

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 22 August 2014</b>	<b>Committee Room 2, County Hall, Chelmsford, Essex</b>
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**Quorum: 3**

**Membership:**

Councillor R Boyce	Chairman
Councillor J Abbott	
Councillor J Aldridge	
Councillor K Bobbin	
Councillor P Channer	
Councillor M Ellis	
Councillor C Guglielmi	
Councillor J Lodge	
Councillor M Mackrory	
Councillor Lady P Newton	
Councillor J Reeves	
Councillor S Walsh	

**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

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Essex County Council

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## **Part 1**

(During consideration of these items the meeting is likely to be open to the press and public)

		<b>Pages</b>
<b>1</b>	<b>Apologies and Substitution Notices</b> The Committee Officer to report receipt (if any)	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 25 July 2014.	<b>7 - 14</b>
<b>4</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>5</b>	<b>Minerals and Waste</b>	
<b>5a</b>	<b>Brickfields Way, Rochford</b> Outline planning application with some matters reserved for a materials recovery facility seeking to import; sort and separate; and export domestic, commercial/industrial, construction, inert, food and green waste.  Location: Land to the east of Brickfields Way, Rochford, Essex, SS4 1NB.  Reference: ESS/22/14/ROC <b>DR/32/14</b>	<b>15 - 42</b>
<b>6</b>	<b>County Council Development</b>	

**43 - 64**

Location: John Ray Infant and Junior School, Notley Road, Braintree, Essex, CM7 1HL.

## 7 Information Item

**65 - 68**

**DR/34/14**

To note that the next meeting will be held on Friday 26 September 2014 at 10.30am. Committee Room 1.

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.

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

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

**10 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.

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All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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## **MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 25 JULY 2014**

### **Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr K Bobbin  
Cllr M Ellis  
Cllr C Guglielmi

Cllr I Grundy  
Cllr M Mackrory  
Cllr J Pike  
Cllr J Reeves  
Cllr C Seagers

### **1. Apologies and Substitution Notices**

Apologies were received from Cllr John Aldridge (substituted by Cllr Pike), Cllr Channer, Cllr John Lodge, Cllr Lady Newton (substituted by Cllr Grundy) and Cllr Simon Walsh (substituted by Cllr Seagers).

### **2. Declarations of Interest**

Cllr Abbott declared a personal interest in agenda item 7b, Horsemans Green Village Green application, as a member of Braintree District Council, which is principal objector to this application. However, Cllr Abbot has played no part in this to date.

Cllr Boyce declared a personal interest in agenda item 5a, Asheldham Quarry, Southminster, as local Member, local District Councillor for that ward, and as his son lives near to the site.

Cllr Guglielmi declared a personal interest in agenda item 7a Mistley Quay Village Green, and would withdraw for the consideration of this item.

Cllr Seagers declared a personal interest in agenda item 6b, Michelins Farm, Rayleigh, as a member of Rochford District Council, but he has had no interest in this to date.

### **3. Minutes**

The Minutes and Addendum of the Committee held on 27 June 2014 were agreed and signed by the Chairman.

### **4. Identification of Items Involving Public Speaking**

One person was identified to speak in accordance with the procedure for the following item:

Extension of time to existing quarry for an additional 15 years to 31<sup>st</sup> December 2029 and amendments to existing operation to allow for the importation of inert waste material for restoration.

Location: Asheldham Quarry, Southminster Road, Asheldham, Essex, CM0 7DZ.  
Ref: ESS/16/14/MAL

Applicant: G&B Finch Ltd

Public Speakers: David Fletcher speaking for.

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## **5. Asheldham Quarry, Southminster**

The Committee considered report DR/24/14 by the Director for Operations, Environment and Economy.

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

The committee was reminded that permission had originally been granted in 1980, and then again in 2000, but that the quarry had been mothballed at some point after that, and some 16 hectares of permitted area remained to be worked.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need
- Policy considerations
- Landscape and visual impact
- Ecological impact
- Amenity impact
- Environmental impact
- Traffic and highways
- Impact on the historic environment.

In accordance with the protocol on public speaking the Committee was addressed by David Fletcher, representing the applicant. Mr Fletcher said:

- The application seeks an extension of time, but no extension of the area
- Full extraction of the mineral from the quarry is strongly supported by the National Planning Policy Framework and local plan policies
- The permitted restoration scheme cannot be implemented in its present form without importing material to the site, but there will be no increase in vehicular movements
- The scheme has been prepared in detailed consultation with ECC ecologist and RSPB and ECC planners and will bring significant ecological benefits
- Applicants committed to entering into Section 106 agreement to secure management of scheme for 25 years after workings cease
- The quarry is important to the local economy. Over 100 people have signed a petition in its favour.

In response to questions raised by Members, it was noted:



- The application area is identical to the existing footprint
- Control of vehicles will be through the relevant condition. There will be some flexibility as to the size of these. A condition to require the weighing of vehicles both in and out is also being proposed
- Measurements of material have been shown in cubic metres, as opposed to tonnages, as these were the figures used in the submission. Control comes through the ultimate restoration contours.
- The existing deposit is part of the landbank already.
- The nature of the financial bond has yet to be decided. It may be in the form of a lump sum or as a pence per tonne levy. In any case, it represents a form of additional leverage to ensure restoration of a previously mothballed site.

The resolution was proposed and seconded, and, following a vote of nine in favour and none against, it was

### **Resolved**

That planning permission be granted subject to:

The completion, within 6 months, of a legal agreement covering the following matters:

- The setting up and holding of a Liaison Group meeting twice annually, subject to the agreement of the Parish Council;
- A Biodiversity Management Plan covering a period of 25 years;
- A lorry routing plan as per the existing Section 52 Agreement;
- The provision of a financial guarantee for restoration of the site;
- Formal provision of permissive rights of way;

and conditions covering the following matters:-

1. COM1 – Commencement within 5 years.
2. COM2 – Commencement (waste specific).
3. COM3 – Compliance with submitted details.
4. CESS5 – Cessation of mineral/landfill development by 31 December 2029.
5. CESS6 – Early restoration in event of suspension of operations.
6. HOUR1 – Hours of working including vehicles above 3.5t gvw entering or exiting the site 7am-6pm Monday to Friday, 7am-12:30pm Saturdays and at no other times or on Sundays or Bank or Public Holidays.
7. PROD2 – records of output.
8. PROD3 – Vehicle records of output (minerals)
9. PROD4 - Monitoring waste data.
10. HIGH2 – Vehicular access.
11. HIGH3 – Surfacing/maintenance of access road.
12. HIGH4 – Prevention of mud and debris on highway (wheel cleaning facility).
13. HIGH5 – Vehicle movement limits restricted to 48 in and 48 out.
14. HIGH6 – Lorry sheeting.
15. NSE1 – Noise limits.

16. Acoustic barrier calculations submitted to ensure bunds provide at least 10dBA noise reduction.
17. NSE2 – Temporary operations – Prior notification and - During bund construction and removal and other temporary noisy operations the equivalent continuous noise level due to operation of the quarry shall not exceed 70 dB  $L_{Aeq,T}$  at any noise sensitive receptor for periods up to 8 weeks in a year.
18. NSE3 – Monitoring noise levels. Quarterly noise monitoring for the first two years, and six monthly thereafter provided there has been compliance with the noise limits.
19. NSE5 – White noise alarms.
20. NSE6 – Silencing of plant and machinery.
21. Submission of a Noise Management Scheme prior to commencement.
22. LGHT1 – Fixed lighting restriction.
23. DUST1 – Dust suppression scheme. Dust Management Plan including measures in the application and a seed mix for soil bunds.
24. DUST3 – Spraying of haul road.
25. No waste within root protection areas of retained trees.
26. Within 3 months of the date of decision, details of processing plant, workshop, concrete roadway, weighbridge and office/messroom to be submitted.
27. MIN1 - No importation of mineral.
28. GPDO2 – Removal of PD rights
29. LAND1 – Landscape Scheme
30. LAND2 – Replacement Landscaping
31. Phased restoration.
32. ARC1 – Advanced Archaeological Investigation.
33. Bespoke archaeological condition.
34. Bespoke archaeological condition.
35. MIN7 - Extraction depth limit.
36. LS2 - Soil movement scheme.
37. LS3 – Machine movement scheme.
38. LS4 – Stripping of top and subsoil.
39. LS5 – Maintenance of bunds.
40. LS6 – Retention of soils.
41. LS8 – Soil handled in a dry and friable condition.
42. LS9 - Soil stripping depths and replacement.
43. LS10 - Notification of commencement of soil stripping.
44. LS14 – Final soil coverage.
45. POLL4 – Fuel/Chemical storage.
46. POLL3 – Trade effluent and sewage disposal.
47. Water Management Scheme prior to commencement.
48. WAST1 – waste type restriction.
49. Compliance with submitted ecological surveys.
50. RES4 – Final landform.
51. AFT1 – Aftercare scheme to be approved.
52. AFT2 – Drainage of restored land.

## 6. Slough Lane Gas Flare, Ardleigh

The Committee considered report DR/25/14 by the Director of Operations: Environment and Economy.

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

The Committee was advised that proposal would be located within Martell's Quarry, where minerals are no longer extracted, but some infilling remains to be completed.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need and principle of development
- Impact on amenity

In response to questions raised by Members, it was noted:

- Full statutory consultation was undertaken, which included Direct Neighbour Notification (DNN) letters being sent out to all properties within 250m of the application site. The DNN resulted in the nearest residential property being notified directly. Other properties which fell outside of the DNN boundary were not notified directly, which is in accordance with the County Councils adopted Statement of Community Involvement
- The acoustic fencing would be of a natural finish (e.g. timber coloured)
- The County's landscape officer raised no objection to the proposal and it is considered that the visual impact of the flare stack would be mitigated by a condition requiring additional planting details to be submitted which would include additional planting of trees should planning permission be granted.

The resolution was proposed and seconded, and, following a unanimous vote in favour, it was

### **Resolved:**

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

1. COM1 – Commencement
2. COM3 – Compliance with Submitted Details
3. Bespoke – Updating of submitted Noise Assessment
4. NSE1 – Noise limits
5. NSE3 – Monitoring Noise Levels
6. LAND1 – Landscape Scheme

## **Enforcement Updates**

**7. A120/B1256 intersection, Braintree**

The Committee considered report DR/26/14 by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

**8. Land at Michelins Farm, Rayleigh**

The Committee considered report DR/27/14 by the Head of Planning, Environment and Economic Growth.

The Committee was reminded that, at its April meeting, it had resolved not to take any further action in respect of the breach of the enforcement notice issued in June 2011. It was also advised that, following a joint prosecution by the Environment Agency and Rochford district Council, the landowner had been convicted and sentenced to six months imprisonment.

The Committee noted that the proposal relates to continuing this approach, and liaising with the Environment Agency and Rochford District Council.

The resolution was moved, seconded and unanimously agreed and it was:

**Resolved:**

That no further action is taken by the County Council as Waste Planning Authority in respect of the breach of the enforcement notice issued in June 2011 and that the position is reviewed after January 2015.

**9. Outstanding Cases**

The Committee considered report DR/28/14, updating members of enforcement matters for the period 1 April to 30 June 2014.

In response to questions raised by Members, it was noted:

- Batemans Farm, Great Leighs – permission would be required for this silo
- Batemans Farm, Great Leighs – discussions are being held about the ongoing impact of development on the highways
- The Cock Inn, Boreham – officers have delegated authority to deal with this, if necessary

The Committee **NOTED** the report.

**Village Greens**

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Councillor Guglielmi left the meeting at this point

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**10. Mistley Quay, Mistley**

The Committee considered report DR/29/14 by the Director for Essex Legal Services to consider an application made by Mr I J Tucker to register land described as "Mistley Quay", Mistley pursuant to Section 15(3) of the Commons Act 2006 ("the 2006 Act").

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

The Committee noted:

- The application had been a very complex one, involving much dispute over use and three objectors
- There were several amendments submitted to the area applied for
- The fence erected at the waterfront would constitute an obstruction on the village green
- The Local Member had been happy with the report and had made no further comment.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application in its amended reduced form was moved and seconded, and, following a unanimous vote in favour, it was

**Resolved:**

That, in accordance with the recommendations made by the inspector based on the evidence examined at the public inquiry and in exchanges since:

1. The locality of the civil parish of Mistley is accepted as the locality for the application;
2. The inspector's analysis of the evidence in support of the application is accepted and his recommendation that the application made by Ian Tucker dated 18<sup>th</sup> August 2010 is accepted so far as the land identified as 'remaining application site' on the map at Appendix 2 to the committee report, and
3. In relation to the remainder the application is rejected for the reasons set out in the inspector's report and in summary in the report.

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Councillor Guglielmi rejoined the meeting at this point

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**11. Horseman's Green, Witham**

The Committee considered report DR/30/14 by the Director for Essex Legal Services to consider an application made by Mrs Janet Shepherd under Section 15(2) of the Commons Act 2006 ("the 2006 Act") to register land at Horsemans

Green as a Town or Village Green.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to reject the application was moved and seconded and, following a vote of seven in favour and three against, it was

**Resolved:**

That the application is rejected on the basis that the use demonstrated has taken place 'by right' and village green rights have not arisen.

