



Essex County Council

Development and Regulation Committee

10:30	Friday, 22 July 2022	Committee Room 1 County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

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		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	7 - 8
2	Minutes To approve the minutes of the meeting held on 27 May 2022.	9 - 32

- 3 Identification of Items Involving Public Speaking**
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting.
- 4 Minerals and Waste**
- 4.1 Bulls Lodge Quarry, Generals Lane, Boreham, Chelmsford** **33 - 58**
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
- 5 County Council Development**
- 5.1 Caretakers House, 32 Takely End, Basildon, Essex** **59 - 70**
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
- 6 Information Items**

- 6.1 Ashwells Road, Pilgrims Hatch, Brentwood, Essex** **71 - 72**
To update Members on enforcement of planning control.
- Location:** Ashwell Road, Pilgrims Hatch, Brentwood, Essex
- Ref:** ENF/1153
- Report DR/27/22
- 6.3 Applications, Enforcement and Appeals Statistics** **73 - 74**
To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of May 2022, plus any other background information as may be requested by the Committee.
- Report DR/28/22
- 6.2 Applications, Enforcement and Appeals Statistics** **75 - 76**
To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by the Committee.
- Report DR/29/22
- 7 Date of Next Meeting**
To note that the next meeting will be held on Friday 26 August 2022, in Committee Room 1, County Hall.
- 8 Urgent Business**
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

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Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi

Chairman

Councillor J Jowers

Vice-Chairman

Councillor J Fleming

Councillor M Garnett

Councillor L Bowers-Flint

Councillor M Hardware

Councillor D Harris

Councillor B Aspinell

Councillor S Kane

Councillor R Moore

Councillor M Steptoe

Councillor P Thorogood

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 27 May 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr S Kane	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr M Hardware
Cllr B Aspinell	Cllr L Bowers-Flint

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Steptoe, for whom Cllr I Grundy substituted.

Cllr J Jowers declared an interest in item 4.1 of the agenda (Minute 1) concerning Birch Pit, Maldon Road, Birch as he had worked on the development of the Local Plan. Cllr Jowers considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 22 April 2022 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

There were no public speakers.

4. Birch Pit, Maldon Road, Birch

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

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report and addendum.

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

The Committee noted the key issues:

- Appropriateness of the proposed extension period
- The ecological/biodiversity implications
- Value of existing landscape features and their retention implications
- Potential implication of sterilising mineral

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

- The mineral extracted at this site was not of excellent quality and approximately half of the site had been worked.

- The applicant had not indicated that they would require an increase in HGV movements.
- There would be a negligible impact upon the county's landbank. The Minerals Local Plan allowed for long term flexibility and the landbank would remain for over seven years, as was recommended in planning policy.

There being no further points raised, the resolution was proposed by Councillor J Jowers and seconded by Councillor M Garnett. Following a unanimous vote in favour, it was

Resolved

That, subject to the completion, within 6 months (or extended period as agreed with the Chairman of Development and Regulation Committee), of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for the long term management and maintenance of the landscape and ecological features on the land as depicted in principle on Drwg No: BP 10/5: entitled "Full hedgerow" dated April 2020 and to apply for a minimum period of 15 years beyond the statutory five year aftercare period i.e. a minimum total of 20 years¹.

That planning permission be granted subject to the following conditions:

Duration

The following cessation dates shall apply:

1. All mineral extraction shall have ceased, and the land restored in accordance with Drwg No: BP 10/5 entitled "BP 10/5 Full Hedge" dated April 2020 within 5 years of the date of this permission.

For clarity:

All buildings; plant, machinery, structures, and other infrastructure shall have been removed from the land prior to the restoration date.

The land/site area to which the permission relates is identified on Drwg No: B7M/178 entitled "Planning Permission Boundary" less the land parcel (darker blue colouring) identified in the Legend to the Drawing as "Restored land signed off from aftercare".

Reason: In the interests of clarity and to ensure development is carried out in accordance with the submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply Policies DM1 and S10 of the Essex Minerals Local Plan (Adopted July 2014).

¹ For clarity management shall provide for the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme over the management period.

Approved Details

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' ESS/45/18/COL comprising:

- (i) Planning Application form from Hanson Quarry Products Europe Ltd dated 21st December 2018.
- (ii) Planning Supporting Statement entitled "Planning Statement, Section 73 Application to allow for the extension of time for mineral working and restoration and amendments to the approved restoration scheme at Birch Pit, Birch, Colchester, Essex".

SLR Ref: 402.00027.00486, Version No: Final, dated December 2018.

As amended by the email from Joanna Freyther to Terry Burns dated 5th January 2022 at 10:15 and accompanying drawings:

- (i) Drwg No: BP 10/5 entitled "BP 10/5 Full Hedge" dated April 2020.
- (ii) Drwg No: HAN-003-L-BP-P1 entitled "Phasing Plan" dated July 2021.

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 minimum harm to the environment and having regard to Policies 7; 10; 11 and 12 of Essex Minerals Local Plan Adopted July 2014.

Availability of Plans

3. A copy of this permission and the approved plans shall always be available at the operator's site office during the life of the site the subject of this permission. Any subsequent amendments approved by the Mineral Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to Policy DM1 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment

Prior Archaeology

4. No further soil stripping shall take place until a scheme for an archaeological watching brief has received the prior written approval of the Mineral Planning Authority. The scheme shall then be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

- (i) The recording of archaeological features which are revealed during site operations.

(ii) The production of an archive and report of findings made during the watching brief and the deposit of a copy of any report with the County Sites and Monuments Records Officer.

(iii) The conservation of any artefacts which are recovered and deposit of such artefacts at a suitable museum.

Reason: In the interests of clarity, to enable appropriate monitoring of the soil stripping to address any archaeological features that may be uncovered having regard to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the historic environment.

Construction Environmental Management Plan (CEMP): Biodiversity

5. No further clearance of vegetation and/or topsoil stripping within the site shall take place until a scheme for ecological working has received the prior written approval of the Mineral Planning Authority. The scheme shall then only be implemented as approved or as may subsequently be approved, in writing, by the Mineral Planning Authority. The scheme shall make provision for:

- a) Risk assessment of potentially damaging activities;
- b) Identification of any biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during site operations (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during site operations when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site
- j) Management and Implementation programme

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014; and the National Planning Policy Framework in respect of ensuring that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment and to allow the Mineral Planning Authority to

discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Ecological Design Strategy

6. Within 6 months of the date of this permission an Ecological Design Strategy shall be submitted to the Mineral Planning Authority. The scheme as approved in writing by the Mineral Planning Authority shall then be implemented as approved for the life of the development. The scheme shall make provision to address, across the four coloured land parcels (as identified within the legend key; less the land parcel identified as “Restored land signed off from aftercare”) on Drwg No: B7M/178 entitled “Planning Permission Boundary,” the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

Reason: In the interests of wildlife and to ensure provision is made to safeguard the ecological interest on the site having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment and to conserve and enhance protected and Priority species and habitats and allow the Mineral Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Time Limit On Development Before Further Ecological Surveys Are Required

7. Prior to entry into any phase of working, as identified on Drwg No: HAN-003-L-BP-P1 entitled “Phasing Plan” dated July 2021, no works including removal of vegetation shall take place until an assessment by a qualified ecologist has been undertaken to determine whether further supplementary ecological surveys as appropriate are required to inform the preparation and implementation of corresponding phases of ecological measures required

through Condition 5. The supplementary surveys shall be of an appropriate type for habitats and/or species and survey methods shall follow national good practice guidelines. Where such survey work is required and identifies the need to address such ecological issues that may be identified, such further work shall have first received the written approval of the Mineral Planning Authority.

Reason: In the interests of clarity and to make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and to the National Planning Policy Framework and its encouragement to conserve and enhance the natural environment.

Protection of Existing Trees and Perimeter Vegetation

8. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention as depicted on Drwg No BP 10/5 entitled "Full Hedge" dated April 2020 shall be retained and shall not be felled, lopped, topped or removed. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Arboricultural Method Statement

9. Within two months of the date of this permission an Arboricultural Method Statement shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:
 - a) Identification, protection and retention of hedgerow/trees/woodland.
 - b) Measures to demarcate the standoff from any affected hedgerow/trees/woodland.
 - c) Maintenance of the demarcation measures during the life of the site activities.
 - d) Programme of works to achieve a) – c) above.

For clarification all trees should be protected in accordance with BS: 5837 "Trees in relation to design, demolition and construction –Recommendations".

The development shall be implemented in accordance with the approved scheme.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design and scale approved having regard to Policy S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Importation

10. No wastes shall be imported to the site until a detailed scheme for the reception of waste materials has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall include a quality control system for incoming wastes, which establishes criteria by which materials will be identified as uncontaminated and suitable for disposal at the site. The scheme shall then be implemented as approved.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Mineral Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to Policies 7 and 10 of the Essex Minerals Local Plan Adopted July 2014.

11. No minerals other than cement powder and associated additives for the production of ready-mix concrete shall be imported into the site.

Reason: In the interests of clarity and to ensure appropriate control is maintained by the Mineral Planning Authority to minimise adverse impacts arising from the transport arrangements associated with the proposal having regard to Policies 7 and 10 of the Essex Minerals Local Plan Adopted July 2014.

Siting of Earth Banks/Mounds

12. No soil mounds/banks shall be constructed within the spread of any tree or within 2 metres of any retained hedgerow.

Reason: To ensure the integrity of neighbouring trees and ecological interests that, without identified safeguarding could be harmed as a result of the development going ahead uncontrolled, having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework that seeks to minimise impacts on biodiversity interests.

