
Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 22 February 2019

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr M Maddocks
Cllr M Hardware	Cllr J Reeves

1 Apologies for Absence

Apologies were received from Cllr D Blackwell, Cllr M Garnett, Cllr I Henderson, Cllr J Moran (substituted by Cllr M Maddocks) and Cllr A Wood.

2 Declarations of Interest

There were none.

3 Minutes

The minutes of the meeting held on 25 January 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

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

1) To consider Report DR/07/19, relating to the construction of a single storey standalone building to allow the expansion of the existing Primary School from a 1FE Primary School (210 pupils) to a 2FE Primary School (420 pupils). The provision of an additional 14 car parking spaces and new cycle and scooter parking facilities.

Location: Warley County Primary School, Chindits Lane, Warley CM14 5LF

Reference: CC/BRW/27/18

Public speakers: Mr Richard Fletcher and Mr James Branton, speaking for Mrs Jenni Evans, speaking for.

County Council Development

5 Warley County Primary School

The Committee considered report DR/07/19 by the Chief Planning Officer. Members noted the addendum to the agenda, in particular the new Condition 6, relating to the protection of tree T14.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle and need of development
- Impact on playing field
- Design and layout
- Impact on historic environment
- Impact on natural environment
- Impact on residential amenity
- Traffic and highways.

In accordance with the protocol on public speaking the Committee was addressed by Jenni Evans, Head Teacher of Warley Primary School, who spoke as a supporter of the application. Mrs Evans made several points:

- There is an unusually high demand for places in Warley. Of the 350 applications for (30) Reception places this year, 100 lived within one mile of the school. In 2017, the furthest pupil getting a place was only 0.27 mile away
- Attending a local school is important, and this is a family-oriented community school. There has been expansion in schools in Pilgrims Hatch and Hutton, but many children are still having to travel 3-5 miles to primary school
- There is likely to be substantial new housing on the currently vacant Warley Ford site, which will create the need for more school places
- The loss of trees is regrettable but the school is surrounded by woodland and is a registered forest school.

The Committee was then addressed by David Fletcher, Senior Associate Director, Strutt & Parker, who spoke as agent for the Applicant, accompanied by James Branton, Planner with Morgan Sindall. Mr Fletcher made several points:

- There is a huge demand in the area and the only other option in Warley would be to expand Holly Trees Primary School, which is situated entirely in the Green Belt
- This revised application moves the development out of the Green Belt
- Positive discussions have been held with urban design officers at County Hall, to take on board the Committee's comments
- There has been recent correspondence with the planning authority about retaining the large oak tree at the rear and this approach is fully endorsed

Mr Branton confirmed that the preferred option now involved less tree loss and took the building out of the Green Belt; it maintained existing light to the present building and allowed sufficient working space around the school.

Councillor David Kendall, Local Member, then addressed the meeting. He made several points:

- There was a present need and this was likely to increase, with the plan to

- put 500 new dwellings on the old Ford site
- The carparking problems with the gym and local workers had to be resolved – these were causing a lot of trouble, which was likely to increase as the school expanded. A management plan should be put in place during the construction period, and the school should be given priority
- The County Council's and the gym's legal teams were now involved, but it could take a year to resolve, which could only have a negative effect on the school.

The points relating to the car park were acknowledged, but it was pointed out that carparking issues lay outside the remit of the Planning authority.

In response to comments made by Members, it was noted:

- Contractors working on the site should make good any damage they cause
- In anticipation of future demand for places continuing to rise, the space limitations of the site made it unlikely that the school would be able to grow further by adding a storey to an existing building, as expanding the school would require more than the addition of extra classrooms. Consideration would need to be given to expansion of other parts of the school, play areas, kitchens, hall etc as well as highway impacts
- Some of the replacement trees are Silver Birch probably reflecting the existing species; the applicant would have to submit a landscaping plan for the approval of the authority's landscaping team. Officers were aware of the Committee's strong views on the importance of using suitable tree species and would convey these when the landscaping plan details were submitted. In response to a specific request from Members, officers would inform the Committee of the details of the landscaping scheme
- There was no provision for solar panels or heat interchange pumps at this stage
- The applicant should have to produce a construction traffic management plan. This would include the need for pre-construction and post-construction inspections, which were normally carried out on these projects. It was also suggested that an informative recently used in a Tendring project, relating to contractors' responsibilities to restore any damage, might be used.