**12. Statistics**

The Committee considered report DR/31/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report

**13. Date and time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 22 August 2014 at 10.30am in Committee Room 2.

There being no further business the meeting closed at 11.54 am.

Chairman

**DR/32/14**

Committee DEVELOPMENT & REGULATION

Date 22 August 2014

## **MINERALS AND WASTE DEVELOPMENT**

Proposal: **Outline planning application with some matters reserved for a materials recovery facility seeking to import; sort and separate; and export domestic, commercial/industrial, construction, inert, food and green waste**

Location: **Land to the east of Brickfields Way, Rochford, Essex, SS4 1NB**

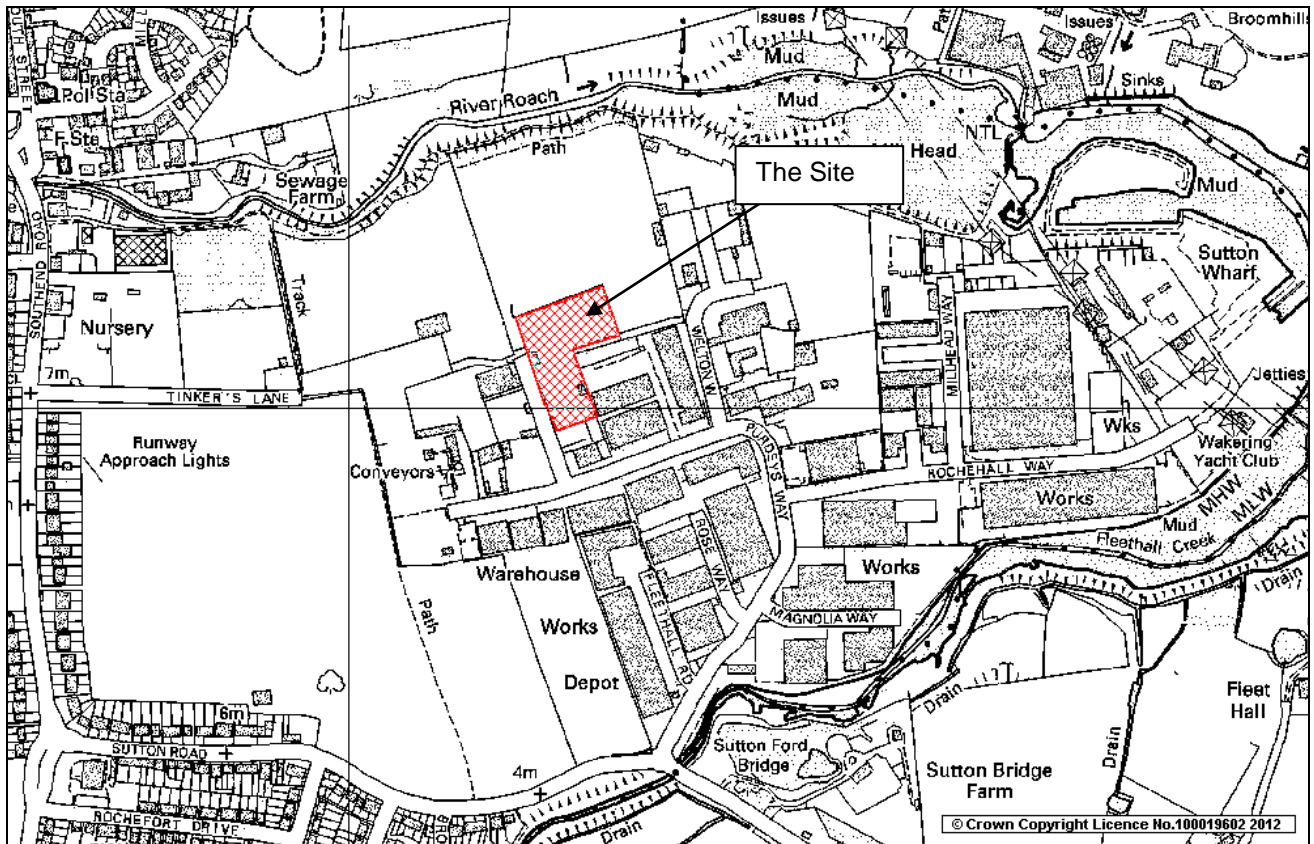
Reference: **ESS/22/14/ROC**

Applicant: **James Waste Management Ltd**

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 03330 136816

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



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## **1. SITE & BACKGROUND**

Purdeys Industrial Estate, to which this site is situated, is located to the south of Rochford (approximately 1km south-east of Rochford Rail Station) and to the north of Southend (approximately 3.5km north of Southend Victoria Rail Station). Accessed from Sutton Road, the Estate is made up of a number of cul-de-sac roads off the primary road (Purdeys Way) through the Estate – Brickfields Way being one of the aforementioned. Sutton Road to which Purdeys Way is accessed is in-part a residential lined street. Sutton Road nevertheless provides direct access to the A1159 (in an eastward direction from the Estate) and connects with Southend Road (in a westward direction) which in turn provides access to the A1159 and A127.

The Estate is designated within the Rochford District Council Local Development Framework Allocations Plan (2014) as employment land and is described within the Rochford District Council Local Development Framework Core Strategy (2011) as a fit-for-purpose industrial estate which is in a good condition. The Estate is characterised by a number of warehouse style buildings in industrial and commercial uses.

The site, to which this application relates, sits within the north-western part of the Estate and covers approximately 0.75ha of land. Accessed on the east side of Brickfields Way, as existing the site is in use as a vehicle scrapyards and metals recovery facility. With regard to this use, the most recent planning permission issued for the site was in 2004 when planning permission was granted by Essex County Council (application ref: ESS/29/04/ROC) for the construction of a building to enable installation and use of a depollution unit for motor vehicles.

In terms of the locality the site is bordered to the north, south and east by similar uses (vehicle scrapyards and metal recovery sites). To the west, on the other side of Brickfields Way, is a waste transfer station which for reference is also operated by the applicant. This material recovery facility was originally granted consent in 1995 (planning permission reference: ESS/28/95/ROC). However, in 2004 permission was granted for a hall/building to cover the site and the operations (planning permission reference: ESS/49/03/ROC). The nearest residential properties to the site are approximately 450m (as the crow flies) to the west, along Sutton Road and Southend Road.

The site itself is not a statutory sensitive area, as defined in paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However the site is located approximately 850m west of the estuary between the River Roach and Crouch which is designated as a RAMSAR, SSSI, SAC and SPA (Crouch & Roach Estuaries (Mid-Essex Coast Phase 3), Crouch & Roach Estuaries SSSI and Essex Estuaries).

## **2. PROPOSAL**

As alluded to previously, the applicant currently owns and operates an existing waste transfer station on Brickfields Way, opposite to the proposed site. Planning permission is now sought for an additional waste facility, to involve the following



activities:

- Importation of inert and non-hazardous waste streams including domestic, commercial/industrial, construction, food and green waste;
- Initial sorting and separating of co-mingled wastes into individual recyclable waste streams; and
- Exportation of separated recyclable waste streams.

The new proposed facility and operation, it is suggested, would complement those already permitted and undertaken in the applicant's existing waste transfer facility and allow for increased capacity to manage larger volumes and contracts. It has been detailed that waste would principally be sourced from kerbside collections either directly or indirectly from one of the five waste transfer stations currently being constructed by Essex County Council (as the Waste Disposal Authority) as part of the Joint Municipal Waste Management Strategy (2008). Waste would nevertheless also be sourced from private contracts and companies within the waste industry.

The application seeks the installation of a modular steel-framed building, which it is proposed would cover the majority of the site and incorporate all activities associated with the use. As this application seeks only outline planning permission, further discussion in respect of this can be found in the appraisal section of this report, specific details on the building design, siting and internal layout have not been provided (these are suggested, by the applicant, as reserved matters).

Extract from drawing titled 'Location Plan', drawing no. 1393/2758 (Revision V1), dated 14 April 14



The facility is proposed to operate 24 hours a day, seven days a week with the ability to process up to a maximum of 250,000 tonnes of waste per annum.

### 3. POLICY CONSIDERATIONS

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP); Rochford District Council Local Development Framework Core Strategy 2011 (RCS); Rochford District Council Local Development Framework Allocations Plan 2014 (RAP); Rochford District Council Local Development Framework Development Management 2013 (RDM); and Rochford District Replacement Local Plan 2006 (RLP) provide the development framework for this application. The following policies are of relevance to this application:

<u>Policy</u>	<u>WLP</u>	<u>RCS</u>	<u>RAP</u>	<u>RDM</u>	<u>RLP</u>
Sustainable Development, National	W3A				
Waste Hierarchy & Proximity					
Principle					
Need for Waste Development	W3C				
Water Pollution	W4B				
Highways	W4C				
Integrated Waste Management	W6A				
Inert Waste Recycling Facilities	W7D				
Materials Recovery Facilities	W7E				
Proposed Sites	W8A				
Alternative Sites	W8B				
Planning Conditions and Obligations	W10A				

Material Considerations: Policy Compliance and Effects of the Development	W10E		
Hours of Operation	W10F		
Airport and Aerodrome Safeguarding Areas	W10H		
Design	CP1		
Protection and Enhancement of Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites	ENV1		
Contaminated Land	ENV11		
Highways	T1		
Parking Standards	T8		
Employment Growth	ED1		
Existing Employment Land	ED3		
Existing Employment Land around Rochford		EEL1	
Design of New Developments			DM1
Light Pollution			DM5
Trees and Woodlands			DM25
Other Important Landscape Features			DM26
Species and Habitat Protection			DM27
Air Quality			DM29
Parking Standards			DM30
Traffic Management			DM31
Employment Land			DM32
Moving towards sustainable development			CS1
Protecting and enhancing the built and natural environment			CS2
Making the best use of available land			EB2
Landscaping			EB6
Light Pollution			PN7

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the

development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

In respect of the above, paragraph 215 of the Framework, which is applicable to the WLP, RCS and RLP, states that due weight should be given to relevant policies in existing plans 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). Consideration of this, and subsequent conformity reviews/assessments which have been undertaken by both Essex County Council and Rochford District Council in context of the WLP and RCS, will therefore be made throughout the appraisal section of this report.

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Rochford District Council acknowledges that the Council's planning policies are currently in a transition period. The Local Development Framework (LDF), which the RCS, RAP and RDM are part of, is still in the process of being completed and until this is fully adopted it is accepted that some of the policies of the RLP may still be relevant to applications.

The main document forming part of the LDF is the RCS and this has already superseded a number of the policies in the RLP. In addition to this the RAP, which was adopted on 25 February 2014, now supersedes the Proposals Map of the RLP. A legal challenge has however been lodged in respect of the adoption of the RAP and therefore due regard still needs to be given to the Proposals Map of the RLP when determining applications. For the sake of clarity, the designation of Purdeys Industrial Estate and the land to which this application relates is however the same within the RLP and RAP.

The RDM was submitted to the Secretary of State for examination in December 2013 and a hearing was held on 26 March 2014. The Inspector, appointed to conduct the examination, has since (April 2014) issued interim views on the soundness of the Plan and in consideration of this Rochford District Council has proposed a number of modifications to Plan. These modifications are currently on public consultation and therefore it is considered such policies (the policies to which amendments are proposed) can only be given limited weight in the

determination of applications, as there are outstanding objections. In respect of this and the list of relevant policies to this application, only policy DM5 – Light Pollution is affected.

The Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) has yet to reach 'submission stage' and as such, in view of the above, is considered too early in its development to hold any significant weight in decision making. With regard to waste policy and guidance, the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England (NWMP). The Waste Management Plan for England was adopted in December 2013 and sets out where we are now in terms of the waste we generate in England and how we manage those materials. It sets out where we are and the policies we currently have in place to help move us toward this vision (prevent and manage waste to support the growth of our economy and to continue to protect our environment). An update to the national waste planning policy: Planning for sustainable waste management has been published for consultation by the Department for Environment Food & Rural Affairs and the Department for Communities and Local Government, in support of the aspirations of the NWMP, however this has yet to be adopted. Until formal adoption Waste Planning Policy Statement (PPS 10) remains the most up-to-date adopted source of Government guidance for determining waste applications.

#### **4. CONSULTATIONS**

ROCHFORD DISTRICT COUNCIL – Object to the proposal give the proposed intention to operate 24 hours a day. The use would involve heavy vehicle movements to and from the site which if permitted to take place at night and in the early hours could give rise to a degree of noise and disturbance to local residents.

If the operation were not to be 24 hours or vehicle movements could be controlled by condition then the Council would not wish to raise an objection in principle and would be satisfied that the detail of the proposal be assessed against relevant planning policy and other material planning considerations. The Council would however ask that a proportionate financial contribution towards highway improvements, particularly to the roundabout junction to Purdeys Industrial Estate, be sought following consultation with the Highway Authority.

SOUTHEND-ON-SEA BOROUGH COUNCIL - Any comments received will be reported.

ENVIRONMENT AGENCY – No objection. The conclusions of the submitted Phase 1 Contaminated Land Assessment are agreed with in that an intrusive investigation (Phase II Contaminated Land Assessment) is required to further assess the any remediation work that may be required before implementation of any new development. Details with regard to the proposed drainage (surface and foul) will be appraised as part of the Environmental Permitting regime.