Depth of Extraction

13. Maximum depth of working shall not exceed 20 metres below the existing mean surface level.

Reason: To confirm those details against which the acceptability of the development was determined, and to restricting the development to the design approved having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Revised Working Scheme

14. Within two months of the date of this permission a scheme of working shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved or as may subsequently be approved, in writing, by the Mineral Planning Authority. The scheme shall make provision for
- (i) A scheme of future phasing and soil stripping.
 - (ii) Accommodation of the retained hedge and tree line as provided for on Drwg No: BP 10/5 entitled "Full Hedge" dated April 2020.

Reason: To clarify those details approved and to ensure that the site is operated in a controlled manner having regard to Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Environmental Protection

Hours of Operation

15. a) No operations authorised or required by this permission shall be carried out on the site except between the following times: -
- 0700 – 1800 hours Mondays to Fridays.
 - 0700 – 1300 hours Saturdays.
- b) There shall be no working on Sundays or Bank/National Holidays.
- c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: In the interest of limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM3 and S10 of the Essex Minerals Local Plan Adopted July 2014.

Highway Cleanliness

16. No mud or dirt shall be carried out onto Maldon Road by vehicles using the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety in accordance with Policies DM1, DM2, and S10 of

the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted quarry operations do not give rise to unacceptable environmental impacts on the environment.

HGV Movements

17. The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays: 262 movements (131 in/131 out)

Saturdays: 130 movements (65 in/65 out)

Sundays and Bank/Public Holidays: none

Reason: In the interests of clarity; limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014.

Monitoring Vehicle Movements

18. A written record shall be maintained at the site office of all movements in and out of the site by HGVs. Such records shall contain the vehicle's registration, weight and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority within 14 days of a written request.

Reason: In the interests of clarity; limiting the effects on local amenity, to control the impacts of the development and to comply with Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and Policy 10 of The Essex and Southend Waste Local Plan (Adopted July 2017).

Sheeting Vehicles

19. All loaded HGVs shall be sheeted before leaving the site.

Reason: To prevent site detritus contaminating the public highway in the interests of highway safety having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Pumps

20. Any pumps used on the site shall be powered by electricity or acoustically insulated diesel-powered units. -

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Noise – Monitoring

21. Within 6 months of the date of this permission, a scheme providing for compliance noise monitoring at the locations identified in Condition 23 shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved. The scheme shall make provision for:
- a) A programme of implementation to include the noise monitoring locations identified in Condition 23 of this permission and as identified on Figure 10 -1 entitled “Monitoring Locations” of the revised chapter 10 of the Environmental Statement accompanying the email from Michelle Dawson to Gail Hitchens of 7th June 2019 @ 17:06 during the life of the development.
 - b) Unless determined by the Mineral Planning Authority noise monitoring to be at six monthly intervals.
 - c) Monitoring during typical working hours with the main items of plant and machinery in operation.
 - d) Monitoring to be carried out for at least 2 separate periods and for at least a total of 30 minutes at each monitoring location during the working day which shall include Saturday periods whilst typical site operations are occurring.
 - e) The logging of all weather conditions including wind speed and direction.
 - f) The logging of both on site and off site noise events occurring during measurements with any extraneous noise events identified and, if necessary, discounted from the measured data.
 - g) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement.

The location of monitoring points /frequency may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition 23 of this permission.

Reason: In the interests of clarity and to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

Noise – Temporary Operations

22. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 23 shall not

exceed 70dB LAeq, 1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous 12-month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Noise - Normal Levels

23. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/45/18/COL/A entitled "Noise Monitoring Locations":

Receptor Location	Criterion /dB LAeq, 1hr
Palmer's Farm -	54 dB LAeq 1hr
Stemming's Farm	47 dB LAeq 1hr
Brakes Farm	54 dB LAeq 1hr
Roundbush Bungalow	54 dB LAeq 1hr
Birch House Care Home	54 dB LAeq 1hr

Measurements shall be made no closer than 3.5m to the façade of properties or other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policies DM1 and S6 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Silencers

24. All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Reversing Alarms

25. Only broadband sound emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Noise Policy Statement for England (2010) for ensuring that suitable control is in place in respect of noise emissions.

Dust Suppression

26. Within 3 months of the date of this permission a scheme to address dust suppression measures as recorded in Paragraph 9.104 of Chapter 9 of the Traffic and Highways section of the Environmental Statement shall be submitted to the Mineral Planning Authority. The scheme shall then be implemented as approved. The scheme shall make provision for accommodating those aspects identified below and shall be used and maintained in operational order for the duration of the development.

- Wheel washing facilities located 250m from the junction with Maldon Road as appropriate;
- Fixed sprinklers along the paved haulage route between the weighbridge and the concrete based plant area; and
- An on-site mobile bowser that is operated along the paved and unpaved haulage routes during dry and windy meteorological conditions.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Practice Guidance for ensuring that suitable control is in place in respect of dust emissions.

Additional Dust Control measures to Accommodate Screen Bund Removal and Silt Lagoon Reinstatement Works within 250 metres of Palmer's Farm and Palmer's Farm Cottage

27. No removal of the screen bunding nor reinstatement activities of the silt lagoon shall take place until prior written approval for how the dust control measures identified within paragraph 5.2.2 of Section 5.2 of the SLR Planning Statement entitled “Potential Environmental Effects and Summary of Mitigation measures” of the Planning Statement are to be undertaken has been received from the Mineral Planning Authority.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its accompanying Practice Guidance for ensuring that suitable control is in place in respect of dust emissions.

Lighting

28. No additional artificial external lighting to that already existing, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.
- b) Lighting design details.
- c) Proposed Illuminance coverage.
- d) Assessment of sky glow and light spillage outside of site boundary.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Fixed Plant and Buildings

29. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of minerals or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

Reason: To enable the Mineral Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area and to comply with Policies DM1 S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Burning

30. No waste or other materials shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Rubbish

31. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed waste disposal site.

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area in accordance with Policies DM1 and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Surface Water Drainage and Pollution Protection

32. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

33. a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;
- b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;
- c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and
- d) There shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987)

Reason: To minimise the risk of pollution to watercourses and to comply with Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

34. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land drainage and groundwater having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

35. No foul drainage or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

Reason: To ensure the integrity of the existing land drainage regime and to prevent contamination of the soil resource and pollution of the land drainage and groundwater regime having regard to Policies DM1, DM2, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

36. Repair, maintenance and refuelling of plant, equipment and machinery shall only take place on an impervious surface drained to an interceptor.

Reason: To minimise any nuisance and to protect the amenities of neighbouring land users and the rural environment/local area having regard to Policies DM1, DM2, and S10 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Handling and Storage of Soil and Soil Forming Material

37. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the intention to start stripping of topsoil or subsoil from any part of the site or new phase of working.

Reason: To ensure that the Mineral Planning Authority is given opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

38. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on

that part), or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part unless specified by the archaeological Working Scheme of Investigation.

Reason: To prevent loss and damage of the soil resource having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

39. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

Reason: To prevent damage of the soil resource by avoiding movement during unsuitable conditions having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

40. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soil's wetness in relation to its lower plastic limit. The assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

Reason: To prevent damage to the integrity of the soil resource when the soil condition does not meet the defined criteria material and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

41. The topsoil shall be stripped to full depth (variable with land quality but generally 30cms-35cms on the better quality soils) and shall, wherever possible, be immediately respread over an area of reinstated subsoil. If this immediate respreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

Reason: To prevent damage to the integrity of the soil resource and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12

of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

- 42 The upper and lower subsoils shall to be stripped, stored and replaced separately. Wherever possible, the lower subsoil shall be immediately respread over the overburden and the upper subsoil over the lower subsoil. If this immediate respreading is not practical these subsoils shall be stored separately for subsequent replacement.

Reason: To prevent damage to the integrity of the soil resource and to ensure the satisfactory restoration of the land and to ensure that soils are suitably handled for use in restoration having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

43. The storage of agricultural soils shall conform to the following criteria:

- 1) Topsoil's, upper subsoils, and lower subsoils shall be stored separately.
- 2) Where continuous mounds/bunds are used, dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority.
- 3) Topsoil mounds/bunds shall not exceed 3 metres in height and subsoil mounds/bunds shall not exceed 5 metres in height.

Reason: In order to protect the soil resource/to preserve the integrity of the soil structure and to prevent the accumulation of harmful weeds building up in the soil resource having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

44. All storage mounds/bunds intended to remain in situ for more than six months shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and the application rates shall be agreed with the Mineral Planning Authority in writing no less than 1 month before it is expected to complete the formation of the storage mounds/bunds.

To prevent loss and damage of suitably identified soil forming material having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

45. The final surface of the restored overburden shall be at such a level as to follow the final pre-settlement contours.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy

DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

46. The lower subsoils and upper subsoils shall be spread to an even depth over the restored overburden so as to follow the final pre-settlement contours.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

47. The topsoil shall be spread to a minimum depth of 30cm over the reinstated subsoil so as to form the final pre-settlement contours over the land required to be restored to agriculture.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed site contours and aftercare use having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

48. The minimum settled depth of topsoil; subsoil and soil - forming material shall be 1 metre.

Reason: To clarify those details approved; to ensure that within the defined depth of the replaced soil layers these are appropriate for the approved afteruse and achieve the approved restoration contour levels having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

49. The applicant shall notify the Mineral Planning Authority at least 3 working days in advance of the commencement of the final subsoil placement on each phase, or part Phase. On completion of the subsoil placement, no further work is to be carried out for a period of 5 working days without the consent of the Mineral Planning Authority to allow an inspection of the site to take place.