In the light of all the above comments, it was agreed that an informative should be added, based on the Tendring wording referred to above.

There being no further points raised, the resolution, including the changes noted in the addendum, an additional condition requiring the submission, approval and compliance with a construction traffic management plan and this informative, was proposed and seconded. Following a unanimous vote in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/BRW/27/18 dated 18 July 2018 and validated on 24 July 2018 together with:

Design & Access Statement Version 1.6 – 13 July 2018

Planning Statement July 2018

2018 School Travel Plan

AIA & Outline Method Statement – Wynne Williams Associates – April 2018

Tree Survey Version P00 – Wynne Williams Associates – 10 April 2018

Warley Primary School Logistics

External Works Plan

Visualisations

Great Crested Newts Survey – Richard Graves Associates – May 2018

Bat Monitoring Report – Richard Graves Associates – May 2018

Extended Phase 1 Habitat Survey – Richard Graves Associates – May 2018

Transport Assessment – May 2018

Archaeological Desk based Assessment – April 2018

Planning Justification Note prepared by Strutt & Parker dated January 2019

Drawings

Wwa_1815-AL_702 Rev P00 – Tree Removal & Protection Plan – Undated

Wwa_1815_AL_701 Rev P00 – Tree Survey – 10 April 2018

17-0345-CDP-DR-ZZ-P1-C-4001-P2 – Drainage Plan – 3 May 2018

17-0345-CDP-DR-ZZ-XX-A-2004-P1 – Sections – 11 July 2018

17-0345-CDP-DR-ZZ-XX-A-2002-P1 – General Arrangement Plan – 11 July 2018

17-0345-CDP-DR-ZZ-XX-L-2002-P3 – Outline Planting Plan – 13 July 2018

17-0345-CDP-DR-ZZ-XX-A-2003-P1 – Elevations – 11 July 2018

17-0345-CDP-DR-ZZ-XX-L-2003-P2 – Scooter Parking – 17 July 2018

17-0345-CDP-DR-ZZ-XX-L-3001-P5 – General Arrangement – 13

September 2018

TS52VO24 MS-LG-PLNG-W001-5 – Logistics Plan prepared by Morgan Sindall undated

17-0345-CDP-DR-ZZ-XX-A-2001 P3 – Existing School Reconfiguration – July 2018

17-0345-CDP-DR-ZZ-XX-A-2002-P2 – New Standalone Block General Arrangement Plan July 2018

17-0345-CDP-DR-ZZ-XX-L-2001 P7 – Landscape Layout 25 January 2019

17-0345-CDP-DR-ZZ-XX-A-1002 P6 – Site Location Plan Feb 18

17-0345-CDP-DR-ZZ-XX-A-2003 P3 – New Standalone Block Proposed Elevation 7 January 2019

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 that the development is carried out with the minimum harm to the local environment and in accordance with Policy CP1 (General Development Criteria), Policy CP3 (Transport Assessments), Policy C5 – (Retention & Provision of Landscaping and Natural Features in Development), Policy T1 (Travel Plans), Policy T5 (Parking) and Policy C18 (Ancient Monuments and Archaeological Sites) of the Brentwood Replacement Local Plan August 2005 and Policy BE17 (Parking Standards), Policy HP14 (Responding to Context), Policy HP16 (Building Design), Policy HP23 (Scheduled Monuments and Archaeological Remains), Policy PC15 (Education Facilities), Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

3. All ecological measures and/or works shall be carried out in accordance with the details contained within the Extended Phase 1 Survey (Richard Graves Associates Ltd May 2018) and the Bat Monitoring Report (Richard Graves Associates Ltd May 2018) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination. This includes bat sensitive lighting, careful removal of the pond, due diligence regarding nesting birds, protecting animals from construction materials, covering trenches overnight, retaining wood from felled trees for log pile habitat, enhanced wildlife planting, tree T16 subject to a tree inspection by a suitably qualified ecologist just prior to its felling and provision of eight bat boxes.

Reason: To conserve and enhance Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 (as amended) and S40 of the NERC Act 2006 (Priority Habitats & Species) and S17 Crime & Disorder Act 1998 and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) of the Brentwood Local Plan Pre-Submission Document February 2019.

4. No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include hard and soft landscaping and boundary treatment (type of fencing) for the site, which includes any proposed changes in ground levels and also accurately identifies spread, girth and species of all existing trees, shrubs, hedgerows on the site together with measures for their protection, which shall comply with the recommendations set out in

BS5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan shall include plant species, number, location, density and sizes of the proposed planting.