NATURAL ENGLAND – No objection. The application site is however located approximately 850m west of a European designated site (also commonly referred

to as Natura 2000 sites). This site, the Crouch and Roach Estuaries is designated as a SPA and RAMSAR, and also for reference is also notified at a national level as a SSSI.

Natural England nevertheless agree with the submitted Biodiversity Report and accept that due to the self-contained nature of the proposals there will be no direct or indirect adverse effects on the designated site.

In considering the European site interest, Natural England advises that Essex County Council, as the competent authority under the provisions of Conservation of Habitats and Species Regulations 2010 (as amended), should have a regard for any potential impact that a plan or project may have. The consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) have been considered. That being said it is considered by Natural England that whilst the proposal is not necessary for the management of a European Site, the proposal is unlikely to have a significant effect on any European Site, and can therefore be screened out from any requirement for further assessment.

#### ECC Comment

The development, at the same time as screened for Environmental Impact Assessment, was screened for Habitat Regulations Assessment (date of assessment 28/04/2014). Please refer to statement at the end of this report.

HIGHWAY AUTHORITY – No objection subject to access and parking forming reserved matters and conditions being imposed in respect of maximum vehicle limits; preventing mud and debris of the highway; and the submission of a construction management plan.

With regard to the financial contribution, as suggested by Rochford District Council, it is not considered in view of the existing site use; the predicted total daily vehicle movements; and the typical routing/timing of these movements that such an obligation could be justified.

SOUTHEND AIRPORT – No objection subject to all domestic waste and green waste being processed and stored on-site covered, or within the confines of the building, and a condition requiring the submission bird management plan.

ESSEX FIRE & RESCUE SERVICE – Access for fire service purposes has been considered in accordance with the Essex Act 1987 – Section 13. Access for fire service purposes is considered satisfactory. More detailed observations on access and facilities for the fire service will be considered at Building Regulation consultation stage.

WASTE DISPOSAL AUTHORITY - The Joint Municipal Waste Management Strategy for Essex states an aspiration to achieve 60% recycling of household waste by 2020; this will be achieved through the separation of dry materials from the kerbside, separation and treatment of food (kitchen) waste generated by Essex households and composting of garden waste.

The Waste Disposal Authority works very closely with the Waste Collection Authorities (WCA) to manage the collection, sorting and treatment of these streams in a manner which reduces environmental impacts. Several of the waste collection authorities have had long-standing arrangements (either directly or through sub-contractors) with James Waste Management in Rochford for the bulking and onward transport of recyclables collected at the kerbside. Therefore the WDA is in support of this application as it would provide a transfer station which could be utilised for bulking household waste collected by WCAs in the south of Essex.

PLACE SERVICES (Urban Design & Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – The industrial estate has a loose knit character with buildings of different sizes generally set back from the road frontage. The proposed building would be large and bulky, and the existing hedge/trees along the road frontage, which would reduce the visual impact of the building, are proposed to be removed. Whilst in view of the character of the area and proposal no objection in principle is raised it is considered the applicant should re-consider removing all these trees or alternatively be required to provide replacement planting that better fits with the revised access arrangements. Conditions are suggested in respect of the external appearance (including proposed materials) of the building; the siting and layout of the building, access arrangements, car parking and loading/unloading areas for vehicles; and the requirement for a landscape scheme.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – The site has previously been used as a brick field. No recommendations are therefore made.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the development being carried out in strict accordance with the 'Recommendations' set out in the submitted Biodiversity Report.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the imposition of a condition requiring the submission of a tree protection scheme.

THE COUNCIL'S NOISE, LIGHTING AND AIR QUALITY CONSULTANT – The overriding consideration, having dealt with many such facilities is that fundamentally the site should be able to operate so as to not cause adverse impacts to nearby sensitive premises. However, at this time the information is not available to demonstrate or prove this. As this is an outline application it is accepted that such detailed information may not be available and therefore should the application be granted it is recommended that a condition be attached requiring an updated noise assessment to be undertaken to the satisfaction of the Waste Planning Authority.

In respect of lighting and air quality, the application does not provide any information on potential impacts. It is therefore considered that these should carry forward as reserved matters, as suggested by the applicant. With regard to this,

whilst it considered there is a risk of odour emanating from the facility many mitigation measures would be available and similarly whilst light pollution/spill is a possibility it is considered an appropriate scheme/mitigation plan could be dealt with/secured by condition or reserved matter.

STAMBRIDGE PARISH COUNCIL – Concerns about environmental impacts are raised in context of the proximity to new development.

LOCAL MEMBER – ROCHFORD – Rochford North – Any comments received will be reported.

LOCAL MEMBER – ROCHFORD – Rochford South – Any comments received will be reported.

## 5. REPRESENTATIONS

76 addresses were directly notified of the application. The application was also advertised in the local press and on site. 4 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Concerns are raised about the impact this development could have on air quality and the potential for offensive air pollution.	See appraisal.
There is a food establishment not far from the site and it is not very hygienic to have bad quality air in the surrounding air.	See appraisal.
Sites for waste should not be allowed near to residential areas.	See appraisal.
Concern is raised about potential generation of dust and dust nuisance.	See appraisal.
The likely noise level from the facility is a concern.	See appraisal.
The local infrastructure is insufficient to support this facility.	See appraisal.
Clarification is requested on the actual processes that would be undertaken within the facility.	See appraisal.
There is a facility similar in nature to this nearby and this causes offensive	See appraisal.



odours, from the handling of waste, and seagulls to congregate/flock around the site – which can't be ideal for Southend Airport. What is to stop this site causing the same problems?

This is not a suitable location for a waste management facility. Such facilities should be located and operated in purpose built buildings with proper air management systems.

See appraisal.

The strategy for handling waste in Essex is wrong and the current strategy is not the right answer. We need a purpose built facility that sorts and then burns/gasifies the naturally unwanted material and in turn generates power and electricity.

See appraisal.

No objection is raised in principle to the application however it is considered that the potential for dust and odour impact needs to be fully assessed and mitigated, as appropriate.

See appraisal.

It needs to be ensured that there is sufficient parking on site and space for HGVs to manoeuvre within the site. Applications in this locality, similar in nature, have in the past been required to make a financial contribution to improvement works to the junction to Purdeys Industrial Estate yet no improvements have ever been implemented by the Highway Authority. Such works should be secured before further HGV movements are permitted.

See appraisal.

## **6. APPRAISAL**

Firstly it is considered important to confirm that this is an application for outline planning permission with some matters reserved. The Planning Practice Guidance details that an application for outline planning permission allows for a decision on the general principles of how a site can be developed to be made. Outline planning permission is normally granted subject to conditions requiring the subsequent approval of one or more reserved matters.

Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application.

These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

- Access – the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positions and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspect of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and the provision of other amenity features.
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

In context of the above, it is considered the main issues for consideration are:

A – Need & Justification

B – Site Suitability

C – Potential Impacts and Reserved Matters

## A NEED & JUSTIFICATION

The collection of household waste is managed by the 12 District, Borough and City Councils in Essex and the unitary of authority of Southend-on-Sea Borough Council. Essex County Council is however responsible for the disposal of household waste and indirectly operates a number of recycling centres across the County. Under the Waste and Emissions Trading Act 2003, Councils who are responsible for the disposal and collection of waste have a duty to develop a strategy which outlines how they will manage municipal waste. The aim of any strategy produced is to change the way in which waste is managed, minimising the amount of waste sent to landfill and encouraging waste prevention and greater levels of recycling and composting.

Around half of all household waste is currently sent to landfill. This, apart from being environmentally unfriendly, is an expensive (monetary) means of waste disposal. Landfilling is not sustainable and as such the Joint Municipal Waste Management Strategy (JMWMS), produced by the Essex Waste Partnership (ECC; the 12 District, City and Borough Councils in Essex; and Southend-on-Sea Borough Council), sets key objectives and future targets for the management of household waste and the other waste streams that are collected for treatment and disposal. The headline figure within the JMWMS is the ambition to recycle or compost 60% of the municipal waste collected.

This facility has not been put forward by Essex County Council (as the Waste Disposal Authority) or the Essex Waste Partnership. However, it is noted that the applicant has suggested that the majority of waste proposed to feed the facility would be sourced from kerbside collection services. With regard to this, the JMWMS states that five waste transfer stations, operated by or on behalf of the Waste Disposal Authority (WDA), are required to support a new delivery of waste management to achieve this figure. These five transfer stations required (proposed in Harlow, Great Dunmow, Chelmsford, Braintree and Ardleigh) have now all been granted planning permission by the Waste Planning Authority and once operational will accept/handle all waste collected from kerbside collections in Essex. On site waste would be bulked and temporarily stored before being loaded on to larger vehicles and taken away for further treatment. The residual (non-recyclable) black bag waste from this process will be taken to the mechanical biological treatment plant in Courtauld Road, Basildon (currently under construction) with the recyclable material being transported to other facilities around the County for onward use and/or processing. This application and the facility proposed potentially could, without prejudice, operate as a secondary transfer facility serving Essex and this is acknowledged by the WDA in their consultation response.

In respect of the above, WLP policy W6A details that the Waste Planning Authority (WPA) will seek to work with the WDAs/Waste Collection Authorities (WCA) to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle waste arisings in an environmentally acceptable manner in accordance with the policies in this plan (the WLP). Planning Policy Statement 10 (Planning for Sustainable Waste Management) (PPS 10) details that waste planning authorities should not nevertheless require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.

WLP policy W3A identifies the need for proposals to have regard to the following principles:

- consistency with the goals and principles of sustainable development;
- whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;
- whether the proposal would conflict with other options further up the waste hierarchy;
- conformity with the proximity principle.

PPS 10, replicating much of the above, encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate.

This facility would be designed to separate co-mingled recyclable waste in to individual waste streams. This is noted as a key stage in the waste management chain in diverting as much waste from landfill as possible and maximising the amount and quality of recyclable product to the market. Material recovery facilities

(MRF) can handle a range of waste types from a variety of sources including municipal solid waste, commercial and industrial, construction, demolition and excavation as well as green waste. As stated earlier, the applicant as existing operates a waste transfer facility from Purdeys Industrial Estate and the company already have a number of contracts with local authorities to manage the collection of certain waste streams. In this regard it has been suggested that the applicant's existing waste management activities present a very successful business. That being said continued demand offers the opportunity to further expand their range of services. Irrespective of the opportunities expansion offers the company/applicant, it has been suggested from an economic perspective the expansion would generate local employment and further support the viability of Purdeys Industrial Estate as a thriving employment area and from an environmental specific support the aspirations and targets within the JMWMS.

The Essex County Council and Southend-on-Sea Borough Council Waste Capacity Gap Report (2013 Update)<sup>1</sup> suggests that there remains a need to develop further non-hazardous waste treatment capacity in the area. Whilst if all three strategic facilities (Courtauld Road, Rivenhall and Stanway) are delivered it is considered there would be sufficient capacity to treat the forecast non-hazardous waste arisings, it is noted that these have yet to be commissioned. Further treatment facilities for organic and inert waste are also likely to be required through the plan period to handle specific waste arisings from these streams.

In context of the above and that this is in essence an application seeking the creation of an additional facility facilitating 'better' waste management and recycling it is considered that, in principle, compliance with WLP policies W3A, W3C and W6A and PPS 10 can be demonstrated. That being said, whilst principally there is policy support for such facilities it is necessary to consider whether this represents an appropriate location for such a development.

## **B SITE SUITABILITY**

PPS 10 states that planning applications for sites that have not been identified, or are not located in an area, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with: i) the policies in the PPS, including the criteria set out in paragraph 21; and ii) the waste planning authority's core strategy. Paragraph 21 of PPS 10, for reference, states in deciding which sites and areas to identify for waste management, waste planning authorities should: i) assess their suitability for development against each of the following criteria: the extent to which they support the policies in PPS 10; the physical and environmental constraints on the development, including existing and proposed neighbouring uses; the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential; the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising

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<sup>1</sup> As the Waste Capacity Gap, as an evidence base to the emerging Waste Local Plan, has yet to be tested it is considered, at the current time, only limited weight can be given to the conclusions within this.

from resource recovery, seeking when practical and beneficial to use modes other than road transport; and ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.

WLP policy W7E details that to facilitate the efficient collection and recovery of materials from the waste stream, in accordance with WLP policy W3A, the Waste Planning Authority will seek to work with the WDAs and WCAs to facilitate the provision of:

- Development associated with the source separation of wastes;
- MRFs;
- Waste recycling centres;
- Civic amenity sites;
- Bulking-up facilities and waste transfer stations.

Proposals for such development will be supported at the following locations:

- The waste management locations identified in Schedule 1 (subject to policy W8A);
- Other locations (subject to policies W8B and W8C);
- In association with other waste management development; and
- Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).

Replicating many of the locations to which MRFs would be supported, WLP policy W7D details that proposals for inert waste recycling facilities will be supported at the following locations:

- The waste management locations identified in Schedule 1 (subject to policy W8A);
- Industrial locations as defined in policy W8B;
- In association with other waste management development; and
- Current mineral working and landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted);
- Demolition and construction sites where the spoil is to be used in the project itself.