Reason: To clarify those details approved; to ensure that the soil resources are replaced appropriately to secure the eventual restoration of the site and achieve the proposed aftercare use and to enable the Mineral Planning Authority the opportunity to monitor restoration activities having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

50. All stones and other materials in excess of 75mm in any dimension shall be picked and removed from the final restored surface of the site.

Reason: To ensure that the soil resources of the site are replaced appropriately, to avoid stones that may impede cultivation techniques and impact on the aftercare uses of the land having regard to Policy DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Restoration

51. Within 6 months of the date of this permission, a revised restoration scheme based on Drwg Ref No: BP 10/5 entitled "Full Hedge" dated March 2020 shall be submitted to the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for: -
- a) Restored landform contour levels.
 - b) Reinstatement programme to provide for achieving the retention of the hedgerow and tree line in the north eastern corner as identified on Plan Birch 001 entitled "Tree Constraints Plan" dated November 2020 that accompanied the DB Landscape Consultancy Birch Quarry Tree Constraints Plan Accompanying Notes dated 24th November 2020 accompanying SLR letter dated 15th December 2020.
 - c) The provision of the wetland/reedshelf and small pond complex features together with cross sections, levels and engineering details.
 - d) Removal of all site structures.
 - e) Site water drainage.

Reason: To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use and to retain control over the development so as to not prejudice the restoration and afteruse of the land having regard to Policies DM1 and S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Landscaping

52. Within six months of the date of this permission a scheme of landscaping, based on Drawing Ref No: BP 10/5 entitled "Full Hedge" dated March 2020 shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Detail of the locations of the planting programme as set out in the planting schedule outlined on the above plan.
 - b) A landscape management programme for the planting programme detailed on the above plan together with existing retained landscape features including all hedgerows, tree belts and

woodland blocks.

- c) Husbandry management of the existing perimeter hedgerows/trees and woodland.
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities for all areas
- e) Grass seed mixes and rates.
- f) A programme of implementation to include the provision for planting of the northern hedgerow during the first available season and for remaining planting to be undertaken following restoration within each working phase parcel.
- g) A programme of maintenance.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990; to ensure a comprehensive scheme of landscaping and to provide for the integration of the site back into the landscape having regard to Policy S12 of the of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites and for landscaping strategy's to address mineral working related impacts.

53. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened to comply with Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014.

Agricultural Aftercare

54. Within one year of the date of this permission an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Mineral Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five-year period during which they are to be taken and shall make provision for: -

- (i) soil analysis;

-
- (ii) planting;
 - (iii) cultivating;
 - (iv) fertilising;
 - (v) watering;
 - (vi) drainage;
 - (vii) weed control measures;
 - (viii) grazing management;
 - (ix) keeping of records; and
 - (x) annual meetings with representatives of the Mineral Planning Authority, site operators, landowners and interested parties to review performance supported by written reports which set out the works carried out over the previous seasons prior to the meeting and a forward programme of works to be carried out in the following seasons before the next meeting.

The period of agricultural aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

Reason: To ensure that the land is rehabilitated to a suitable condition to support an agricultural use and to comply with Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the Planning Practice Guidance on Restoration and Aftercare of mineral sites.

Amenity Aftercare

55. Within one year of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as nature conservation/wetland and grassland shall be submitted for the approval of the Mineral Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five-year aftercare period, or such longer period as may be proposed, and shall make provision for how the biodiversity; wetland; amenity grassland and landscaping areas are managed and maintained.

The scheme shall provide for: -

- (i) Description and evaluation of features to be managed.
- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.

-
- (iv) Appropriate management options for achieving aims and objectives.
 - (v) Prescriptions for management actions.
 - (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - (vii) Details of the body or organisation responsible for implementation of the plan.
 - (viii) Annual meetings with representatives of the Mineral Planning Authority and landowners to review performance and to be supported by written reports which set out the works carried out over the previous seasons prior to the meeting and a forward programme of works to be carried out in the following seasons before the next meeting.

All areas the subject of amenity aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

Reason: To ensure that the land is rehabilitated to a suitable condition to support the return of the land to achieve its landscape and biodiversity interest having regard to Policies DM1, DM3, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 and the National Planning Policy Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites and to ensure that the Mineral Planning Authority is able to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Cessation

56. In the event of site operations being discontinued for six months in the period specified in Condition 1 then the land as disturbed within the approved application area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 45- 55 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policies DM1, S10 and S12 of the Essex Minerals Local Plan Adopted July 2014 the National Planning Policy

Framework and Planning Practice Guidance on Restoration and Aftercare of mineral sites that seeks to minimise the adverse effect of mineral workings within the environment and that restoration and aftercare of mineral sites is achieved at the earliest opportunity, to a high standard.

5. Enforcement of Planning Control Update

The Committee considered report DR/23/22 concerning enforcement matters for the period 01 February 2022 to 30 April 2022.

The Committee NOTED the report.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/24/22; applications, enforcement and appeals statistics, as at the end of April 2022.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 24 June 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 10:58am.

DR/25/22

Report to: DEVELOPMENT & REGULATION (22 July 2022)

Proposal: MINERALS AND WASTE DEVELOPMENT

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"

Ref: ESS/10/22/CHL

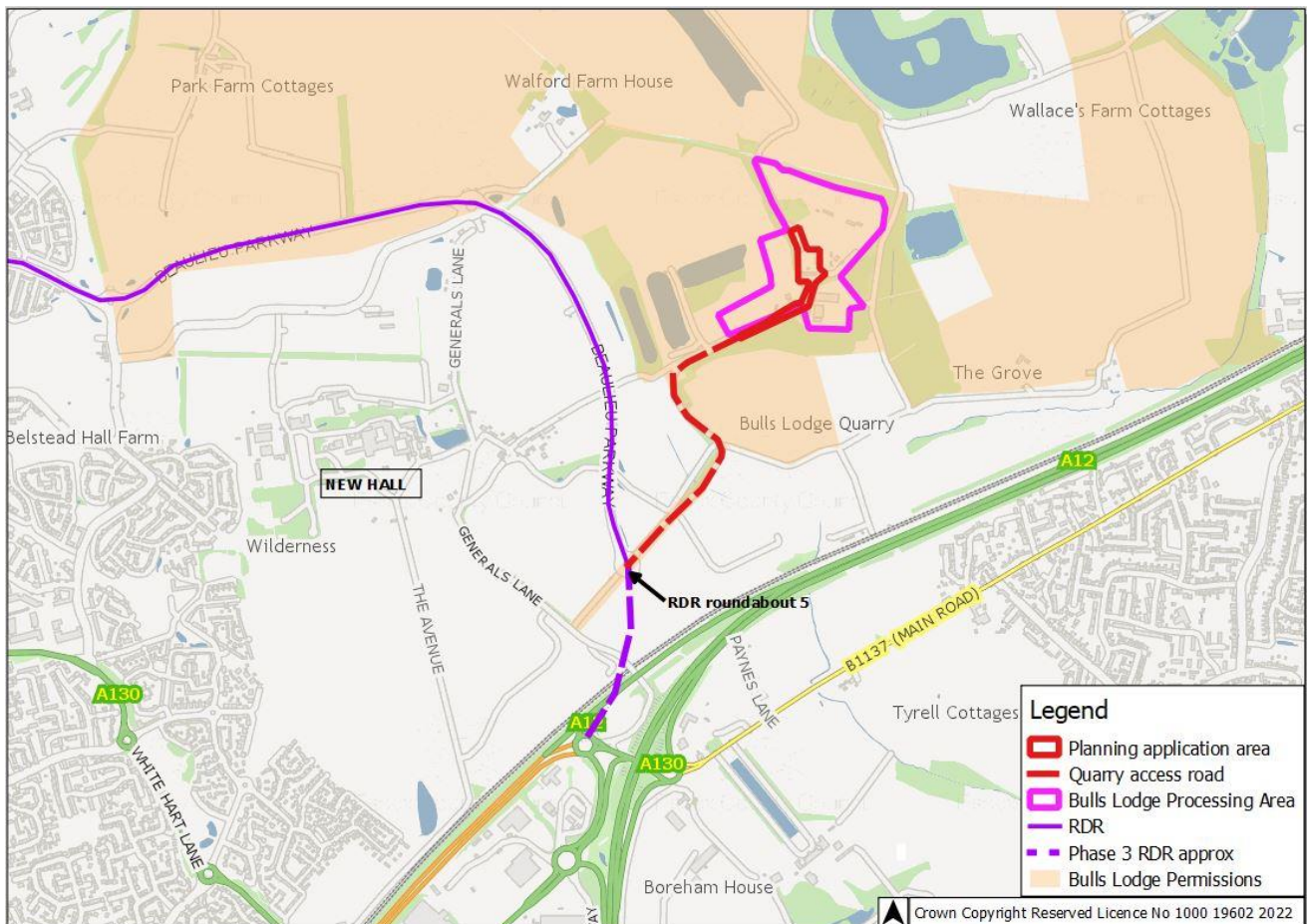
Applicant: Hanson Quarry Products Europe Limited

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

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Claire Tomalin Tel: 03330 136821

The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

Planning permission for sand and gravel extraction and a processing plant at Bulls Lodge Quarry was granted in 1990. The site has been operating since 1991. The currently permitted life of the quarry is until December 2030.

There have been various applications at the Bulls Lodge Quarry since 1990 mainly related to the processing plant, such that the processing area now includes: a bagging plant; an inert recycling facility; and the coated roadstone plant - the subject of this application.