The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 5 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (As amended) to improve the appearance of the site in the interest of visual amenity and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

5. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 4 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development hereby permitted shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the development is adequately screened and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

6. No development shall take place until a scheme for the protection of tree T14 to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
 - a. A plan that shows the position, crown spread and root protection area in accordance with paragraph 5.2.2 of BS:5837 of Tree T14 on site.
 - b. Details of each retained tree T14 in a separate schedule in accordance with paragraph 4.2.6 of BS:5837
 - c. A schedule of tree works for all the retained tree T14 specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS:3998, 1989, 'Recommendations for Tree Work'.
 - d. Details and positions of the Ground Protection Zones in accordance with section 9.3 of BS:5837.

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- e. Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS:5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - f. Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS:5837.
 - g. Details and positions of the underground service runs in accordance with section 1 1.7 of BS:5837.
 - h. Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS:5837.
 - i. Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing) in accordance with section 10 of BS:5837.
 - j. Details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
 - k. Details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
 - l. Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
 - m. Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
 - n. Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS:5837.
 - o. Details of tree protection measures for the hard landscaping phase in accordance with sections 13 and 14 of BS:5837.
 - p. The timing of the various phases of the works or development in the

context of the tree protection measures.

Reason: To ensure that retained trees are protected from damage, in the interests of visual amenity and to comply with Policy C5 (Retention & Provision of Landscaping and Natural Features in Development) of the Brentwood Replacement Local Plan August 2005 and Policy NE01 (Protecting and Enhancing the Natural Environment) and Policy NE03 (Trees, Woodlands, Hedgerows) of the Brentwood Local Plan Pre-Submission Document February 2019.

Minerals and Waste

7 Land at Armstrong Road, Benfleet

The Committee considered report DR/06/19 by the Chief Planning Officer. Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need and principle of development
- Noise impact
- Traffic and highways
- Drainage and fire prevention

In response to comments made by Members, it was noted:

- The sole access point to the industrial site is situated on Church Road, which has a 7.5 tonne weight restriction. The combined weight of a vehicle for ELV recycling and the transporter bringing it into the site will be less than 6 tonnes and the number of vehicle movements bringing vehicles to be dismantled would be no more than 4 per day, so the impact on highways would not be significant
- The applicant's own employees will be trained in checking on hazardous liquid levels but, should planning permission be granted, the applicant will need to obtain a permit from the Environment Agency to operate, which would address pollution control measures.

There being no further comments, the resolution was proposed and seconded. Following a unanimous vote in favour it was

Resolved

That planning permission be granted subject to conditions covering the following matters:

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 of the application dated 24 October 2018, together with the following plans and documents:

- Drawing no. 18/2413, titled 'Proposed Plan', dated October 2018;
- Drawing no. 18/2412, titled 'Existing Plan', dated October 2018;
- Waste Management Plan, prepared by Gala Motors Ltd, dated 2018;
- Email from Pars Dental, dated 19 December 2018, 11:41am, including information regarding vehicle movements and source of ELVs;
- Email from Pars Dental, dated 11 January 2019, 12:00pm, including information regarding drainage, fire prevention, environmental permit, soundproofing, operating hours and spare part sales.

And in accordance with any other non-material amendments as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the local environment and in accordance with Policies 1, 5 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policies EC3, EC4 and ED3 of the Castle Point Borough Local Plan (1998).

3. No salvaging operations, including the depolluting and dismantling of end-of-life vehicles, shall take place outside of the building shown on drawing reference 18/2413 (dated October 2018).

Reason: In the interests of local amenity, to ensure that operations take place in an area designed to cause minimal harm to the environment and to comply with Policies 5 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policies EC3, EC4 and ED3 of the Castle Point Borough Local Plan (1998).

4. Vehicles and component parts shall only be stored within the areas labelled as 'Storage Area with Mezzanine' and 'Storage (Engine/Gearboxes/Suspension)' on drawing reference 18/2413 (dated October 2018).

Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with Policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policy EC3 and EC4 of the Castle Point Borough Local Plan (1998).

5. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be

properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017) and Policy EC4 of the Castle Point Borough Local Plan (1998).

Information Item

8 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/09/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee noted the report.

9 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 22 March 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:50 am.

Chairman