WLP policy W8A states waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:

- There is a need for the facility to manage waste arising in Essex and Southend;
- The proposal represents the best practical environmental option for the particular waste stream, having regard to any alternative options further up the waste hierarchy;
- The development complies with other relevant policies of this plan, including the policy/ies in chapter 7 for the type(s) of facility proposed;
- Adequate road access is provided in accordance with policy W4C. Access

- by rail or water will be supported if practical;
- Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and
- Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported where this is shown to provide benefits in the management of waste which would not otherwise be obtained.

WLP policy W8B goes on detailing that waste management facilities will be permitted at locations other than those identified in Schedule 1, provided all of the other criteria of policy W8A are complied with, as relevant, and the location is an:

- Existing general industrial area;
- Area allocated for general industrial use in an adopted plan; or
- Employment area (existing or allocation) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land, where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area.

As previously detailed, the site to which this application relates is located within a designated employment area. RCS policy ED1 states that the Council (Rochford District Council) will encourage development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity. RDM policy DM32 goes on detailing that new and existing employment land should have a predominance of B1 (Business) and/or B2 (General Industrial) employment uses. Alternative uses will be considered having regard to: i) the number of jobs likely to be provided; ii) the viability of retaining B1 and B2 uses; iii) the compatibility with existing uses; iv) the impact on the vitality and vibrancy of the District's town centres; v) the proportion of alternative uses present; and vi) wider sustainability issues (such as available transport methods). Development in designated employment areas should be of a high quality, safe and inclusive design and any associated infrastructure should be appropriately phased. Potential noise and light pollution generated by proposed use should be adequately mitigated against.

Expanding on this RCS policy ED3 details that existing employment sites which are used and are sustainable will be protected from uses that would undermine their role as employment generators. Specifically in relation to Purdeys Industrial Estate, policy EEL1 of the RAP states that employment land established around Rochford will be protected from alternative uses.

The supporting text to WLP policy W7E states that MRFs, by virtue of their design and function, are industrial nature. They range in size from small scale facilities sorting a limited scope of materials, to purpose built facilities handling in excess of 100,000 tonnes of waste per annum and sorting in excess of 30 different types of materials. MRFs will require a building of sufficient size to accommodate a large tipping hall for the deposit and loading of materials. Accommodation will also be required for a range of equipment to wash, sort, grade, crush and bale materials as well as storage facilities for recovered materials, skips and vehicles.

This is not a Schedule 1 site within the WLP however the applicant has suggested that given the existence of the applicant's existing facility within Purdeys Industrial Estate and the synergies which would be realised between the two facilities that the Schedule 1 sites, irrespective of availability, are less suitable in this instance. No policy objection has been raised to the siting of this facility on Purdeys Industrial Estate by Rochford District Council, although concerns have been raised about the proposed hours of operation. In view of this and the policy steer of WLP policy W8B it is considered that this is an appropriate location in land-use terms for such a facility.

The site as existing is in a sui-generis waste related use and in view of its historical use (brickfield and landfill site) considered to represent an area of degraded and contaminated land. RCS policy ENV11 suggests that the presence of contaminated land on site should not, in itself, be seen as a reason to resist its development. Indeed this can be shown by way of the fact that the site has since the landfilling of the site ceased being brought into an active use. The Council (Rochford District Council) will however, in respect of RCS policy ENV11, require applicants who wish to develop suspected contaminated land to undertake a thorough investigation of the site and determine any risks.

A Phase 1 Contaminated Land Assessment has been submitted in support of the application. This confirms that the site previously formed part of a landfill site for both municipal and inert wastes. Pathways for contaminants to mobilise from the site were identified in the form of primary contact or vapour inhalation by site users from potential contaminates; and the potential mobilisation of leachable contaminates via made ground and/or surface water run-off to groundwaters. Further investigative work, in the form of a Phase 2 Contaminated Assessment is recommended to ensure no undue contamination remains on the site and in terms of moving forward it is suggested that the proposed development be completely hard surfaced and incorporate a sealed drainage system. RLP policy EB2 seeks to make best use of available land and in the re-development of this site it is considered an existing environmental problem or concern could be rectified. With the imposition of a condition requiring the undertaking of a Phase 2 Contamination Assessment, including any remedial work required, and then the installation of a new hard-surface across the whole site it is considered that the best use of the land (for employment purposes) could be realised.

From a purely land use perspective it is considered that this does represent a suitable/sustainable location for a waste related use. As a designated employment area, relatively isolated from residential properties, it is considered in context of the justification put forward for siting the facility here and the proposed waste types to be handled that the proposal complies with WLP policies W7D, W7E, W8A and W8B; RCS policies ENV11, ED1 and ED3; RAP policy EEL1; RDM policy DM32; and RLP policy EB2. It is however noted that this is purely from a land use, land use designation perspective. The above takes no account as to the impacts of siting a facility in this location and/or the impacts in view of the existing uses within Purdeys Industrial Estate. Such issues are discussed in the next section of this report.

## **C POTENTIAL IMPACTS AND RESERVED MATTERS**

WLP policy W10E details that waste management development will be permitted where satisfactory provision is made in respect of the following criteria: the effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants; the effect of the development on the landscape and the countryside, particularly in areas of outstanding natural beauty, the community forest and areas with special landscape designations; the impact of road traffic generated by the development on the highway network; the availability of different transport modes; the loss of land of agricultural grades 1, 2 or 3A; the effect of the development on historic and archaeological sites; the availability of adequate water supplies and the effect of the development on lands drainage; the effect of the development on nature conservation particularly on or near SSSI or land of other ecological or wildlife designations; and the metropolitan green belt.

Given the age of the WLP and that detailed at paragraph 215 of the Framework, it is considered important to give weight to that detailed at Annex E of PPS 10. Annex E provides a list of locational criteria and potential impacts which can result from waste management facilities. This suggested list of criterion, includes many of the considerations detailed in WLP policy W10E, however for the purposes of completeness the list includes the: protection of water resources; land instability; visual intrusion; nature conservation; historic environment and built heritage; traffic and access; air emissions, including dust; odours; vermin and birds; noise and vibration; litter; and potential land use conflict.

Seeking to appraise each of these, as appropriate, it is initially considered necessary to reflect on the operations actually proposed on site. In this regard it has been suggested that waste would be delivered to the site from various waste transfer stations within Essex; supplemented by waste sourced from the applicant's existing skip hire business. Waste materials would be delivered to the site and stockpiled in a reception hall. At this stage any large problematic items would be removed manually. The remaining waste material would then be loaded into a hopper system which would feed into a shredder. On exiting the shredder, material would drop onto a conveyor where it would be sorted by size and weight utilising various picking equipment. Waste material at this stage would also pass under a magnet to remove any metals with such material being taken out of the process and stockpiled. Once the waste has been separated out into different streams, the final stage of the sorting process involves a human picking line and visual inspection of the materials. The different stockpiles of sorted materials would then be bulked and made available to external contractors and distributors as recovered materials for reuse/recycling.

#### Protection of water resources

As stated with regard to contamination, it is considered in context of the previous site use and that as existing the site is not capped (hard-surfaced) that potential exists for groundwater infiltration. In this regard WLP policy W4B details that waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwater or of impediment to groundwater flow. The Environment Agency has raised no objection to the



proposal. With regard to land contamination and water resources the site is considered to be of low environmental sensitivity and not within a Source Protection Zone. It is however agreed (by the Agency) that an intrusive Phase 2 Contamination Assessment is required before any further development takes place on the site to ensure any existing impacts are nullified and resolved.

The Agency notes that the applicant indicates that the drainage (surface and foul) proposed would be a sealed system discharging to the mains. This it has been suggested by the Agency would be assessed as part of the Permitting regime. In consideration of this and paragraph 122 of the Framework (in that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes) it is considered from a land use perspective, as a site in Flood Zone 1 with a sealed drainage system it is highly unlikely adverse impacts to water resources would result. It is therefore considered the proposal complies with WLP policy W4B. A condition seeking to ensure that a Phase 2 Contamination Assessment is undertaken is nevertheless considered appropriate as a pre-commencement restriction on any future use permitted on this site.

#### Visual Intrusion

The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56 of the Framework). Planning policies and decisions should however not attempt to impose architectural styles or tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

RCS policy CP1 states that the Council (Rochford District Council) will promote good, high quality design that has regard to local flavour. Expanding on this RDM policy DM1 details that the design of new development should reflect the character of the locality to ensure a positive contribution to the surrounding natural and built environment and residential amenity. The design and layout of proposals should take into account (only those relevant to the application have been detailed): accessibility; boundary treatment and landscaping; retention of trees and other important landscape features; car parking; impact on the natural environment; visual amenity; relationship to existing and nearby buildings and uses; and scale and form.

RDM policies DM25 and DM26 and RLP policy EB6 furthermore, inter-alia, seek to ensure that landscaping proposals form an integral part of any proposal. Such (landscaping) schemes or proposals should seek to protect existing landscape features, introduce additional landscaping measures to improve existing features, and offset any landscape features required to be removed with appropriate mitigation to reduce the impact of the development on established sites and their settings.

Appearance, layout and scale have all been proposed as reserved matters to this

application. In respect of this it has however been detailed that the majority of the site would be covered by a steel framed modular building. This building it has been suggested, although proposed to be confirmed at reserved matters stage, would be oriented in an 'L' shape on site with an area of open hardstanding to the south. The building, as a guide, has been suggested at 15m in height, 90m in length along the northern boundary and 81m in length along the western boundary. The building is proposed of double gable roof design with concrete push walls to 3.2m and cladding above.

The design of a MRF is largely expected to be one of function rather than natural aesthetic quality. Purdeys Industrial Estate it is considered has developed over time to meet the demands of its occupiers. Characterised by a mix of brick built buildings and clad warehouses the area is synonymous with large vehicles supporting a range of industrial and haulage operators on-site. The design proposed, whilst not necessarily contributing positively to making Purdeys Industrial Estate a better place is considered stereotypical of the existing development in the locality.

The Council's urban design consultant has not raised an objection, in principle, to the development subject to conditions/reserved matters requiring details of the external appearance of the building; the siting and layout of the building, access arrangements, car parking and loading/unloading areas for vehicles; and proposed landscaping to be submitted and approved prior to any development occurring on site. Furthermore, in consideration of RDM policy DM25, the Council's arboricultural consultant has suggested that a condition be imposed requiring the submission of a tree protection plan seeking to identify all existing vegetation within the site and the protection measures proposed to ensure that during the course of construction all trees proposed to be retained are protected in accordance with British Standards.

It is not considered that the development, at the scale suggested, would likely give rise to significant visual intrusion. The development site is surrounded on all aspects by the Industrial Estate and views from nearby residential properties are therefore considered to be limited. With appearance, layout and scale all suggested as reserved matters and conditions imposed requiring the submission of a tree protection scheme and subsequent landscape scheme, or landscaping itself also forming a reserved matter, it is considered that the development would comply with RCS policy CP1; RDM policies DM1, DM25 and DM26; and RLP policy EB6.

### Nature Conservation

RDM policy DM27 states that planning permission will only be granted for development provided it would not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat and/or the priority species or its habitat. Elaborating on this RCS policy ENV1 details the Council

(Rochford District Council) will maintain, restore and enhance sites of international, national and local nature conservation importance. Whilst the application site is not in itself a designated site, the site is located 850m west of the estuary between the River Roach and Crouch which is designated as a RAMSAR, SSSI, SAC and SPA (Crouch & Roach Estuaries (Mid-Essex Coast Phase 3), Crouch & Roach Estuaries and Essex Estuaries).

A Biodiversity Report has been submitted in support of the application and the conclusions of this, supported by Natural England, are that the proposals would not directly or indirectly result in adverse effects on the aforementioned designation. In view of this, and the no objection comment received from the Council's ecological consultant, it is not considered the development or use would adversely impact on the nearby designation and therefore it is considered the proposal complies with RCS policy ENV1 and RDM policy DM27.

In respect of the above, to confirm, this application has been screened in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010 (as amended). The conclusion of this, further elaborated on at the end of this report, is that it is not considered that an Appropriate Assessment was/is required. The improvements this proposal would in-turn bring, in the remediation works to the existing on-site contamination and the provision of a new hard-surface across the site, are considered marked benefits in preventing future undue impact from the site any subsequent use.

#### Traffic and Access

WLP policy W4C details that access for waste management sites will normally be by a short length of existing road to the main highway network. RCS policy T1 goes on detailing the developments will be required to be located and designed in such a way as to reduce the use of the private car. However, the policy goes on detailing that some impact on the highway network is inevitable and the Council will therefore work with developers and the Highway Authority to ensure that appropriate improvements are carried out.

A Transport Assessment has been submitted in support of the application. The conclusions of this suggest that a review of the historical accident data in the area does not identify a specific pattern that suggests a particular highway safety issue. With regard to this it is considered that as a designated employment area it has previously been deemed that the area can support significant levels of traffic generation. That being said, as noted previously, it is considered the nature and uses of Purdeys Industrial Estate have developed over time.