The Bulls Lodge quarry was permitted by two planning applications (CHL/1019/87 and CHL/180/87) which are being worked together. Applications to amend these two main permissions are currently under consideration (ESS/147/20/CHL and ESS/148/20/CHL). These applications propose amending the phasing of working and timescale for completion of the overall mineral extraction to 2039. These applications do not directly impact the current application for the coated roadstone plant, but if approved in the future it is likely that the applicant would seek to retain the coated roadstone plant until 2039.

The coated roadstone plant was first granted planning permission in 2003 (ESS/63/03/CHL). At that time operation of the plant was permitted for a limited number of week nights in a month and a limited number of weekends in a year. In 2011 planning permission was granted for a 2 year period for unlimited night-time and weekend working; this was to facilitate provision of asphalt materials required for the Sadler's Farm highway improvements. The 2 year period ended in March 2013, whereupon the facility reverted to the originally permitted working hours.

The current application seeks to increase the number of week night and weekends when the coated roadstone plant is permitted to operate and export material.

2. SITE

Bulls Lodge Quarry lies approximately one mile north of Boreham and three miles north-east of Chelmsford City Centre. The A12 and London/Norwich railway line lie 700m to the south. The mineral processing plant area is located below natural ground levels and the coated roadstone plant is located southwest of this area, with inert recycling facility at natural ground levels to the west of it.

Access to the quarry and coated roadstone plant is via a purpose built access road approximately 1km long which joins the Radial Distributor Road (RDR) (now to be known as Beaulieu Parkway) at RDR roundabout 5. Historically the access road joined Generals Lane which provided access to the Boreham Interchange. The RDR has been constructed as part of the Greater Beaulieu Park and Channels developments and will ultimately provide a through route for traffic from the A130 (Essex Regiment Way) to the A12.

Currently due to works being undertaken on Phase 3 of the RDR there is no direct link to the Boreham Interchange, thus all access to the quarry and coated roadstone plant is via the RDR and then to Essex Regiment Way (A130). Upon completion of the Phase 3 of the RDR, planned Spring 2023 vehicles from the

quarry will either be able travel north via the RDR and the A130 (Essex Regiment Way) to the north and west e.g. A120 and M11 or travel south on the RDR to the Boreham Interchange and then southwest or northeast on the A12.

The nearest residential properties to the coated roadstone plant are 800 metres to the north west (Mount Maskall [Listed Building] and Walford House). Brick House Farm lies 880m to the south east. 825m to the south of the A12 and the main London to Norwich railway line is Boreham Village. New Hall School (Listed Building and Registered Park and Garden) lies 1.2km to the west.

In addition, the expansion of North East Chelmsford is allocated in the emerging Chelmsford Local Plan and will bring new housing within 500m of the mineral processing area, including the coated roadstone plant.

To the west of the coated roadstone plant is Bulls Lodge Lagoons County Wildlife site, which is the site of the old quarry silt lagoons.

Bulls Lodge coated roadstone plant is safeguarded in the MLP under Policy S9.

Land to the south west of the mineral processing area and south of the quarry access road is designated as an Employment Area in the Chelmsford Local Plan, although currently the land is undeveloped.

The site is located in the parish of Boreham, but the RDR currently providing all highway access to the site passes through part of the parishes of Springfield, Broomfield and Little Waltham.

3. PROPOSAL

The application seeks to extend the permitted hours of operation for the coated roadstone plant for a period of 2 years.

The currently permitted hours are as follows:

0500 to 1800 Monday to Friday
0500 to 1300 Saturday

Except that:

weekday night working is permitted for no more than 5 nights in any month from 1800 to 2400 Monday to Thursday

and

weekend working is permitted 11 weekends in a year from 1800 Friday to 0500 Monday.

The application seeks to increase the number of weekday nights when the plant may operate and export from 5 to 10 nights a month and increase the number of weekends including nights from 11 to 22 weekends in a year. In effect a doubling of that currently permitted.

No other changes are proposed.

The justification for the increased number of week night and weekend working is as stated by the applicant below:

The asphalt plant supplies coated roadstone (asphalt) to an extensive range of private, local authority and government agency building and infrastructure projects. Including, local and regional road scheme, new housing and commercial developments, motorway maintenance and utility company projects. Contracts for the supply of asphalt for road maintenance/improvement schemes increasingly require materials to be supplied during the night-time to minimise disruption to traffic flows.

It is common for road maintenance programmes to require deliveries of asphalt products outside of normal daytime periods in order for road works to be undertaken outside the peak travel periods to avoid causing unnecessary road congestion, hence why roadworks are undertaken into the evening and overnight and sometimes at weekends.

Asphalt is a temperature sensitive product that has to be made and laid in a very short time span as once it cools it becomes hard and unworkable. It is therefore essential that for road maintenance the provision is made to supply asphalt outside normal working hours.

It is for this reason that Hanson sought and obtained the allowances set out in the planning permission to enable the asphalt plant to operate on a limited number of weekday nights per month and weekends outside 'core' hours to facilitate the supply of asphalt materials for use in surfacing work.

During 2022/23 Hanson will supply asphalt materials from Bulls Lodge to the strategic highway projects on the A14 and A120 (as part of the government's Road Investment Strategy RIS2). The A120 is a key route for the local and national economy and the A120 Braintree to A12 proposals were developed by Essex County Council and Highways England [actually now National Highways].

An increase in the currently permitted weekday night working and weekend working allowances will provide increased flexibility to meet the supply needs of these critical infrastructure investment projects, which are planned months in advance.

As at the middle of January 2022 Hanson have utilised the 5 weekday nights monthly allowance for January and 2 weekend allowances supplying the A14 Highways England projects. It is therefore considered that the increase in allowances proposed will help to provide sufficient occasions for the A120 works and other local road infrastructure work over the next 2 years. Because of the nature of the construction works, night-time and weekend working of the asphalt plant will be at a greatly reduced level of output than during a normal working day. No raw materials (stone and bitumen) will be imported at night.

Hanson wish to seek a variation to the above condition 8 for a temporary period of 24 months to allow the effect of the proposals to be assessed/monitored by the local planning authority.

4. POLICIES

The following policies of the Minerals Local Plan, (MLP) adopted July 2014, and the Chelmsford Local Plan 2020 provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP)

S1 - Presumption in favour of sustainable development

S2 - Strategic priorities for minerals development

S3 - Climate change

S9 - Safeguarding mineral transshipment sites and secondary processing facilities

S10 - Protecting and enhancing the environment and local amenity

S11 - Access and Transportation

DM1 - Development Management Criteria

CHELMSFORD LOCAL PLAN

DM29 Protecting living and working environments

NEIGHBOURHOOD PLAN

There no adopted neighbourhood plans relevant to this application.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and

guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

5. CONSULTATIONS

Summarised as follows:

CHELMSFORD CITY COUNCIL (CCC): Object. The doubling of weeknight and weekend working has potential to cause disturbance to residents in the new developments (Beaulieu and Channels) alongside and near to the Radial Distributor Road.

The further information provided on the acoustic impact of the proposals does not adequately address the issue of the noise impact of the change of routing of HGVs which requires all movements via the RDR.

HIGHWAY AUTHORITY: No objection. Following construction of the Radial Distributor Route (RDR) and the demolition of Generals Lane bridge to make way for an alternative bridge to link the RDR route to the Boreham Interchange, access to Bulls Lodge Quarry was diverted, with all vehicles accessing/egressing via Essex Regiment Way and the newly opened RDR route.

The Radial Distributor Route has been built to provide mitigation for nearby developments and to provide a PR1 route connection between Essex Regiment Way and Boreham Interchange, thus reducing the level of through traffic on White Hart Lane/Colchester Road, freeing up capacity for traffic related to the new development.

It is acknowledged that since the quarry traffic has been routed along the RDR, residents nearby have raised concerns about the vehicles using the route, in terms of noise, speed and frequency.

Whilst the Highway Authority can sympathise with the residents, that for a long period of time the RDR route has been built and not open to traffic and residents have enjoyed the lack of traffic using the route. Currently, the quarry lorries using the RDR route are going to be more obvious because there is limited traffic using the road. The route is adopted highway and there are no restrictions on the type or timings of traffic that can use the route.

Once the Generals Lane bridge replacement is complete and the new alignment is open (expected Spring 2023) the quarry traffic may disperse north and south resulting in a reduction of quarry traffic utilising the RDR to Essex Regiment Way. However, once the bridge is complete, the RDR will provide a link between Essex Regiment Way and Boreham Interchange and it is anticipated much through traffic currently using White Hart Lane will divert along this route, the quarry traffic will then be a much smaller element of general traffic on the RDR. It is appreciated that the opening of the road is a change to nearby residents, but the road was

planned and built at the same time as the houses, so a level of use and noise should have been anticipated by the residents.

COUNTY'S NOISE CONSULTANT: Holding objection -in summary, whilst we consider it likely that the operation of the coating plant would comply with relevant night-time and weekend noise limits, the effects of the additional traffic noise from HGVs using the public highway has not been adequately assessed.

BOREHAM PARISH COUNCIL: No objection

SPRINGFIELD PARISH COUNCIL: No objection to weeknight working, but object to weekend working due to impact on the loss of amenities for occupiers of nearby residential properties in particular excessive noise

BROOMFIELD PARISH COUNCIL: No comments received

LITTLE WALTHAM PARISH COUNCIL: Object. When the original permission was granted the access to the quarry was well away from houses and thus had little impact upon residents. However due to the work at Generals Lane, heavy good vehicles are now using the radial distributor road (RDR) to access the site and it is expected that this will be the case for at least another 2 years. This road runs in close proximity to the substantial Beaulieu Park and Channels developments. The Parish Council has received complaints from residents of the adverse impact upon their lives. The Parish Council understands that at present around 50 lorries a day are using the RDR to access the site and the noise created, particularly in both acceleration and braking from the lorries is loud and intrusive and a blight upon the lives and indeed mental health of the residents.

