

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 SEPTEMBER
2013**

Present

Cllr R Boyce (Chairman)
Cllr K Bobbin
Cllr P Channer
Cllr M Ellis
Cllr I Grundy

Cllr T Higgins
Cllr J Lodge
Cllr Lady P Newton
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllrs J Abbott, A Brown, C Guglielmi (substituted by Cllr I Grundy), M Mackrory (substituted by Cllr T Higgins) and J Reeves (substituted by Cllr C Seagers).

2. Declarations of Interest

Cllr Grundy declared a non-pecuniary interest in item 5a, as a member of Chelmsford City Council, but added that he had not taken part in any discussions of this issue.

3. Minutes

The Minutes and Addendum of the Committee held on 23 August 2013 were agreed and signed by the Chairman.

The meeting noted that under Item 9, Enforcement Update, that legal advice was still being sought in the matter of Dannatts Farm, so a report would be submitted to the Committee at either its October or November meeting.

4. Identification of Items Involving Public Speaking

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

Erection and use of a concrete batching plant and ancillary water and aggregate recovery and recycling facilities

Location: Former Goods Yard, land off Brook Street, Chelmsford, Essex, CM1 1SU

Ref: ESS/32/13/CHL

The Chairman informed the meeting that he was exercising his discretion and allowing a second speaker for Chelmsford City Council.

Public Speakers: Cllr Jean Murray speaking against
Derek Stebbing speaking against
Michael Higgins speaking against
Mike Courts speaking for
Local Member Cllr Mike Mackrory.

5. Former Goods Yard, off Brook Street, Chelmsford

The Committee considered report DR/39/13 by the Head of Planning, Environmental and Economic Growth.

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

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 & Principle
- Policy considerations
- Impact on Residential Amenity
- Traffic & Highways
- Visual Impact & Design
- Ecology
- Fall-back Position

In accordance with the protocol on public speaking the Committee was addressed by Jean Murray, a Chelmsford City Councillor. Councillor Murray said:

- There would be a significant impact on residences in the vicinity. Concrete dust has an unpleasant smell. There would be heavy machinery in use and work would start early, at 7.00 am, and operate until 6.30 in the evening
- The Bunny Walk is nearby – we need to ensure that this important ecological asset to the town is not damaged by the corrosive effect of cement dust
- 38 cement lorry movements per day means one every 18 minutes, travelling through an already very congested area
- This is too close to a residential area – the most appropriate location for such a facility is on the edge of town.

Mr Derek Stebbing, a Planning Officer with Chelmsford City Council, then addressed the meeting. Mr Stebbing said:

- The City Council has two policy objections to this proposed scheme. The first is that it fails to safeguard a transshipment site, as the batching plant does not rely on rail links
- The second is that this is a material change of use to an industrial one – and an industrial use that will give rise to dust and noise emissions. There have been several significant business and residential developments here, for example the University and the Atlantic Hotel. This project will not only undermine the City Council's regeneration objectives for this part of the City, but will set them back.

Mr Michael Higgins, a local resident, then addressed the meeting. Mr Higgins said:

- The proposal fails to safeguard the transshipment site and its position reduces the ability of other companies using the rail head for storage and transportation in the future
- It would reduce the opportunity for development of the rest of the site for business purposes
- It is unlikely that the railway would be able to accommodate extra capacity on that line
- There is no need for this business: there are two similar plants with spare capacity on the edge of Chelmsford, which could cover the envisaged amount to be produced here
- Noise level issues have not been properly resolved or addressed.

Mr Mike Courts, on behalf of the applicant, then addressed the meeting. Mr Courts said:

- All elements of this application can already take place lawfully on the site with the exception of the batching plant
- The scale of the operation would not be on a scale to merit a reasonable refusal
- This represents a beneficial economic use located on an underused brownfield site; and the batching plant itself would be outside Opportunity Site 34
- As the report notes, it is acceptable on all environmental grounds and would be unlikely to have an impact on local amenity or the local environment by way of its use and operation
- A fundamental aspect would be to include the importation of aggregates via rail, which would encourage the retention and upgrading of this existing rail facility; and so it would be in line with local development plans. And his own view is that any development making the best use of railways should be encouraged.

Councillor Mike Mackrory, local Member, then addressed the meeting. Cllr Mackrory said:

- He is speaking on behalf of Councillor Deakin, those resident in the Hillview Road area and those who would be living on the redeveloped Marconi site
- The original Lawful Development Certificate was issued for the storage and distribution of minerals – not mixing, processing or manufacturing, as is intended here; this is a change of use
- It contradicts the Town Centre Area Action Plan, as it does not enhance the environment – quite the reverse. It would sterilise any development
- Such activities should be carried out away from urban areas and there are plants already doing this out of town
- Local residents already suffer from dust coming from Lafarge
- The Council's noise consultant has no objection – but details are not yet available, so how can any conclusion be reached?
- There is no spare capacity on the railway. There must be a significant

impact on the locality of having an additional 38 lorry journeys, and there is every likelihood that this number will increase

- What is so different about this application, compared to the one that was refused in 2012? There were three broad grounds for refusal: no enhancement and adversely affecting local development, not being in keeping with local developments, and insufficient information on noise impact assessment. Nothing has changed, so Members should reject the application.

In response to questions raised, Members were informed that:

- The application in 2000 had been for a business dealing with a different sort of product – tarmacadam; and the adjoining flour mill had raised no objections to the application currently being considered
- The application that the County Planning Authority had refused, in October 2012, had been sited differently
- Further information has been gleaned on noise levels on this occasion, with the start time being altered from 6.00 to 7.00 as a result
- Network Rail have been consulted and have made no comment; and the landowner, a statutory rail undertaker, is aware and has raised no objections
- The 38 lorry journeys is a “worst case” scenario; the intention is to use both road and rail.

Some other concerns were expressed by Members:

- There is a lack of clarity at present over the rail transportation; the use of rail seems merely aspirational at present and it is not possible to decide without more knowledge
- If rail transportation is used, it will mean bringing materials from Suffolk and Kent; local materials should be preferred
- There is high pedestrian and bicycle use in this area, with the university located nearby
- There will be a substantial visual impact near the town centre, with a structure over 14m high.

The resolution was moved, seconded and following a vote of four in favour and six against, a 2nd resolution to refuse planning permission was moved, seconded and following a vote of five in favour, three against, it was:

Resolved:

That planning permission be refused for similar reasons for refusal that were issued in October 2012 for the previous application (ref. ESS/52/12/CHL) , and that the manufacturing process introduces an additional use that will cause detrimental impacts contrary to the existing lawful use for storage and distribution.

In accordance with the Committee Protocol, it was agreed Officers present a report to the next meeting setting out appropriate advice as to the clarity and reasonableness of the reasons put forward for refusal of the application.

6. Statistics

The Committee considered report DR/40/13, 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.

7. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 25 October 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.35am.

Chairman