In respect of this, it has been suggested that waste would be delivered to the facility in vehicles with a 20 tonne load capacity. The below table shows the suggested waste throughput (250,000 tonnes) crudely divided by 20 (the suggested vehicle type) to give a guide on the proposed level of vehicle movements that would be generated from the importation of waste per week and per day:

	Per week	Per day
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Vehicles (one-way)	240	34
Vehicles (two-way)	481	69

And the below table shows the proposed vehicle movements that would subsequently result from the collection of waste, which for reference, is proposed in 40 tonne load capacity vehicles:

	Per week	Per day
Vehicles (one-way)	120	17
Vehicles (two-way)	240	34

By adding the number of vehicle movement associated with the delivery and collection of material and the vehicle movements which it is suggested would be generated by employees (42 movements), it is predicted that the facility and use would result in a total of 145 vehicle movements per day. Of these movements it has been suggested that 75% would occur between 06:00-18:00 with only six occurring during peak network times (08:00-09:00 and 17:00-18:00). In context of the proposed 24 hour working, it has been predicted that between 18:00-06:00 26 two way movements would result from this use. These movements would be spread equally over the 12 hour period and as such would result in 2 vehicle movements per hour outside of generally expected working hours.

Rochford District Council in respect of the application has objected to the proposed 24 hour vehicle generation. Rochford District Council has also requested that appropriate consideration be given to the suitability of securing a financial contribution to fund improvement works to the roundabout access to the Estate in view of the vehicle movements that would result from the use. The Highway Authority has not raised an objection, in principle, to the proposal. This is however subject to access and layout forming reserved matters and conditions furthermore being imposed in respect of maximum vehicle limits; preventing mud and debris of the highway; and the submission of a construction management plan.

Whilst this is a designated employment area, in context of WLP policy W4C and RDM policy DM31, it is considered appropriate in the interest of local amenity and the projected vehicle movements associated to impose conditions seeking to ensure the number of vehicles associated with the use remains as predicted. As an employment area it is however considered that out of normal hour vehicle movements are likely from some of the existing businesses on the Estate. In view of this it is considered that imposing a condition which seeks to prevent deliveries and/or collections to the site would be difficult to monitor and enforce and in turn, more importantly, may fail to meet the six tests for conditions as prescribed within the Planning Practice Guide.

Such stipulation and/or control cannot prevent vehicles from using the public highway and therefore the imposition of any such condition could just result in vehicles waiting on the highway until 06:00am. In respect of this (the consultation response from the Rochford District Council), the applicant has nevertheless suggested that the 24 hour operation is largely proposed for on-site operations and while vehicle would access the site during this period it is envisaged that of the vehicle movements that would be generated only 25% would occur between

18:00-06:00.

Whilst the imposition of a restriction on working hours and/or vehicle movements, in accordance with WLP policy W10F, is not considered justifiable, it is considered a condition could be imposed requiring a scheme for the breakdown of vehicle movements during the day be submitted for approval. The concerns raised by Rochford District Council have been relayed to the applicant and the applicant appears willing to seek to reduce the number of vehicle during these unsocial hours. With a condition requiring the submission of such details, and the development duly required to be undertaken in accordance with the details thereafter, it is considered that the potential impact on the nearby properties, particularly those along Sutton Road, would be effectively managed.

A financial contribution, as suggested by Rochford District Council, is not considered by the Highway Authority to be necessary, in view of the existing site use; the predicted total daily vehicle movements; and the typical routing/timing of these movements, or justifiable in planning terms. Access is considered compliant with WLP policy W4C and with appropriate conditions imposed it is considered the proposal would comply with RCS policy T1 and RDM policy DM31. With regard to parking provision, and that detailed within RCS policy T8 and RDM DM30 it is considered such details would be appraised as part of the proposed reserved matters.

#### Amenity Impacts – Odour, Dust, Noise, Lighting, Vermin and Birds and Litter

It has been suggested that the operations proposed would not likely result in significant environmental effects due to the fully enclosed nature of the handling and processing area. As this is an outline application, with matters relating to layout and scale proposed as reserved matters, detailed assessments of odour and dust have not been provided.

In respect of this it has nevertheless been detailed that all waste would be handled within the confines of the building to limit the potential for dust and/or odour emissions. In context of this and the proposed waste streams to be handled (in-particular food waste) it is suggested that the applicant would seek to install a mist-air dust suppression system within the building and seek to ensure good management practice in keeping all building doors closed except when vehicles are entering and/or exiting the site. Daily monitoring of site odours would be undertaken by staff and in the event that a complaint is received immediate action in the form of sealing the container holding the waste, closing of the building doors (if appropriate), use of the mist-air odour suppression system, and ultimately the removal of the offending waste would occur as soon as practically possible.

The Council's air quality consultant notes that the application does not provide any information on potential impacts. It is therefore considered that these should carry forward as conditions/reserved matters, as suggested by the applicant. With regard to this, whilst it considered there is a risk of odour emanating from the facility many mitigation measures exist which could be proposed as part of the design details of the facility in order to demonstrate compliance with WLP policy W10E and RDM policy DM29.

With regard to potential noise impact, a Noise Impact Assessment has been submitted to support the application. The conclusion of this, supported by the Council's noise consultant, is that noise need not be considered a determining factor for the application as the site should be able to operate so as to not cause adverse impacts to nearby sensitive premises. The Council's consultant nevertheless suggests at this time such information is not available or has not been presented to demonstrate or prove this. Should planning permission be granted, it is therefore suggested that the applicant should be required to submit an updated noise assessment in context of the exact operations and mitigation proposed. With such an assessment secured and conditions furthermore imposed in respect of maximum permitted noise levels and noise monitoring it is considered that the WPA would be able to effectively ensure that the noise does not cause undue amenity impacts.

RLP policy PN7 seeks to ensure that any external lighting proposed as part of an application is the minimum necessary for security and working purposes. RDM policy DM5 details that applicants making an outline planning application must submit an appropriately detailed lighting strategy which is proportional to the application. Similarly, as considered in respect of potential odour issues, whilst no such details on the lighting proposed has been submitted it is considered unlikely that the level of lighting required to support the facility would cause significant undue impact.

In respect of vermin and birds and litter, the applicant has supplied an example environmental management system which details the applicants existing management system, for his existing facility, and the measures taken to reduce the possibility of vermin and litter. Such measures it is considered should satisfactorily prevent such issues and therefore a condition requiring the submission of such a scheme for this site it is considered would ensure due regard to such issues. Further discussion in respect of birds and potential bird strike is nevertheless discussed in the next section of this report.

#### Potential Land Use Conflict

WLP policy W10H states that proposals for waste management facilities within the safeguarding areas of airports and aerodromes and, where appropriate, close to airports will be resisted unless it can be demonstrated that the development and the nature of the waste materials involved would not constitute a hazard to air traffic. Southend Airport has been consulted on this application and has raised no objection subject to all domestic waste and green waste being processed and stored on-site covered, or within the confines of the building, and a condition requiring the submission of a bird management plan. With the aforementioned secured by restrictive condition it is considered that the site would unlikely result in conflict with the nearby Airport.

In respect of the area and cumulative impact, whilst this site is in an active use it is accepted that the proposal is of a different character, to the existing, and would likely result in different impacts. That being said, based on the above appraisal, and with the imposition of suitable conditions to control operations and limit

amenity impacts, it is not considered that the use of the site as a MRF would have an adverse effect on Purdeys Industrial Estate and its future desirability and viability as an employment area and/or the amenity of existing or future residential properties within the vicinity of the site.

## **7. CONCLUSION**

Rochford District Replacement Local Plan 2006 policies CS1 and CS2 aim to improve and enhance the environmental wealth of the district by only permitting development that is environmentally, socially and economically sustainable. Expanding on this it is detailed that the Council will aim to protect, sustain and enhance the district's natural resources and cultural heritage in order to ensure that these are available for future generations to enjoy.

This is an outline planning application for a materials recovery facility. In principle the provision of such a facility is beneficial in policy terms as in effect it is facilitating sustainable waste management. As defined with the National Planning Policy Framework there are however three dimensions to sustainable development: economic, social and environment. Whilst the aforementioned is a benefit in an environmental role (in minimising waste) there are a number of other considerations within the environmental role and the economic and social roles that are applicable to this application.

There is clear policy support for the siting of such facilities in employment areas with regard to job creation and economic viability. However, from a social and environmental perspective it is accepted that such uses do have the potential to give rise to amenity impacts. In this instance, with appropriate control secured by way of the imposition of certain conditions it is nevertheless not considered that the use of this site would give rise to impacts at a level to warrant refusal.

In context of the considered lack of impact and the benefits that would be realised from the proposal, particularly from an economic and environmental perspective, it is considered that this proposal does represent sustainable development. With reserved matters covering access, appearance, landscaping, layout and scale and conditions furthermore imposed controlling on-site operations it is considered that the proposal would comply with Essex and Southend Waste Local Plan 2001 (WLP) policies W3A, W3C, W4B, W4C, W6A, W7D, W7E, W8A, W8B, W10E, W10F and W10H; Rochford District Council Local Development Framework Core Strategy 2011 (RCS) policies CP1, ENV1, ENV11, T1, T8, ED1 and ED3; Rochford District Council Local Development Framework Allocations Plan 2014 (RAP) policy EEL1; Rochford District Council Local Development Framework Development Management 2013 (RDM) policies DM1, DM5, DM25, DM26, DM27, DM29, DM30, DM31 and DM32; and Rochford District Replacement Local Plan 2006 (RLP) policies CS1, CS2, EB2, EB6 and PN7.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. No development shall take place until details of the scale, layout and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
2. An application for the approval of reserved matters, referred to in condition 1, shall be made to the Waste Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters referred to in condition 1 to be approved, whichever is the later.
4. HIGH 4 – Prevention of Mud and Debris on Highway
5. HIGH 5 – Vehicle Movement Limits (145 movements per day)
6. No development shall take place until a breakdown of vehicle movements associated with the use and the number of movements at different periods of the day have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details
7. HIGH 8 – Parking Areas
8. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
9. No development shall take place until an updated Noise Impact Assessment, undertaken in accordance with BS4142, has been submitted to and approved in writing by the Waste Planning Authority. The Assessment shall include the noise rating of the exact type of plant and equipment proposed in context of its position, the orientation and scale of the building and the proposed hours of use. The assessment shall also include predicted noise ratings for other generic sources of noise associated with the use in comparison to the background environment. Any mitigation measures proposed to reduce the potential for noise impact shall be implemented and maintained for the life of the development as approved.
10. No development shall take place until details of a maximum free field equivalent continuous noise level (LAeq, 1 hr) at noise sensitive properties adjoining the site, for both day and night time periods of operation Monday



to Friday and at weekends, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.

11.NSE3 – Monitoring Noise Levels

12.LIGHT1 – Fixed lighting Restriction

13.DUST1 – Dust Suppression Scheme

14.ODR1 – Odour Suppression Scheme

15.TREE4 – Tree Protection Scheme

16.No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the Waste Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.

17.No development shall take place until a bird management plan has been submitted to and approved in writing by the Waste Planning Authority. The development shall be operated and managed in accordance with the approved details.

18.WAST3 – Litter Control

19.WASTE5 – No Waste Deposit Outside Defined Areas

20.No development shall take place until a Phase 2 Contamination Assessment has been submitted and agreed in writing by the Waste Planning Authority. The assessment shall include an intrusive (soil sampling) investigation of the site and provide a detailed assessment of risk for all potential receptors. Any recommendations for remediation works shall be presented in a remediation statement and implemented as approved.

#### **BACKGROUND PAPERS:**

ESS/22/14/ROC application file and case management system electronic record.

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#### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010:**

The proposed development is located approximately 850m west of the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA) and RAMSAR and Essex Estuaries Special Area of Conservation (SAC). This application is not directly connected with or necessary to the management of those sites and therefore it is necessary to consider if the proposal would have a significant effect on the site and designation. The Crouch & Roach Estuaries is a strip of tidal mud which is left between the River Crouch and Roach and is used by

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a significant number of birds. The area is of particular importance to wintering waterbirds. The Essex Estuaries is noted as one of the best estuaries in the UK. Of particular quality and importance are its sandbanks; its mudflats and sandflats; its salicornia; its spartina swards; its Atlantic salt meadows; and its Mediterranean and thermo-Atlantic halophilous scrubs. The saltmarshes and mudflats are under threat from coastal squeeze and man-made sea defences which prevent landward migration of these habitats in repose to sea-level rise and the aforementioned habitats are vulnerable to plans and/or projects which have impacts on sediment transport.

In view of the distance of the site from the designation, the operations proposed as part of this application and the existing locality (environment) it is not considered that the implementation of the proposal in isolation or when considered in combination would have a significant effect on the nearby site/designations. It is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is therefore not required.

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**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.