Were the application to be granted it would mean even more HGVs using the road and an increase in the adverse impact upon residents which would be worse at night due to the lack of day time ambient background noise.

LOCAL MEMBER – CHELMSFORD – CHELMER: Any comments received will be reported

LOCAL MEMBER – CHELMSFORD – SPRINGFIELD: Any comments received will be reported

LOCAL MEMBER - BROOMFIELD AND WRITTLE: Object to overnight operations if this results in matching truck movements.

Currently, there are several planning permissions that control activities at the quarry. The main mineral permission limits extraction and sand and gravel processing plant to the following hours of operation, 7am to 6pm Monday to Friday, 7am to 1pm Saturdays, no working Sundays and public holidays. However, HGVs loaded the night before may leave the site between 6am and 7am. There is a separate planning permission for a coated roadstone plant (asphalt plant) located at Bulls Lodge Quarry. This facility is permitted to operate from 5am to 6pm Monday to Friday and 5am to 1pm Saturdays. Because of the need to service highway contracts, some of which are undertaken at night, they are also permitted a certain number of weeknight and weekends of working.

The main complaint I have received from residents are due to the diversion that has recently been put in place. Prior to this diversion, Bulls Lodge Quarry used to obtain access from Generals Lane to the Boreham Interchange and onward routes including the A12. With the removal of the Generals Lane bridge, Quarry traffic is diverted along the Radial Distributor Road RDR (north from the quarry access), Essex Regiment Way and White Hart Lane to gain access to the Boreham Interchange. This arrangement is planned until the bridge linking the RDR to Boreham interchange is complete, anticipated earliest Spring 2023.

This is currently causing unacceptable noise levels in a densely populated residential area. I have already been seeking mitigation and restrictions to alleviate this problem.

The extension of overnight working will make this worse, and even if granted, truck movement should not be allowed to take place overnight and there should be no change on the departure and arrival of trucks, whilst the diversion is in place. Indeed, during this period, ECC Highways should be considering reducing the hours traffic movements are allowed, as the original planning permission did not envisage all movements being via the RDR.

6. REPRESENTATIONS

No properties were directly notified of the application as the site is not within 250m of residential properties. No letters of representation have been received.

While no letters of representation have been received directly in relation to this application, there have been complaints regarding HGVs from the quarry using the RDR, both during the day and with respect to movements occurring from 5am in the morning. These complaints were received in November/December 2022 and arose from the phase 3 works of the RDR. The Phase 3 works required the closure of General Lane south from the Bulls Lodge Quarry in November 2022, and as planned as part of the Greater Beaulieu Park development required all quarry traffic to temporarily use the RDR. The movements at 5am from the quarry are only associated with the coated roadstone plant, no other plant or HGV movements from other elements of quarry are permitted before 6am.

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Traffic & Highways
- C. Noise

A NEED

The coated roadstone plant at Bulls Lodge Quarry is safeguarded by Policy S9 of the MLP, along with 6 other asphalt plants in the County. The existing coated roadstone plants are considered of strategic importance in policy terms as there are a limited number in Essex, their location and distribution promotes sustainable transport close to strategic road networks and the relative difficulty of providing new facilities due to environmental constraints. As stated in the MLP Paragraph

3.154

Asphalt is a vital product as it is used in many different applications. These include road construction and maintenance, pavements, airport runways, school playgrounds, car parks, most footpaths and cycleways, and the roofing of buildings.

The applicant is seeking an increase in the number of week nights and weekends when the plant may operate and export material.

As explained within the Proposals section of the report highway works are often undertaken at night and weekends to avoid traffic congestion from road works in weekdays. Ashplant cannot be stored for long periods thus in order to service night time and weekend road works it is necessary for coated roadstone plants to sometimes operate at night and at weekends.

The applicant has contracts in relation to the A120 and A14, which the Chelmsford facility could serve. The applicant is seeking to operate up to 10 as opposed to 5 week nights a month and up to 22 weekends as opposed to the permitted 11 weekends a year to give greater flexibility to deliver these contracts for a 2 year period. It is not the case that the applicant would use all of the applied for additional nights and weekends, but it would give greater flexibility to serve the contracts as required. However, it is acknowledged that if permitted the maximum could be utilised.

The need to service night-time contracts has always been a necessity of coated roadstone plants as acknowledged by the existing condition to allow some night-time and weekend working. For a period of 2 years from 2013, hours of operation restrictions were removed to allow greater flexibility to service contracts at that time.

It is considered that there is justification for the additional hours proposed and the proposals are in accordance with S1, S2, S3 and S9 of the MLP, subject to there being no adverse environmental impacts, which are considered below.

B HIGHWAYS AND TRAFFIC

The operation of the coated roadstone plant for additional week night and weekends would give rise to additional HGV movements. Until Spring 2023 all HGVs associated with the quarry and the coated roadstone are having to utilise the RDR whether wishing to travel to the north or south of the county. In Spring 2023 it is anticipated phase 3 of the RDR will be completed, providing the link to the Boreham Interchange.

Bulls Lodge quarry and its infrastructure was in operation prior to any applications for mixed use development being permitted for Greater Beaulieu Park and/or Channels developments. The diversion required while the Phase 3 RDR works were undertaken was always known and planned for as part of the Channels and Greater Beaulieu Park developments dealt with by CCC. In addition, in considering these mixed-use development applications CCC also recognised that the RDR would be used by the quarry traffic and that this included permitted day,

night time and weekend working. The impact of the traffic using the RDR both during the temporary diversion and upon fully opening of the RDR was addressed in the Traffic Assessments that accompanied these applications dealt with by CCC in consultation with the Highway Authority. The volume and nature of traffic that would use the RDR, which included the quarry traffic was assessed as part of the Traffic Assessment and the design and capacity of the RDR was demonstrated to be acceptable.

When the diversion was commenced in November 2022, the MPA and CCC received a number of complaints with respect to HGVs using the RDR and movements early in the morning i.e. at 5am. Currently while the RDR is open to all traffic unrestricted without the final link to the Boreham Interchange the only traffic on the RDR at the moment is that associated with the completed parts of Channels and Greater Beaulieu Park developments, construction traffic associated with the on-going development of Channels and Greater Beaulieu Park and that of Bulls Lodge Quarry. The use by quarry vehicles would have been a noticeable change in November 2022. However, it was always planned that the RDR would become the main through route between the A130 and the A12 (until such time as the Chelmsford North East Bypass is constructed) and when the RDR is complete (planned Spring 2023), the volume of traffic including HGV traffic will significantly increase.

In Spring 2023 this will mean that traffic associated with the quarry and that of the coated roadstone will become less obvious as there will be other traffic on the road. In addition, quarry traffic including that associated with the coated roadstone plant wishing to access the A12 will be able to access the Boreham Interchange more directly going south on the RDR, reducing the number of movements from the quarry required to use the RDR north from RDR roundabout 5.

The Highway Authority has raised no objection to the increased hours and associated traffic movements, both in relation to the current temporary access arrangements or in the medium term when the RDR is complete.

The change in access arrangements both temporary and in the long term has arisen as a result of non-mineral development, not as a result of any changes arising from development at the quarry. Mineral infrastructure is safeguarded through Policy S8 of the MLP, which seeks to ensure that non mineral development permitted after the mineral development does not result in adverse impact on the effective working of the mineral development. This principle is established in the NPPF in Paragraph 187 *“Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

The change in access arrangements has not arisen from changes by the mineral developer, but from the non mineral development. As the traffic assessments for the non mineral development showed there would not be highway capacity or safety issues arising from the change in access route to the quarry including the coated roadstone plant, the MPA was content that the mineral infrastructure would not be adversely affected by the non mineral development.

The number of HGV movements permitted between 1800 and 0500 in any one period is already limited by condition to no more than 60 HGV movements.

It is therefore considered there is no justification for refusal for an increase in HGV movements on week nights and weekends from a highway safety or capacity perspective and the proposals are in accordance with MLP policies S11 and DM1.

C NOISE

The application was supported by a noise assessment and has been subject to consultation with both the County's Noise Consultant and CCC Environmental Health Officer.

The noise assessment has demonstrated that the plant itself could operate in accordance with the maximum noise limits imposed by existing conditions.

The coated roadstone plant has been in operation since 2006 and there have been no complaints with respect to the operation of the plant itself both during the normal working day or out of hours or in relation to the HGV traffic arising from its operation until November 2022. As explained prior to the closure of Generals Lane in November 2022 HGV movements were all via Generals Lane passing no residential properties to the Boreham Interchange. Deliveries to the north of the site would have then required HGVs to use Colchester Road, White Hart Lane and Essex Regiment Way, passing near to residential properties in Springfield and Beaulieu, but as this route is currently the main route between the A130 and A12 the HGV traffic would have been part of existing traffic and would not have been particularly noticeable.

Both the County's noise consultant and the Chelmsford City Council EHO have raised concerns that there is no assessment of the noise impact of the additional HGVs on the RDR arising from the additional hours. While it is acknowledged that the proposals would give rise to additional HGVs out of hours including during the night, these movements are considered only particularly noticeable at the moment because they are the only movements on the RDR at this time. Upon completion of the RDR, the RDR is planned to be used by all through traffic from the A130 to the A12 which will include HGV movements at any time. The RDR was planned with this in mind.

