800 Monday to Friday and 0700 to 1300 hours Saturday.

Reason: To minimise the number of out of hours vehicle movements in the interests of local amenity and in accordance with MLP policy DM10 and CLP policy DM29.

18. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with tonal noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area to comply with MLP policy DM1 and CLP policy DM29.

#### **5. Caretakers House, 32 Takely End, Basildon, Essex**

The Committee considered report DR/26/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of the addition of proposed condition 5.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and addendum.

The Committee noted the key issues:

- Need
- Policy Considerations
- Impact on Residential Amenity

In accordance with the protocol on public speaking the Committee was addressed by Mr David Easterbrook, speaking on behalf of the applicant. Mr Easterbrook made several points:

- Essex County Council could not use unregulated settings to house children in care, and to do so would be a reputational risk to the authority.

- This would be a provision for a solo placement with two carers, intended to replicate a family setting.
- The local police had been consulted and had considered that the area was not a crime hotspot.

Following comments and concerns raised by members, it was noted:

- There was already a fence between the school ground and the building and there was no change proposed for this fencing.
- Any child residing in the building would be aged between 5 and 18 and would most likely be attending school.
- There would be one bedroom for the child, one bedroom for the carer and the third bedroom would be used as an office. The downstairs area would be used as in the same way as a normal residential property.
- Woodlands School, or the Academy Trust, were in the process of surrendering the lease of the building back to Essex County Council. Once this was completed, the building would be completely independent of the school.
- Children would reside at the site temporarily until permanent accommodation was found for them.
- Originally, the proposed management and operational details for the site were secured within Condition 2. The newly proposed Condition 5, as outlined in the addendum, sought to incorporate these details instead within a standalone condition. This was considered more appropriate in the circumstances and also gave increased flexibility in terms of potential future operational changes.
- Whilst recognising that a number of the matters considered during Members' discussions were not pertinent to the determination of the application, Members suggested that it may be helpful for the Chairman to write to the relevant scrutiny committee to draw their attention to the points raised.
- It was noted that it would be possible for Members to approve this initially on a temporary basis. This, however, was not recommended as it was considered that there was no justification to support such an approach.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Councillor D Harris and seconded by Councillor L Bowers-Flint. 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 3 years from the date of this permission.

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 submitted by way of application reference CC/BAS/46/22 dated 11 May 2022 and validated on 25 May 2022 together with Drawing Numbers:

- 078/001 – Floor Plan as Existing – April 2022
- L2327 Rev B – Site Plan – 05/05/22

And

- Planning Statement prepared by Lambert Smith Hampton – May 2022
- Email from Lambert Smith Hampton dated 29 June 2022 15:04
- Email from Lambert Smith Hampton dated 30 June 2022 15:15 incorporating supplementary statement

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:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) and Policy BAS BE21 (Healthcare Development) of the Basildon District Local Plan Saved Policies September 2007.

3. At least one cycle parking facility shall be provided in accordance with the EPOA Parking Standards. The facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: In the interests of highway safety and amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

4. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

- 08:00 – 18:00 hours Monday to Friday
- 08:00 – 13:00 hours Saturdays

And there shall be no working at any other times including on Sundays, Bank or Public Holidays.

Reason: In the interest of limiting the effects on local amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

5. The development hereby permitted shall be carried out in accordance with the supplementary statement attached to the email from Lambert Smith Hampton dated 30 June 2022 15:15.

Reason: In the interest of local amenity and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies September 2007.

**6. Ashwells Road, Pilgrims Hatch, Brentwood, Essex**

The Committee considered report DR/27/22, by the Chief Planning Officer, concerning Ashwells Road, Pilgrims Hatch, Brentwood, Essex.

The Committee NOTED the report.

**7. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/28/22; applications, enforcement and appeals statistics, as at the end of May 2022.

The Committee NOTED the report.

**8. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/29/22; applications, enforcement and appeals statistics, as at the end of June 2022.

The Committee NOTED the report.

**9. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 August 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:37am.