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**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 National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

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**LOCAL MEMBER NOTIFICATION:**

ROCHFORD – Rochford North  
ROCHFORD – Rochford South

**DR/33/14**

Committee DEVELOPMENT & REGULATION

Date 22 August 2014

## COUNTY COUNCIL DEVELOPMENT

Proposal: **Construction of a new replacement Infant School building, 2 storeys in height, suitable for 360 pupils together with a proposed four classroom and hall extension to the Junior School to facilitate an expansion to a 4 Form Entry (480 pupil) Junior School. Associated development includes hard and soft landscaping works, new pedestrian access, additional car parking spaces, and other site improvements/provisions**

Location: **John Ray Infant and Junior School, Notley Road, Braintree, Essex, CM7 1HL**

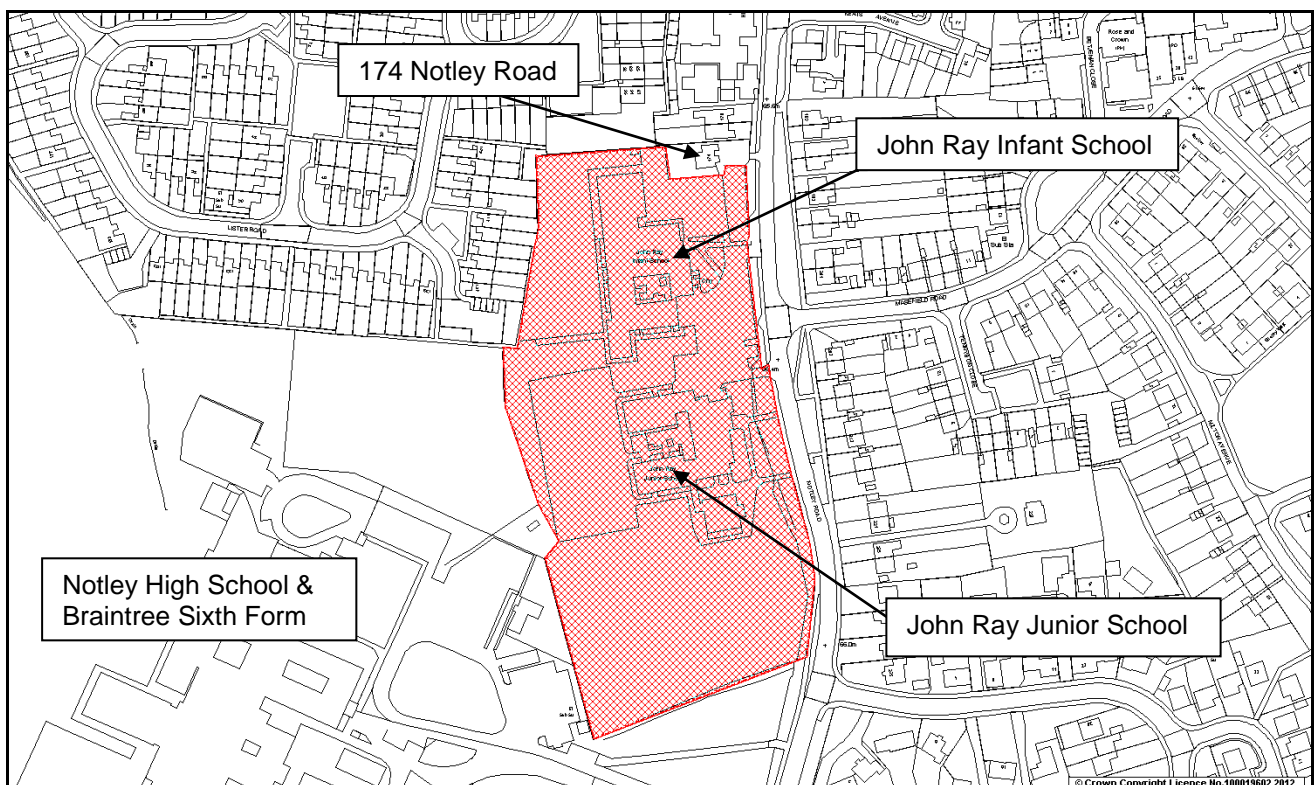
Reference: **CC/BTE/35/14**

Applicant: **Essex County Council**

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 03330 136816

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



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## **1. SITE & BACKGROUND**

John Ray Infant and Junior School is located within southern Braintree, approximately 700m (as the crow flies) from Braintree rail station. The school site is on the western side of Notley Road and is primarily accessed from here. In terms of the locality, residential areas border the school to the north and east (other side of Notley Road). To the south is Notley High School & Braintree Sixth Form and the Braintree Arts Theatre and to the west are the adjoining playing fields of Notley High.

In terms of the school site itself, the infant school (before being burnt down, see below paragraph) lies directly to the north of the junior school. The car park, used by both the infant and junior school, is located off Notley Road in the middle between the infant and junior school buildings. The main areas of hard play are to the north (adjacent to Notley Road) for the infant school and to the rear (west) for the junior school. The school (grass) playing fields are to the south of the junior school.

Tragically, in August 2013 the infant school building on-site caught fire and owing to damage caused had to be demolished for health and safety reasons. Leaving the school in a compromised position, with only limited teaching facilities to support its students, a number of temporary classbases were installed on site under permitted development rights afforded in such situations. These were installed to the south of the junior school however the temporary nature of these for the entire infant provision is not ideal nor is the impact this has had on the playing field provision for both the infant and junior schools.

The complete school site (infant and junior) measures approximately 2.19ha and in its entirety is located outside the town development boundary, as defined within the Braintree District Local Plan Proposals Map. That being said the complete school site is designated for education. The site is located within Flood Zone 1 and the area does not represent a statutory 'sensitive area' as defined in paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## **2. PROPOSAL**

This proposal has three key elements: 1) the actual re-build of the infant school (building to be suitable for up to 360 pupils); 2) a proposed four classroom extension to the junior school to facilitate an increase to a 4 form entry junior school (480 pupils); and 3) the removal of mobile temporary classbases which have been used to supplement permanent teaching accommodation at the school over the years and more recently used as teaching accommodation to compensate for that lost during the fire.

The redevelopment of the infant school would comprise 12 naturally lit classrooms with associated cloakrooms, group spaces and storage space; reception and entrance area; school hall; head teachers office; pupil toilets (including disability provision); kitchen; and various support facilities/areas. The proposed building would be two storeys in height, with a single storey element to include the school

hall, kitchen and utilities area. The proposed works to the junior school includes: 1) an extension comprising four naturally lit classrooms with associated cloakrooms, wet area, group space and storage space; therapy room; and pupil toilets (including disability provision); and 2) an extension to the existing junior school hall. The total gross internal floorspace that would be provided by the new infant school would be 2080m<sup>2</sup> (over the two floors) and the total gross internal floorspace that would be provided by the extensions at the junior school would be 413m<sup>2</sup> (347m<sup>2</sup> in teaching accommodation and 66m<sup>2</sup> to the school hall).

As part of the proposals improvement works are also proposed to the site entrance to increase on site safety and to control the flow of vehicle movements including the provision of two additional pedestrian access points to the infant school from Notley Road. The existing car park is to be maintained as is the primary vehicular access. However, 16 additional car parking spaces would be created on site as part of the development proposals.

### 3. POLICY CONSIDERATIONS

The following policies of the Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BLP) provide the development framework for this application. The following policies are of relevance to this application:

<u>Policy</u>	<u>BCS</u>	<u>BLP</u>
Promoting Accessibility for All	CS7	
Natural Environment and Biodiversity	CS8	
Built and Historic Environment	CS9	
Infrastructure Services and Facilities	CS11	
Transport Assessments		RLP 54
Travel Plans		RLP 55
Vehicle Parking		RLP 56
External Lighting		RLP 65
Energy Efficiency		RLP 77
Landscape Features and Habitats		RLP 80
Trees, Woodland, Grasslands and Hedgerows		RLP 81
Layout and Design of Development		RLP 90
Accessibility		RLP 92

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development

proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

In respect of the above, paragraph 215 of the Framework, which it is considered is applicable to the BCS and BLP, states that due weight should be given to relevant policies in existing plans 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). Consideration of this, as such, will therefore be made throughout the appraisal section of this report.

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Braintree District Council originally intended to create a Local Development Framework which it was envisaged would supersede the Local Plan Review in its entirety. In this regard, the BCS was adopted on 19 September 2011 and it was anticipated that the remaining BLP policies would be replaced by those to be contained in a Site Allocations and Development Management Plan. During a meeting on 30 June 2014 it was however resolved not to proceed with the Draft Site Allocation and Development Management Plan. Work has now instead commenced on a new Local Plan, which will set out the Council's strategy for future development and growth up to 2033. This includes building the right number and types of houses, developing the appropriate type of retail and recreational facilities, getting the right office and industrial spaces, creating opportunities for local jobs and protecting our wildlife, landscapes and heritage. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered is at a sufficient stage to have significant weight in the determination of this application.

#### **4. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – Informal comments have been received that raise concern about the potential for overlooking from the top classrooms towards 174 Notley Road. Slight concern is also raised in respect of the location of the foundation play area, being at the front of the school and close to the boundary of this property.

As the above are only informal comments, should the formal consultation response from Braintree District Council be received the contents of this will be reported.

ENVIRONMENT AGENCY – No objection.

SPORT ENGLAND – The extension to the junior school would be sited on playing field which technically would be capable of forming a playing pitch or part of one. However, in this instance Sport England are mindful of the following:

- The proposed siting of the classrooms would not appear to affect any existing winter or summer pitches;
- The extent of the encroachment onto the playing field would be relatively limited as the building would be approximately 400m<sup>2</sup>;
- The siting of the block would be in the corner of the playing field adjoining the hard play area and existing school buildings. Due to the shape of the playing field in this area, a substantial part of the area proposed for the block is not capable of forming a playing pitch or part of one due to insufficient space being available (due to partial enclosure by buildings/hard play area).

On the basis of the above considerations, on this occasion, it is not considered that there would be harm to sport and recreation provision and as such no objection is raised.

In respect of the new infant school, as this would be sited broadly on the footprint of the school building that was destroyed by fire, no comments are offered.

HIGHWAY AUTHORITY – No objection subject to the applicant making a £5000.00 (five thousand pounds) contribution towards reviewing and altering the parking restrictions in Masefield Road, Longleaf Drive and Notley Road. No development shall take place, including any ground works or demolition until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority.

ESSEX FIRE & RESCUE SERVICE – Access for Fire Services purposes has been considered in accordance with the Essex Act 1987 – Section 13. Access for fire service purposes is considered satisfactory. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. The applicant is reminded that additional water supplies for fire fighting may be necessary for this development. There is clear evidence that the installation of Automatic Water Suppression Systems can be effective in the rapid suppression of fires. Essex Fire & Rescue Service therefore uses every occasion to urge building owners and developers to consider the installation of such systems even if not formally required as part of Building Regulations.

NATIONAL GRID – Any comments received will be reported.

UK POWER NETWORKS – Any comments received will be reported.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to samples of the external materials, including

ground surface finishes, being submitted and approved in writing prior to installation; and details of the proposed windows, doors and surrounds being secured by condition. In respect of the above, it is considered by the Council's consultant that the window pattern at the existing school has a strong horizontal emphasis compared to the new extension which has windows which display a vertical emphasis. To relate the new development to the existing it is considered a similar window pattern should be explored and adopted.

#### Applicant's Comment

A vertical emphasis of window design was primarily chosen in order to allow for the maximum possible quantity of natural light to enter the building. An important consideration during the design phase was to ensure that the classrooms provided a well-lit, attractive environment for children to learn. The maximisation of natural lighting also accords with sustainability criteria in ensuring that the proposed extension has minimal energy needs and operational costs.

Against this background, a horizontal window layout represents an inefficient design in sustainability terms as it cannot achieve similar levels of natural light without significantly altering the position of the windows. In order to achieve this, the layout of the windows would have to be lowered to a ground floor level which would have privacy and safety issues. In addition it is considered that the horizontal window layout gives the extension its own visual distinctiveness.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the imposition of a condition requiring the submission of landscape scheme.

PLACE SERVICES (Historic Buildings) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the development being carried out in strict accordance with the recommendations of the submitted 'Preliminary Ecological Appraisal', document reference: 771866-REP-ENV-003-ECO, dated 27 May 2014. It is however recommended an condition or informative be appended to any consent issued detailed that no trees/hedgerows shall be removed between 01 March and 31 September, unless an ecological assessment has been undertaken confirming that no species would be adversely affected by the proposed works.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection to the development in principle. It is however recommended that a condition be attached to any consent issued to ensure that all trees proposed to be retained during the construction phase of the development are protected in accordance with BS5837:2012. Recommendation, in line with that suggested by the Council's landscape consultant, is also made that a landscape scheme be secured by condition.



THE COUNCIL'S LIGHTING CONSULTANT – No objection subject to the lighting scheme being installed and maintained in accordance with the submitted details. A condition requiring details of the proposed operating times; and control of the lighting is nevertheless suggested to ensure that there would be no adverse nuisance or disturbance to neighbours and the surrounding area.

BLACK NOTLEY PARISH COUNCIL – It is considered because of the parking problems caused by parents at pick-up times an Environmental Impact Assessment is essential. Large numbers of vehicles park on the roads in the vicinity of the school and this has led to traffic trying to pass in both directions through a tunnel effect, and in doing so mounting the pavement to pass which is particularly dangerous around the school. Unless greater road markings deter parking then increased pupil numbers will lead to more vehicles and further detriment of the local environment and resident's amenity. Questions are also raised about the justification for an increased pupil roll?

#### ECC Comment

A Screening Opinion in respect of Environmental Impact Assessment was issued by Essex County Council on 25 June 2014. The conclusion of this was that the proposed re-development and expansion of the John Ray Infant and Junior School would not have an impact on more than local importance and therefore, on balance, an EIA would not be required. The Highway Authority has nevertheless been consulted on the application and an assessment of the content of their representation in view of the concerns raised and the information submitted as part of the Transport Statement can be found in the appraisal section of this report. Similarly further discussion with regard to the need/justification for the proposed expansion at the school can be found in the appraisal section of this report.