Chelmsford CC when determining the outline planning applications for mixed use developments at Channels and Greater Beaulieu Park did consider the impacts of traffic noise from the RDR. It was considered by CCC that the impact of noise from traffic on the RDR could be dealt with through standard mitigation measures i.e. noise insulation of properties. Conditions were imposed by CCC on the outline permissions that set maximum internal noise limits for residential properties, below is an example of such a noise condition for the Greater Beaulieu Park planning permission (09/01314/EIA):

18 Noise Levels

All reserved matters applications for built development shall be accompanied by a noise report including where necessary details of a scheme of sound insulation to

provide internal noise levels in habitable rooms with windows closed not in excess of 38dBA LAeq (07:00-23:00 hours) and 35dBA LAeq (23:00-07:00 hours). The development shall be implemented in accordance with the recommendations contained within the subsequently approved report.

As each reserved matters application is submitted to CCC the developers are required by CCC to demonstrate that the noise insulation would meet these noise requirements.

It is acknowledged that the additional night and weekend hours results in the mineral developer in this instance becoming the “agent of change”, but the additional HGV traffic from the coated roadstone plant at night, while adding more instances of passing traffic, would not be louder than any other HGV that will eventually travel on the RDR. It is appreciated that at the moment residents benefit from the fact that the RDR is not fully in use and thus they are not experiencing disturbance from any other traffic. However, from Spring 2023 (if progressed as planned) the RDR will be open to all traffic unrestricted and the coated roadstone plant traffic will become less obvious, and become part of general traffic noise, including HGVs on the RDR.

MLP policy DM1 and CLP policy DM29 seek to minimise the impact of development on residential and local amenity. While both the County’s noise consultant and EHO have requested assessment of the noise impact of HGVs it is considered that this matter was addressed through the outline planning applications for the Channels and Greater Beaulieu Park developments. If residents of Channels and Greater Beaulieu Park consider that the noise insulation is not meeting the required standards this matter should be taken up with CCC and/or the developers of Channels and Greater Beaulieu Park.

It has been suggested that the additional hours should only be permitted to commence once the RDR is fully open, but there is really no reasonable justification for this, the current RDR is public highway with no restrictions and was intended to carry HGV traffic at any time of the day or night. In addition, Hanson have explained in the 2 year temporary period they are applying for, the work they currently have contracts for is in relation to the A120 and A14, such that the movements in any event would be north on the RDR to the A130 and onwards to A131.

It is not considered that refusal could be justified due to the noise impact of the additional HGV traffic; the existing residential properties should be appropriately noise insulated to ensure the maximum noise limits set by CCC are not exceeded. The coated roadstone traffic will from Spring 2023 only be a relatively small element of much greater traffic on the RDR. The purpose of the RDR as a through route between the A130 and A12 has always been planned as part of the north east expansion of Chelmsford and residents adjacent to the RDR should have anticipated that there would be some traffic noise.

The out of hours HGV movements would only be for export of asphalt, the importation of materials such as bitumen and other necessary imported materials for manufacture of asphalt would be undertaken in normal workings hours and this could be controlled by condition.

The existing noise condition for the coated roadstone plant does not set specifically set out the maximum noise limits. The County's noise consultant has advised that now background data is available it is now possible to set specific maximum limits for both day time and night time maximum noise levels for properties near the coated road stone plant itself. Therefore, a suggested revised noise condition forms part of the recommendation. Three monthly noise monitoring would be required to assess compliance with these maximum noise limits. In addition, a condition requiring mobile plant which operates on site to be fitted with tonal reversing alarms is also considered appropriate.

It is therefore considered, subject to revised and additional noise conditions with respect to operation of the plant and maximum number of night HGV movements, and the control of importation of materials in normal working hours, the increased out of hours working for a 2 year period is acceptable and in accordance with MLP policy DM1 and CLP policy DM29.

8. CONCLUSION

Coated roadstone plants provide important materials for construction and some night operation is essential for these facilities to provide materials to night-time and weekend road works. The doubling of week night and weekend working would provide greater flexibility to the operators to serve contracts over the next 2 years. It is considered there is a justified need and this meets the social and economic threads of sustainable development.

In terms of the environmental thread of sustainable development, the housing development and RDR was designed in the knowledge of the existence of the coated roadstone plant and quarry and the need to accommodate access to the facility during the construction of Phase 3 of the RDR and in the long-term. The proposed level of additional out of hours traffic would not give rise to highway safety or capacity issues.

It is acknowledged that the additional hours of night-time and weekend working will increase the number of HGV movements and their associated noise, but the housing development has been permitted such the appropriate mitigation has been required within properties such the noise experienced by residents from all traffic that will eventually use the RDR will be within the acceptable limits.

The development is considered to be in accordance with the development plan, subject to conditions.

9. RECOMMENDED

That planning permission be granted subject to:

- 1) re imposition of existing conditions (updated as appropriate). The full wording of all conditions is set out in Appendix 1.
- 2) imposition of the following additional conditions

Condition 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.

Condition 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

- 3) amendment of condition 8 (hours of working) to read as follows:

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 Saturdays;

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 Saturdays

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

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.*

- 4) Amendment of condition 10 (maximum noise limits and noise monitoring) to read as follows:

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 $L_{Aeq, 1\text{ hr}}$
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

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 $L_{Aeq\ 1hr}$

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.

BACKGROUND PAPERS

Consultation replies

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Chelmer
CHELMSFORD – Broomfield and Writtle

Appendix 1 Draft condition ESS/10/22/CHL

1	<p>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.</p> <p><i>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.</i></p>
2	<p>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:</p> <ul style="list-style-type: none"> • 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 <p>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 31st January 2011 (15:04) and 18th March 2011 (09.39) with report Proposed Night Working - Bats.</p> <p>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.</p> <p>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:</p> <p><i>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</i></p>

	<p><i>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.</i></p>
3	<p>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).</p> <p><i><u>Reason:</u> 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.</i></p>
4	<p>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).</p> <p><i><u>Reason:</u> 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.</i></p>
5	<p>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.</p> <p><i><u>Reason:</u> 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.</i></p>
6	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy S11 and DM1 and CLP policy DM29.</i></p>

7	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1.</i></p>
8	<p>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:</p> <p style="padding-left: 40px;">0500 to 1800 hours Monday to Friday; 0500 to 1300 Saturday;</p> <p>and at no other time on Sundays and Public Holidays except for essential plant maintenance works and except for the following:</p> <p>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</p> <p>b) weekend working 1800 Friday to 0500 Monday, subject to no more than 22 weekends in a year.</p> <p>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:</p> <p style="padding-left: 40px;">0500 to 1800 hours Monday to Friday; 0500 to 1300 Saturday;</p> <p>and at no other time on Sundays and Public Holidays except for essential plant maintenance works and except for the following:</p> <p>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</p> <p>b) weekend working 1800 Friday to 0500 Monday, subject to no more than 11 weekends in a year.</p> <p><i><u>Reason:</u> In the interests of local amenity and in accordance with DM1 and CLP policy DM29.</i></p>

9	<p>Access to and egress from the site shall be obtained solely by way of Radial Distributor Road (Beaulieu Parkway) Roundabout 5.</p> <p><i><u>Reason:</u> In the interest of the highway safety and amenity of the local area and to comply with MLP policy S11 and DM1.</i></p>																												
10	<p>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:</p> <table border="0" data-bbox="399 627 1197 985"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: right;">Criterion dB $L_{Aeq, 1 \text{ hr}}$</th> </tr> </thead> <tbody> <tr> <td>Wallace's Lane</td> <td style="text-align: right;">53</td> </tr> <tr> <td>Generals Lane (Bulls Lodge Cottages)</td> <td style="text-align: right;">51</td> </tr> <tr> <td>Brick House Farm</td> <td style="text-align: right;">55</td> </tr> <tr> <td>Mount Maskall</td> <td style="text-align: right;">47</td> </tr> <tr> <td>Beaulieu Park A</td> <td style="text-align: right;">51</td> </tr> <tr> <td>Beaulieu Park B</td> <td style="text-align: right;">51</td> </tr> </tbody> </table> <p>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:</p> <table border="0" data-bbox="399 1187 1197 1523"> <thead> <tr> <th style="text-align: left;">Location</th> <th style="text-align: right;">Criterion dB $L_{Aeq, 1 \text{ hr}}$</th> </tr> </thead> <tbody> <tr> <td>Wallace's Lane</td> <td style="text-align: right;">47</td> </tr> <tr> <td>Generals Lane (Bulls Lodge Cottages)</td> <td style="text-align: right;">44</td> </tr> <tr> <td>Brick House Farm</td> <td style="text-align: right;">54</td> </tr> <tr> <td>Mount Maskall</td> <td style="text-align: right;">43</td> </tr> <tr> <td>Beaulieu Park A</td> <td style="text-align: right;">44</td> </tr> <tr> <td>Beaulieu Park B</td> <td style="text-align: right;">44</td> </tr> </tbody> </table> <p>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 $L_{Aeq, 1 \text{ hr}}$.</p> <p>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</p> <p>Noise levels shall be monitored by the operating company at three monthly intervals at the above locations . Measurements shall be made no closer</p>	Location	Criterion dB $L_{Aeq, 1 \text{ hr}}$	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	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
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	<p>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.</p> <p>Monitoring should preferably be undertaken in calm weather conditions avoiding wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C).</p> <p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29.</i></p>
11	<p>No loaded vehicles (HGVs) shall leave the site unsheeted except those carrying any materials other than washed stone in excess of 500mm in diameter.</p> <p><i><u>Reason:</u> In the interest of highway safety, safeguarding local amenity and to comply with MLP policy DM1.</i></p>
12	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1.</i></p>
13	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and highway safety and to comply with MLP policy DM1.</i></p>

14	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and to comply with MLP policy DM1 and CLP policy DM29</i></p>
15	<p>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.</p> <p><i><u>Reason:</u> In the interest of the amenity of the local area and comply with MLP policy DM1.</i></p>
16	<p>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.</p> <p><i><u>Reason:</u> 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.</i></p>
17	<p>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.</p> <p><i><u>Reason:</u> 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.</i></p>
18	<p>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.</p> <p><i><u>Reason:</u> To minimise the nuisance and disturbances to neighbours and</i></p>

	<i>the surrounding area to comply with MLP policy DM1 and CLP policy DM29.</i>
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DR/26/22

Report to: DEVELOPMENT & REGULATION (22 July 2022)

Proposal: COUNTY COUNCIL DEVELOPMENT - 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

Ref: CC/BAS/46/22

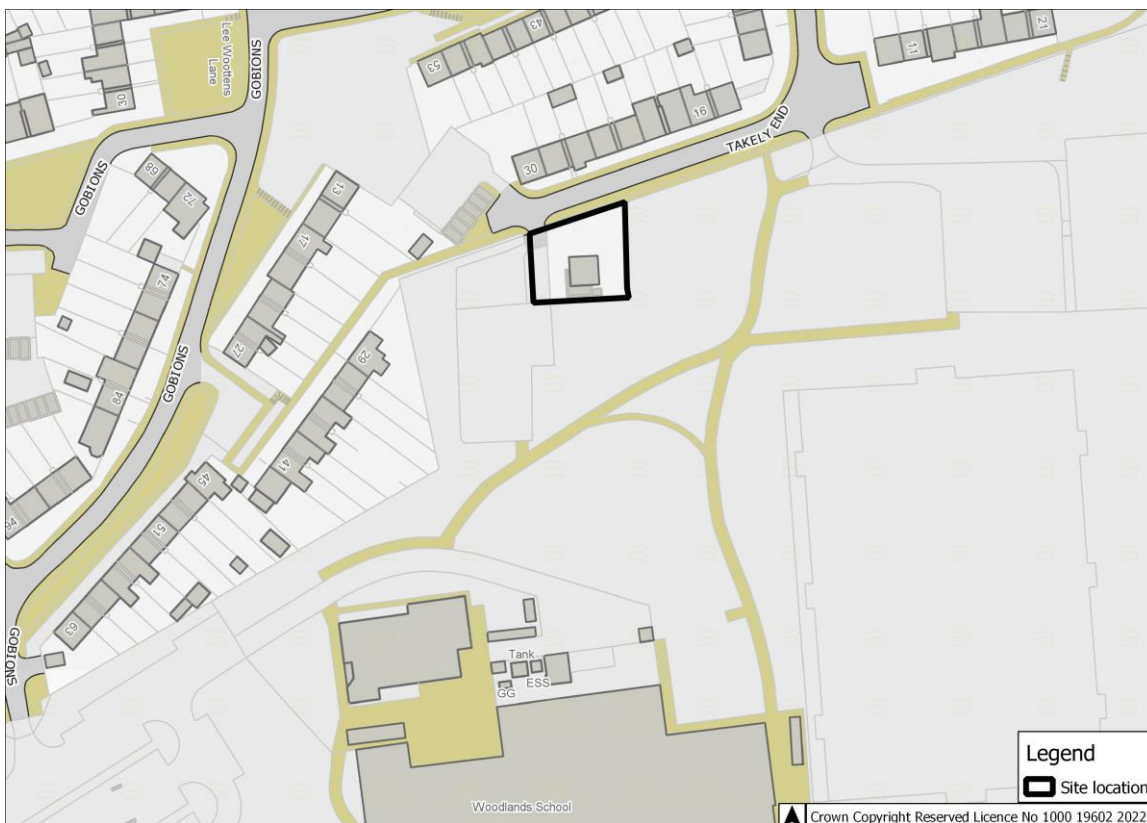
Applicant: Essex County Council

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

Report author: Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

An application for the change of use of the building from residential use to a wellbeing centre for use by Woodlands School was submitted to Basildon Borough Council in June 2019 (19/00965/FUL) and granted planning permission in September 2019. However, the permission has not been implemented and the school wishes to surrender its lease on the building.

2. SITE

The property is a former caretaker's house situated within the grounds of Woodlands School.

The property is a two storey detached property consisting of three bedrooms, garden, carport and driveway. The property can accommodate 2 vehicles on-site.

The property is accessed via Takely End. It is located to the northern boundary of the school site to the north of the main school buildings and is separated from the buildings by areas of grass.

There are residential properties to the north of the property in Takely End and north west and west in Gobions.



Essex County Council owns the property freehold of the building. It was subject to a lease in favour of the Academy Trust but this is currently being surrendered and the County Council will have control of the unimpeded freehold.

The property is located approximately 500m south of Basildon town centre and is well connected, with Basildon train station within approximately 360m providing services to London Fenchurch Street. The nearest bus stop is approximately 200m to the west of the site providing services to Basildon town centre and Grays.

3. PROPOSAL

It is proposed to change the use of the building from Use Class C3 (Residential) to

Use Class C2 (Residential institution) to provide temporary accommodation for children in care.

It is not proposed to alter the existing external appearance of the building as a result of this application, although internal works would be required to bring to property up to the required standard.

4. POLICY CONSIDERATIONS

The following policies of the Basildon District Local Plan Saved Policies September 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

Basildon District Local Plan Saved Policies September 2007

Policy BAS BE12 – Development Control
Policy BAS BE21 – Healthcare Developments

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan Saved Policies September 2007 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Following the decision of Full Council on 3 March 2022 to withdraw the Basildon Borough Revised Publication Local Plan 2014-2034, the Council is in the process of preparing a programme of work to prepare a new Local Plan for the borough.

NEIGHBOURHOOD PLAN

There is not an adopted Neighbourhood Plan in place for the area.

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL – Any comments received will be reported

BASILDON BOROUGH COUNCIL ENVIRONMENTAL HEALTH – No objection subject to a condition relating to construction hours

HIGHWAYS AUTHORITY – No objection subject to a condition requiring cycle parking to be provided in accordance with EPOA Parking Standards

LOCAL MEMBER – BASILDON – Basildon Westley Heights – Objects – application is out of keeping with the area and totally inappropriate to locate this foster home/unit on the grounds of a school

6. REPRESENTATIONS

Thirteen properties were directly notified of the application. One letter of representation has been received. This relates to planning issues, summarised as follows:

Observation

Comment

Not ideal to put children who may feel disadvantaged in a situation where other children may be abusive and hurtful to them.

Noted. See appraisal

I also disagree with using this house as it could be used for other purposes.

Noted. Planning permission was granted by Basildon Borough Council for the use of the property as a wellbeing hub for the school. However, this did not come to fruition and the Academy Trust wish to surrender their lease on the property. No other

alternative uses for the property have been proposed and the application has to be determined on its own merits.

7. APPRAISAL

The key issues for consideration are:

- Need
- Policy Considerations
- Impact on Residential Amenity

A NEED

Section 20 of the Children's Act 1989 reads:

Provision of accommodation for children

Provision of accommodation for children: general

1. Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation, as a result of:
 - a) There being no person who has parental responsibility for him;
 - b) His being lost or abandoned; or
 - c) The person who has been caring for him being prevented (whether or not permanently; and for whatever reason) from providing him with suitable accommodation or care.

The Act requires local authorities to secure accommodation for children in their care, within 20 miles from home and within local authority boundaries wherever possible and appropriate. This is known as 'sufficiency duty' and is stated in the Act as "*the Local Authority must take steps to secure, as far as is reasonably practicable, sufficient accommodation within the Authority's area boundaries which meets the needs of children that the local authority is looking after and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area*".

Essex County Council has a duty of care to ensure that all children, who are unable to live with their own family for whatever reason, have appropriate care and support. The Council's aim is to provide high quality care, preferably within a family, or other residential setting as close as possible to their home locality.

The property would be used to accommodate children under the age of 18 when initially entering care, or if existing arrangements broke down, before a more permanent placement could be identified. One child together with a carer would be accommodated at the property at any one time.

The Department for Education, as part of a series of reforms to improve standards in children's social care, placed restrictions on Local Authorities placing children in

care in unregulated (non OFSTED registered) accommodation from 9 September 2021.

When a child is identified as requiring care and support, its needs are assessed and a suitable long-term placement is identified. For some children a suitable placement, that meets their needs, isn't always available immediately. These children require temporary OFSTED regulated emergency accommodation whilst a long-term placement can be found. This particular property was identified by the Children and Families Directorate of the County Council as being suitable for the placement of a single child for this purpose.

The Local Member has objected to the proposal and considers that the application is out of keeping with the area and it is totally inappropriate to locate this foster home/unit on the grounds of a school.

The property originally provided accommodation for the on-site resident caretaker to Woodlands School. However, when the school converted to an Academy in 2015 the property was no longer required for school purposes and was excluded from the transfer of property assets to the Academy Trust, remaining under the control of the County Council. The Trust took a separate lease of the house for use as a wellbeing hub and obtained planning permission from Basildon Borough Council but the project did not come to fruition and the Trust now wishes to surrender its lease. The property does not now form part of the school site and is available for an alternative use such as a temporary solo emergency children's home.

The house is not only available but is also the right size for the proposed use. It is a three bedroomed property – one bedroom would be used by the child, one would be available for use by the carer leaving the third bedroom for office use. The ground floor would remain as a normal residential property, providing a calm and homely environment.