LOCAL MEMBER – BRAINTREE – Braintree Town – Any comments received will be reported.

LOCAL MEMBER – BRAINTREE – Witham Northern – Any comments received will be reported.

## **5. REPRESENTATIONS**

51 addresses were directly notified of the application. The application was also advertised in the local press and on site. 3 letters of representation have been received. These relate to planning issues covering the following matters:

#### Observation

#### Comment

The 2 storey building proposed would cause overlooking.

See appraisal.

Concern is raised about the mitigation measures proposed in the event of fire.

See consultation response received from Essex Fire and Rescue Service. Consideration of mitigation measures in the event of fire will be considered at Building Regulations stage.

Concern is raised about increased congestion from a larger pupil intake/roll.

See appraisal.

The windows on northern elevation are at eye level into *my* bedroom (in the adjacent residential property). No objection is raised with regard to the building of a new school but concerns are raised about the design of the windows on this aspect.

See appraisal.

No objection to the proposals but objection is raised to the rear entrance to the school from Lister Road which, is used by parents and teachers and, is an accident waiting to happen.

See appraisal. To confirm, this is however an existing access point and no amendments are proposed to it as part of this application. This is a supplementary access point to the school which is only opened at the beginning and end of the school day.

## **6. APPRAISAL**

The main issues for consideration are:

A – Need & Justification

B – Design Quality

C – Impact on Landscape, Amenity & Traffic

### **A NEED & JUSTIFICATION**

The Framework, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

The main aim of the proposal, as described by the applicant, is to rebuild/replace the school buildings that were burnt down by fire. In doing so, the intention is nevertheless to provide a new educational facility which responds to the requirements of the local catchment area and creates a functional space to support a positive teaching and learning environment.

Instead of simply rebuilding the infant school, as destroyed, planning permission has been sought for a larger infant school building and an extension to the junior to

the school. This decision was made in context of paragraph 72 of the Framework and forecast projections for the local Braintree population and school intake. On the basis of current projections it is envisaged that by the school year 2015/16 there would be a deficit in school accommodation for the current John Ray catchment and therefore if an exact replacement for the building lost was constructed, there is good chance that within a few years this would be insufficient to the local populations needs. To avoid this scenario, and plan for the future, the proposed new build and extension would facilitate an increase in school capacity from a 295 pupil infant school and 370 pupil junior school to a 360 pupil infant school and 480 pupil junior school.

Concerns have been raised by the public and Black Notley Parish Council about the proposed increase in pupil roll and the justification for this. Looking solely at this, irrespective of potential impact, it is noted that great weight has to be given to proposals seeking to create, expand or alter schools with the intention of widening education choice (as directed by the Framework). The impacts associated with a potential increase in pupil roll are discussed in the later sections of this report. However, principally in consideration of the identified local need and deficit that would be realised in school accommodation if an expansion was not secured it is deemed that adequate local need and/or justification for the proposal has been demonstrated.

Within the BCS it is detailed that 13.8% of the persons of working age in the Braintree District, as at 2008, had no qualifications. This was higher than the national percentage of 12.4% and for the East of England which is 11.8%. It is stated that improvements are needed to educational attainment levels in order to improve life prospects of school leavers and to help the local economy with a better qualified workforce. BLP policy RLP 150 details that the change of use or redevelopment of educational establishments and their grounds, identified on the Proposals Map, will not be permitted unless it can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational or community use is needed, or can be found; or satisfactory alternative and improved facilities will be provided; or the area of the site being development is genuinely in excess of Government guidelines for outdoor space.

This policy (BLP policy RLP 150) is not explicitly relevant as this application is proposing the opposite of what this is seeking to avoid. That being said it is considered that this importantly shows the background to the considered planning policy stance with regard to education and educational facilities. There are no specific policies seeking the promotion of educational facilities within the BCS or BLP however, the guidance contained within the Framework and the key links between education and social and economic wellbeing it is considered support the decision to attempt to expand the school.

## **B DESIGN QUALITY**

BCS policy CS9 states that the Council will promote and secure the highest possible standards of design and layout in all new development; and the protection and enhancement of the historic environment. Expanding on this BLP policy RLP 90 seeks a high standard of layout and design in all developments. Planning

permission will only be granted where the following criteria are met:

- (i) The scale, density, height and massing of buildings should reflect or enhance local distinctiveness;
- (ii) Buildings, open areas, circulation spaces, and other townscape and landscape areas shall be of a high standard of design and materials;
- (iii) There shall be no undue or unacceptable impact on the amenity of any nearby residential properties;
- (iv) Designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to parks and gardens of historic interest, ancient monuments and sites of archaeological importance;
- (v) The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality;
- (vi) Both the overall planning and detailed design shall incorporate measures to ensure the maximum practical environmental sustainability throughout the construction, occupation and demolition of the development, in relation to energy conservation, water efficiency, waste separation and the use of materials with low overall energy requirements. Supplementary planning guidance will be prepared on these aspects;
- (vii) Use of the most sustainable modes of transport is promoted in the design and layout of new development, and the resultant traffic generation and its management shall seek to avoid significant increases in traffic movement, particularly in residential areas;
- (viii) Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety; with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes;
- (ix) Landscape design shall promote and enhance local biodiversity;
- (x) The design and level of any lighting proposals will need to be in context with the local area.

It is detailed within the Framework at section 7 (paragraph 56) that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it is stated that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Although the fire at the school was unfortunate, this has given the school a blank canvas in which to design and build a new school to primarily the school's needs. In this regard the infant school rebuild would comprise sufficient permanent purpose built teaching accommodation and associated facilities to support a pupil roll of 360. In respect of this, the building has been designed to have a modern appearance but to be functional and simple in form. The building layout is proposed in an 'L' formation with the main length of the building (adjacent to Notley

Road) proposed as two storey and the leg/wrap-around part of the building proposed as single storey. This layout has been highly influenced by the constraints of the site and attempting to marry the new development to the existing junior school and character. With regard to this, the long elevation of the building is proposed to be accentuated by a string of windows creating the feel of a continuous horizontal line. Red feature cladding panels are proposed, between the windows, to provide visual interest whilst reinforcing the character of the building as a school. The red cladding is proposed against buff bricks which are considered traditional to this area and will help blend the school building with the existing junior school (which, for reference, is predominantly constructed in this material) and the nearby residential properties, an approach considered compliant with BLP policy RLP 90.

The height of the building, it has been suggested, has been kept to a minimum (6.6m to eaves and 8.7m to ridge roof height) to respect the scale and mass of the housing which surrounds it. Furthermore, by using a low pitch and orientating this towards Notley Road it is anticipated that the existing roof-scape rhythm, in the area, would be maintained. As the previous school building was only single storey, the design of the building has attempted to take account, as best as practically possible, the proximity of nearby residential properties. Paying particular attention to 174 Notley Road, the residential property closest to the development, the applicant has sought to keep the building as far as away from this property as possible. Concerns have however been raised about potential overlooking from the new building into this property. The applicant in response to this has stated that the existing boundary on this aspect is fenced at 1.8m with mature vegetation along the fence line. Whilst it is accepted that in the future this vegetation (natural obstruction) could be removed, it has been suggested the building has been positioned in a way to create an angle that would cause a reflection during daylight (core school opening) hours to ensure sight-lines into the property are obscured.

The proposed use of the building at the closest point to the residential property would be as a classbase (ground and first floor) with a projecting stairwell further north towards the school boundary. There would however be no windows on this northern elevation so it is considered the main concern would be from the windows on the east elevation, and those in-particular on the two most northern classbases on the first floor. The argument put forward by the applicant with regard to the angle of the building and the existing vegetation/screening is accepted. However, it is considered that these safe-guards are not fool-proof, in that the vegetation could be removed and it is not always sunny so there may be some days when there is no natural reflection. Whilst it is not considered that the overlooking is significant enough to warrant refusal, it is considered extra mitigation could be secured by condition, to reduce the potential for overlooking. In respect of this, Braintree District Council has suggested that a screening wall panel could be installed at the far end of the building. This it is accepted would solve the problem however, it is considered that in-turn this feature would detract from the visual appearance of the new school. In context of the concerns, it is nevertheless considered that that the same objective (reducing the potential for overlooking) could be achieved via less intrusive means. For example, by installing a length of frosted glass (covering both standing and sitting positions) the potential for overlooking would be minimised and conversely the design integrity of the building

would remain. With such a scheme and details secured by condition it is not considered that the development would result in undue overlooking to the nearby residential properties.

Turning to the proposed extension to the junior school, this would comprise four naturally lit classrooms. Following the design principles of the existing/adjoining school buildings, the extension would be of mono-pitch roof design with clerestory feature. Single storey in height, the extension would measure 3.2m to eaves and 5.2m to roof ridge. With internal access to the extension proposed from an existing link corridor from the main school building, the building would also have direct access onto the adjoin playing fields on the north, south and western elevations. The extension proposed to the junior school hall is of a flat roof construction. The extension is proposed to extrude the complete length of the school hall and mirror the existing frontage with the exception that a new entrance point and lobby to the school hall would be created.

The design approach taken in respect of the extension proposals to the junior school are considered logical. It is considered that the key principles of BLP policies RLP 90 and RLP 92 have been taken on board with the applicant seeking to develop areas which are currently under-utilised and mirroring the existing design and scale of the adjoining junior school buildings. In doing so, it is considered the applicant has successfully integrated the extensions on site so that they complement the existing character of the school yet provide the additional teaching space without significantly impacting on the existing layout of the school.

With regard to sustainability and sustainable construction methods, BLP policy RLP 77 states that new development proposal shall clearly demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures, including where appropriate passive solar gain or other systems and the use of energy-efficient appliance, in order to contribute to the reduction in their total energy consumption. The new building has been designed to adhere to building regulations and Building Bulletin 101. The design of the building, in respect of this, seeks to maximise the effectiveness of natural daylight, reducing the schools reliance on lighting and also in the use of innovate cooling and ventilation concepts and Photo Voltaic panels reduce the reliance on heating and air conditioning.

As a community facility, a school has the ability to form a hub and landmark for an area. Ensuring that the design of any such facility pays appropriate homage to its surroundings is therefore essential, especially in building and creating places to which the local community are proud of. The Council's urban design consultant has raised no objection in principle to the development, subject to the imposition of certain conditions (as previously detailed in section 4 of this report). However, a key consideration in addition to the actual design is accessibility and the permeability of the site. BLP policy RLP 92, supported inter-alia by BCS policy CS7, aims to ensure that new buildings, changes of use and major extensions to buildings are fully accessible to people whose mobility is impaired. Whilst discussion in respect of proposed parking provision can be found in section C of this appraisal, it is initially noted that two additional pedestrian access points to the infant would be created as a part of the proposals. This includes the creation of a

new main pedestrian access to create a secure point of entry for pupils. In addition to this an ancillary pedestrian access is also proposed along the north western border off Notley Road, although this would only to be used in emergency. The entire school site has been designed to be access inclusive and to comply with the relevant regulations. Of note in respect of this, a level threshold at the entrance, low level counter at reception, lift, accessible welfare facilities and wide corridors are all proposed within the new building and the new access to the junior school hall and direct access on three sides of the new extension it is considered should improve and maintain permeability of the school site.

## C IMPACT ON LANDSCAPE, AMENITY & TRAFFIC

BCS policy CS8 details that all development proposals will be expected to take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity. Paragraph 61 of the Framework suggests that securing high quality and inclusive design goes beyond aesthetic considerations and decisions should also aim to address connections between people and places and the integration of new development into the natural, built and historic environment. In this regard BLP policy RLP 80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to distinctive landscape features and habitats in the area. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation and for the creation and management of appropriate new habitats. Continuing BLP policy RLP 81 details that the planning authority will encourage landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows. New planting of appropriate native species will normally be required to replace the loss of any protected trees, woodland or hedgerow.

An arboricultural impact assessment and preliminary ecological appraisal have both been submitted in support of the application. The conclusions of these, which have been supported by the Council's expert consultees, are that whilst the majority of trees on site would be retained and protected on-site during the construction works, the creation of new parking bays to the south and east of the car park would require the removal of up to 26 trees. Whilst these are not assessed as particularly valuable/high grade trees it is nevertheless recommended that replacement trees be planted as part of a landscaping scheme for the project. With regard to ecology, habitats that were noted on site were considered to be of low ecological value and on this basis it was considered the required removal works would not likely cause significant ecological impact. Recommendations with regard to the removal of such vegetation and the placement and design of external lighting were nevertheless suggested in the interests of ensuring no significant impact.

In context of the above, with the imposition of suitable conditions, it is considered that the development would unlikely give rise to significant arboricultural or ecology impacts. This is an established school site and with a landscape scheme secured

by condition it is considered that the proposal complies with BCS policy CS8 and BLP policies RLP 80 and RLP 81. For the purposes of completeness in respect of this conclusion, any such landscape scheme would be expected to make provision for replacement trees for those proposed to be removed, seek to compliment existing on-site landscaping and reinforce the new site layout and circulation at the infant school.

BLP policy RLP 54 details that proposals for external lighting will be expected to be designed as an integral element of the development with low energy lighting used. The alignment of lamps and the provision of shielding will be expected to minimise spillage and glow with the lighting intensity no greater than necessary to provide adequate illumination. Furthermore any lighting that is proposed should not result in the significant loss of privacy or amenity, should not cause danger and/or distraction to pedestrians and road users, and should not cause unacceptable harm to natural ecosystems.

The lighting scheme which has been proposed at the school has been done so to provide adequate illumination at the school site. The external lighting is proposed to be controlled via time clock and photocell arrangement, to ensure light pollution outside of school hours is kept to a minimum. The Council's lighting consultant has not raised an objection to the proposal. However, in view that no details have been provided on the proposed hours of luminance, it has suggested that a condition be imposed requiring such details to be provided prior to beneficial occupation of the building to ensure that nuisance and disturbance to neighbours and the surrounding area is minimised and the light trespass and sky glow projections achieved.

As previous detailed, this is an existing school site, designated within the Proposals Map of the BLP for education. It is therefore considered that impacts associated with such a use (a school) have previously been and are acceptable in context of the locality. In respect of this, and the proposals, it is not considered that an increase in pupil roll would result in significant additional amenity (in-particularly noise) impacts above that already exhibited. With regard to traffic and emissions it is accepted that an increased intensification of the site could give rise to additional vehicle movements (parents dropping off and collecting children). Indeed one letter of public representation received raised concerns about the pupil access from Lister Road. BLP policies RLP 54, RLP 55 and RLP 56 all seek to ensure that applications for major new development are supported by evidence and information to fully determine the effect of the proposal on traffic congestion, public transport, cycling and walking. In this regard travel plans are encouraged (BLP policy RLP 55) and developments must provide parking provision in accordance with the Council's (Braintree's) adopted Parking Standards (BLP policy RLP 56).

The proposal, as alluded to earlier in this report, seeks to improve the permeability of the site and the car parking provision which it is considered should reduce existing impacts associated with the school use. The creation of a designated pupil entrance to the infant school is considered a significant benefit in this regard. This would draw pedestrians away from the vehicular access and in doing so avoid existing conflict particularly at school closing and opening times. A transport



statement has been submitted as part of the application and the conclusion of this is that the increase in pupil roll would result in an additional 24 trips per school per day. It is accepted that the proposed increase may therefore have a small impact on traffic generation in the area at school opening and closing times. However, in context of the mitigation proposed (the additional car parking spaces to be provided) and the encouragement in both the infant and junior school travel plans to walking, cycling and car sharing it is considered that any such additional impact is likely to be low.

As existing there are 42 car spaces on site and this application proposes the creation of an additional 16 spaces (58 spaces in total). Essex County Council's Parking Standards (2009) detail for primary schools a maximum standard of 1 space per 15 pupils should be provided (56 spaces in the instance). Currently there are 45 full time members of staff across the infant and junior schools and this would increase to 55 if the expansion at the school occurs. The provision of two additional spaces (above the maximum standard) has been suggested because of this (the number of staff at the school) and if provision was not made, it is suggested that these vehicles would instead be parking on nearby residential roads. Of the provision suggested, it is nevertheless noted that no details have been provided on disabled provision and the amount of spaces that would be provided for disabled users. Furthermore no details have been provided on cycle spaces at the school. Whilst this is an infant and junior school, within the survey which was undertaken to support the transport statement, it is noted that a number of pupils do currently cycle to school. Therefore, although a provision to the minimum standard as prescribed within the Parking Standards may not be appropriate it is considered that a provision should be made, especially in context of the encouragement of sustainable travel within both schools travel plans.

No objection has been received from the Highway Authority subject to the submission of a construction method statement and a financial contribution towards a review of the existing parking restrictions in Masfield Road, Longleaf Drive and Notley Road. With suitable conditions attached to ensure this and the submission of details for proposed disabled car parking and cycle provision it is considered that the proposal would comply with BCS policy CSS11 and BLP policies RLP 54, RLP 55 and RLP 56. The expansion at the school it is accepted would increase local congestion however, it is not considered that such an increase is likely to be significant. Improvements are proposed to combat and solve congestion in the area, particularly at school pick-up and collection points and with the Highway Authority/Essex Highways reviewing parking restrictions in the locality in due course it is considered that the proposal would unlikely give rise to impacts at a level to warrant refusal or further mitigation works.

## **7. CONCLUSION**

It is considered there is clear policy support within the Framework and both Braintree District Council Local Development Framework Core Strategy (2011) and Braintree District Local Plan Review (2005) for improved or new education facilities. With regard to this it is considered that the applicant has clearly demonstrated that the school (both the infant and junior) as existing are at capacity and need expanding to meet projected local demand.

Although it was unfortunate that the infant school burnt down in the summer of 2013, it is considered that this has allowed the applicant to fully assess the site in context of realising a development which best meets the school needs. Whilst extensions could have secured the same teaching floorspace, the fact that in this instance a completely new infant school is proposed is considered a good opportunity to provide all teaching accommodation within permanent purpose built classrooms.

The John Ray School is well established in this area and although, as with most schools across the County, the use does cause some conflict with nearby development it is considered that the proposals have been designed in a way to limit adverse impacts and attempt to address existing problems rather than cause additional conflict. It is considered that the design of the new infant school building relates well in terms of its scale and massing to the junior school. With regard to potential impact and overlooking to the nearby residential properties, it is considered that the applicant has sought to reduce the possibility of this in the siting and design of the building. With mitigation measures further secured by condition, it is therefore not considered that the development would cause undue amenity impacts. Improvements to the existing access arrangements for both pedestrians and vehicles it is also considered should improve the permeability of the site and reduce congestion on roads in the vicinity, particularly during school opening and closing times.

In consideration of this, the limited impacts from the development itself and the clear benefits that would be realised from the development within the social and economic dimensions of planning, as defined by the Framework, it is considered that the proposal represents sustainable development and complies with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7, CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP55, RLP 56, RLP 65, RLP 77, RLP 80, RLP 81, RLP 90 and RLP 92.

## **8. 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 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

*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 30/05/2014 together with drawing titled 'Site Location Plan – Proposed Junior + Infant Schools', drawing no. 096 (Revision P02), dated 03/06/14; drawing titled 'Site Layout – Proposed

Infant School', drawing no. 097 (Revision P01), dated 27/05/14; drawing titled 'Ground Floor Plan – Proposed', drawing no. 050 (Revision A15), dated 17/04/14; drawing titled 'First Floor Plan – Proposed', drawing no. 051 (Revision A14), dated 17/04/14; drawing titled 'Roof Plan', drawing no. 206 (Revision E02), dated 23/07/14; drawing titled 'Elevations – Proposed', drawing no. 010 (Revision A04), dated 17/04/14; drawing titled 'Junior School Extension Floor Plan & Elevations – Proposed', drawing no. 052 (Revision A05), dated 17/04/14; drawing titled 'Sketch Proposals for Extension to Hall', drawing no. 098 (Rev P00), dated 22/05/14; drawing titled 'Concept Landscape Masterplan', drawing no. JBA 14/133-sk01 Rev A, dated 20/05/14; lighting drawing titled 'John Ray Infants School, Braintree, Essex', drawing no: D24317/PY/A, dated 30/05/14; drainage drawing titled 'Drainage Strategy', drawing no. 665313/100 (Revision P1), dated 13/05/14; the contents of the accompanying 'Planning Design and Access Statement', dated May 2014; 'Preliminary Ecological Appraisal', document reference: 771866-REP-ENV-003-ECO, dated 27 May 2014; 'Arboricultural Impact Assessment', prepared by A. T. Coombes Associates, dated 27 May 2014; 'Transport Statement', document reference: TC/616074/LAB (Revision VO), dated 28 May 2014; 'Phase 1 Preliminary Contamination Assessment Report', document reference: 771886-REP-ENV-001, dated May 2014; 'Phase II Geo-environmental Assessment Report', document reference: 771886-REP-ENV-R2, dated May 2014; 'Memorandum of Understanding' from Essex County Council – Infrastructure Delivery, received via email dated 11/08/14 (15:20) and in accordance with any non-material amendment(s) 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 the 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 Braintree District Council Local Development Framework Core Strategy (2011) policies CS7, CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 65, RLP 77, RLP 80, RLP 81, RLP 90 and RLP 92.*

3. No development beyond installation of the damp proof membrane of the building hereby approved shall take until samples of the materials to be used for the external appearance of the building have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

4. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of the type, size and

position of the proposed signage at the school have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

5. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of a scheme to install a length of frosted glass along the windows on the eastern elevation (Notley Road facing) of the building have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the visual amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 90.*

6. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of construction of the development. 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 7 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 Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.*

7. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under condition 6 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development 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, to ensure development is adequately screened and to comply with Braintree District*

*Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 80, RLP 81, RLP 90 and RLP 92.*

8. No development beyond installation of the damp proof membrane of the building hereby approved shall take place until details of all ground surface finishes, walling and fencing have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 90 and RLP 92.*

9. No development or any preliminary groundwork's shall take place until:
  - a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
  - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

*Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.*

10. No construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs that may impact upon breeding birds shall take place between 1st March and 31st August inclusive in any year, unless an ecological assessment has been undertaken, submitted and approved in writing by the County Planning Authority which confirms that no species would be adversely affected by the construction, demolition, excavation works or/and removal of trees, hedgerows or shrubs.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Braintree District Council Local Development Framework Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 81.*

11. No beneficial occupation of the development hereby permitted shall take place until details of the proposed disabled car parking and cycle parking provision have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

*Reason: In the interest of the amenity of the local area and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.*

12. No beneficial occupation of the development hereby permitted shall take place until details of the proposed operation and management of the external lighting, as indicated on drawing titled 'John Ray Infants School, Braintree, Essex', drawing no: D24317/PY/A, dated 30/05/2014 have been submitted to and approved in writing by the County Planning Authority. The details shall include information on the proposed use of sensors together with proposed hours of luminance. The development shall be implemented in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS8 and CS9 and Braintree District Local Plan Review (2005) policies RLP 65, RLP 77, RLP 80 and RLP 90.*

13. No development shall take place until a construction management plan including details of the areas to be used within the site for the purpose of loading/unloading and manoeuvring of vehicles; parking of vehicles; the storage of plant and materials; and wheel and underbody washing facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety, amenity and to comply with Braintree District Council Local Development Framework Core Strategy (2011) policies CS7 and CS9 and Braintree District Local Plan Review (2005) policies RLP 54, RLP 55, RLP 56, RLP 90 and RLP 92.*

#### Informative

1. Prior to the beneficial occupation of the development it is advised that a School Travel Plan including monitoring arrangements is prepared or the existing School Travel Plan updated, in liaison with the Highway Authority, and subsequently implemented in full.
2. All work within or affecting the highway is to be laid out and constructed by

prior arrangement with, and to the requirements and satisfaction of, the Highway Authority. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 – Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester. CO4 9QQ.

#### **BACKGROUND PAPERS:**

CC/BTE/35/14 application file and case management system electronic record.

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#### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010:**

The proposed development is not located within the vicinity of a Special Area of Conservation (SAC) or Special Protection Area (SPA) and is not directly connected with or necessary to the management of those sites. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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**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.

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**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 National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

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#### **LOCAL MEMBER NOTIFICATION:**

BRAINTREE – Braintree Town  
BRAINTREE – Witham Northern





Committee DEVELOPMENT & REGULATION

date 22<sup>nd</sup> August 2014

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## INFORMATION ITEM

### Applications, Enforcement and Appeals Statistics

Report by Director of Operations, Environment & Economy

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Enquiries to Robyn Chad – tel: 03330 136 811

or email: [robyn.chad@essex.gov.uk](mailto:robyn.chad@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.

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#### **BACKGROUND INFORMATION**

None.

Ref: P/DM/Robyn Chad/

#### **MEMBER NOTIFICATION**

Countywide.

#### **SCHEDULE**

#### Minerals and Waste Planning Applications

No. Pending at the end of previous month

19

No. Decisions issued in the month

5

No. Decisions issued this financial year

16

Overall % in 13 weeks this financial year (target 60%)

56%

% on target this financial year (CPS returns count)	31%
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Nº Delegated Decisions issued in the month	4
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Nº Section 106 Agreements Pending	1
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County Council Applications

Nº. Pending at the end of previous month	17
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Nº. Decisions issued in the month	7
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Nº. Decisions issued this financial year	16
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Nº of Major Applications determined (13 weeks allowed)	2
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Nº of Major Applications determined within the 13 weeks allowed	2
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Nº Delegated Decisions issued in the month	6
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% age in 8 weeks this financial year (Target 70%)	50%
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All Applications

Nº. Delegated Decisions issued last month	10
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Nº. Committee determined applications issued last month	2
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Nº. of Submission of Details dealt with this financial year	77
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Nº. of Submission of Details Pending	85
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Nº. of referrals to Secretary of State under delegated powers	1
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Appeals

Nº. of appeals outstanding at end of last month	2
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Enforcement

Nº. of active cases at end of last quarter	27
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Nº. of cases cleared last quarter	23
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Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	0
Nº. of Temporary Stop Notices Issued last month	1
Nº. of Stop Notices Issued last month	0