The property is suitably located to serve the needs of children from south Essex. Planning permission has already been granted for the change of use of similar properties in Chelmsford and Colchester. The property's specific location within Basildon is ideal, being a quiet residential area of the town with no passing traffic. Since the remodelling of Woodlands School, the school access adjacent to the property is rarely used by the school and the main school buildings were relocated and are approximately 100 metres from the property, meaning that despite its urban location, it is now relatively isolated from neighbouring buildings adding to the tranquillity of the location, which is considered to be beneficial to any child accommodated at the property.

When the property was identified as being potentially suitable for the proposed use, officers engaged with the Academy which has expressed support for the use. No concerns regarding safeguarding or any other issues have been raised by the Academy.

The local police have also been consulted on the use of the property and have undertaken a risk assessment. The assessment concludes that any risks that may arise would be adequately mitigated by proper management of the facility. The

Council is currently in the process of recruiting a specialist third party provider to manage the property. The chosen provider would need to seek registration from OFSTED to deliver a solo children's home service from the property. Any risk to the safety and wellbeing of the children accommodated at the property would need to be robustly mitigated before registration would be approved. The property would also be subject to the OFSTED monitoring regime to ensure standards of care are maintained. The County Council, through quality assurance, contract management, regular independent and social care visits would also ensure any risks associated with the proposed use of the property would be minimised.

It is anticipated that children would reside at the property for an average duration of a fortnight up to a maximum period of 12 weeks.

It is considered that the need for the change of use of the property to provide temporary accommodation for children in care has been demonstrated and would be in compliance with the provisions of the Children's Act 1989. It would also help the County Council to meet its duty of care in ensuring that all children unable to live with their own families, for whatever reason, have appropriate care and support.

B POLICY CONSIDERATIONS

The use of the property to provide accommodation for children in care would require a change of use from Use Class C3 (Residential) to Use Class C2 (Residential institution).

Use Class C2 includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

Paragraph 93 of the NPPF states inter alia that "*to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of other local services to enhance the sustainability of communities and residential environments*".

Saved Policy BAS BE21 (Healthcare Developments) states inter alia that "*planning permission for primary and community health facilities, including residential care accommodation will be granted in appropriate locations.*"

The change of use of the property from a residential dwelling to providing temporary accommodation for children in care would enable Essex County Council to help meet its duty of care to ensure that all children, unable to live with their own family for whatever reason, receive appropriate care and support.

The County Council's aim is to provide high quality care for children preferable within a family or other residential setting as near as possible to their home locality. The property is close to public transport links to Basildon town centre and other community facilities such as schools and healthcare facilities.

The proposed change of use of the building would provide temporary accommodation for children in care, whilst more permanent placements are identified. Therefore, the principle of development is considered to be acceptable

and in compliance with the provisions of Paragraph 93 of the NPPF and Policy BAS BE21.

C IMPACT ON RESIDENTIAL AMENITY

One child together with a carer would be accommodated at the property at any one time.

The Essex Parking Standards – Design and Good Practice (2009) states that for residential care homes a maximum of 1 car parking space per FTE + 1 visitor space per 3 beds should be provided. On this basis a maximum of 2 car parking spaces should be provided.

The Essex Parking Standards states that a minimum of 1 cycle parking space per 5 staff should be provided.

The property benefits from a car port and garage on the site. For a majority of the time, it is considered unlikely that more than 1 car would be parked at the property at any one time. If two carers were present it would still only result in two cars being parked at the property, which could be accommodated without the need for on-street parking.

The Highway Authority has no objection to the proposal subject to a condition requiring cycle parking, in accordance with Parking Standards to be provided. It has commented that from the details submitted the proposed residential care home would provide accommodation for one carer and up to two children under the age of 18. No changes are proposed to the existing vehicular access on Takely End and sufficient space would be retained within the curtilage for two vehicles to park.

The site is in a sustainable urban location accessible by foot, cycle and public transport in close proximity to Basildon town centre and there are restrictions in the vicinity of the site to prevent indiscriminate parking. The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency.

The applicant has confirmed that one cycle parking space would be provided at the property as required by the Parking Standards.

Saved Policy BAS BE12 (Development Control) states inter alia that “*planning permission for alteration of existing dwellings will be refused if it causes material harm with regards to harm to the character of the surrounding area, including the street scene; overlooking; noise or disturbance to the occupants of neighbouring properties; overshadowing or over-dominance; and traffic danger or congestion.*”

As stated previously the property would accommodate one child and one carer at the property at any one time. It is anticipated that the property would continue to operate in much the same way as a family dwelling house. Although there would be shift changes between carers it is anticipated that these would occur during sociable hours to avoid disturbance to neighbouring properties.

The property would require some refurbishment to bring it up to current standards.

However, the work would not be extensive and no extensions or significant alterations are proposed to the property.

It is not considered that the proposed change of use of the existing residential property to provide temporary accommodation for children in care would have a significant detrimental impact on the amenities of the neighbouring properties. Further it is not considered that the proposed scheme would result in overlooking, overshadowing or over-dominance, noise or disturbance to the occupants of neighbouring dwellings, harm to the character of the surrounding area or traffic danger or congestion complying with the provisions of Policy BAS BE12.

8. CONCLUSION

It is considered that planning permission should be granted for the change of use of the existing residential property from Use Class C3 to Use Class C2 as it would provide temporary accommodation for children in care, helping Essex County Council to meet its duty in providing children, unable to live with their own family, with appropriate care and support.

It is not considered that the proposed change of use of the building would have a significant detrimental impact on the residential amenity of the neighbouring properties, streetscene or highway safety.

Accordingly, it is considered that the proposal would be in accordance with Policy BE12 (Development Control) and Policy BE21 (Healthcare Development) of the Basildon District Local Plan Saved Policies September 2007.

9. RECOMMENDATION

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.*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal, where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON – Basildon Westley Heights

DR/27/22

Report to: DEVELOPMENT & REGULATION (22 July 2022)
Information Item: MINERALS AND WASTE DEVELOPMENT – Enforcement of Planning Control
Ref: ENF/1153
Location: Ashwells Road, Pilgrims Hatch, Brentwood, Essex
Report author: Chief Planning Officer (County Planning and Major Development)
Enquiries to: George Stockdale Tel: 03330 137555



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1. SITE AND BACKGROUND

The land on the southwestern side of Ashwells Road is located between Bentley and Crows Green. The site itself comprises of a small area of grassed open land with a small stable building and a gravel area parking area. It is surrounded by residential properties. The site curtilage extends to approximately 1 hectare.

In terms of designations, the site is located within the Metropolitan Green Belt as detailed within the Brentwood Local Plan 2016-2033 (adopted March 2022). With regard to planning history there have been no planning permissions granted by either Essex County Council or Brentwood Borough Council.

Following a number of inspections, it was found that approximately 300 tonnes of waste had been deposited on the site, namely trommel fines and soils. The waste is understood to have been brought onto site a few months before April 2022. The landowner was requested to remove the waste and to cease operations, but no significant process was made.

On the 25 May 2022, in context that the waste materials have been brought on to the site without the benefit of planning permission and that planning permission would not likely be granted in retrospect, Essex County Council as the Waste Planning Authority served an Enforcement Notice on the landowner.

2. CURRENT POSITION

The Enforcement Notice served on the 25 May 2022 and has taken effect on the 5 July 2022 unless an appeal is made against it beforehand. The Enforcement Notice requires:

- Activities to cease and the importation, deposition, storing, processing/treating, burning and spreading of waste materials not to be resumed.
- All waste materials including soils, trommel fines, building waste, concrete, hardcore and other mixed waste to be removed from the land within 3 months.
- The land to be restored to its condition prior to the commencement of the unauthorised development within 4 months.

Officer will continue to monitor the site in relation to the Enforcement Notice to ensure compliance and no further unauthorised activities.

LOCAL MEMBER NOTIFICATION

BRENTWOOD – Brentwood North

DR/28/22**Report to:** DEVELOPMENT & REGULATION (22 July 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of May 2022 plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of April	42
Nº. Decisions issued in May	1
Nº. Decisions issued this financial year	3
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in May	0
Nº. applications where Section 106 Agreements pending at the end of May	12

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of April	4
Nº. Decisions issued in May	0
Nº. Decisions issued this financial year	4
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in May	0

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in May	0
Nº. Committee determined applications issued in May	1
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	42
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of May	42
Nº. of referrals to Secretary of State under delegated powers in May	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of May	2
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of April	32
Nº. of cases cleared this financial year	5
Nº. of enforcement notices issued in May	1
Nº. of breach of condition notices issued in May	0
Nº. of planning contravention notices issued in May	0
Nº. of Temporary Stop Notices issued in May	0
Nº. of Stop Notices issued in May	0

DR/29/22**Report to:** DEVELOPMENT & REGULATION (22 July 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	43
Nº. Decisions issued in June	6
Nº. Decisions issued this financial year	9
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in June	4
Nº. applications where Section 106 Agreements pending at the end of June	11

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of May	6
Nº. Decisions issued in June	2
Nº. Decisions issued this financial year	6
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in June	2

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in June	6
Nº. Committee determined applications issued in June	2
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	57
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of June	57
Nº. of referrals to Secretary of State under delegated powers in June	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of June	2
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of May	31
Nº. of cases cleared this financial year	5
Nº. of enforcement notices issued in June	1
Nº. of breach of condition notices issued in June	0
Nº. of planning contravention notices issued in June	0
Nº. of Temporary Stop Notices issued in June	0
Nº. of Stop Notices issued in June	0