

Development and Regulation Committee

10:30	Friday, 27 September 2013	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 3

Membership:

Councillor R Boyce	Chairman
Councillor J Abbott	
Councillor K Bobbin	
Councillor A Brown	
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

Telephone: 01245 430565

Email: matthew.waldie@essex.gov.uk



Essex County Council

Essex County Council and Committees Information

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Part 1

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

		Pages
1	Apologies and Substitution Notices The Committee Officer to report receipt (if any)	
2	Declarations of Interest To note any declarations of interest to be made by Members	
3	Minutes To approve the Minutes of the meeting held on 23 August 2013	5 - 16
4	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	Minerals and Waste	
5a	Former Goods Yard, land off Brook Street, Chelmsford Erection and use of a concrete batching plant and ancillary water and aggregate recovery and recycling facilities Location: Former Goods Yard, land off Brook Street, Chelmsford, Essex, CM1 1SU Ref: ESS/32/13/CHL DR/39/13	17 - 64
6	Information Items	
6a	Applications, Enforcement and Appeals Statistics 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. DR/40/13	65 - 68

7 Date of Next Meeting

To note that the next meeting will be held on Friday 25 October 2013

8 Urgent Business

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

Exempt Items

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

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.

9 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.

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.

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 23 AUGUST 2013

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr A Brown
Cllr P Channer
Cllr M Ellis

Cllr C Guglielmi
Cllr M Mackrory
Cllr Lady P Newton
Cllr J Reeves
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr John Lodge.

2. Declarations of Interest

Cllr Abbott and Cllr Lady Newton declared a non-pecuniary interest in item 5a, Bluebridge Industrial Estate, both being Members of Braintree District Council.

3. Minutes

The Minutes and Addendum of the Committee held on 26 July 2013 were agreed and signed by the Chairman subject to the declarations made by Cllr Lady Newton and Cllr Abbott under item 2 being recorded as non-pecuniary interests rather than a personal interest.

4. Identification of Items Involving Public Speaking

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

Continuation of development for an anaerobic digestion plant including combined heat and power with associated offices and new access without compliance with condition 2 (Compliance with Submitted Details) and 15 (Provision and Maintenance of Parking Areas) attached to planning permission ESS/25/10/BTE to allow amendments to the design of the scheme.

Location: Land north of Bluebridge Industrial Estate, Halstead, Essex

Ref: ESS/28/13/BTE

Public Speaker: Jennie Sutton speaking against

The importation of 50,000m³ of inert material suitable to correct the differential settlement and reprofile the site and a revised restoration scheme with afteruse to energy crops and conservation grassland.

Location: Ongar Landfill, Mill Lane, High Ongar, Essex, CM5 9RG.

Ref: ESS/11/13/EPF

Public Speaker: Derek Jacobs speaking against
Stuart Markham speaking for

5. Bluebridge Industrial Estate

The Committee considered report DR/33/13 by the Head of Planning, Environmental and Economic Growth.

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

The Committee was advised that the original proposal was for (ESS/25/10/BTE) was submitted in July 2010 by the former applicant, Glendale Power Limited. In November 2012 the current applicant (Tamar Energy) acquired the lease to develop and operate the AD facility granted in March 2011. However, the design submitted by the former applicant utilised a different AD process compared to the type used by the current applicant. This change in AD process has meant that the current applicant has needed to make changes to the design of the originally permitted scheme, as follows:

1. Replacement of secondary digester (incorporating the gas holder) with two buffer tanks, a separate gas holder and post digestion storage tank;
 2. Increase in the height of the primary digester by 3m;
 3. Replacement of liquor tanks with a pasteurisation plant;
 4. Removal of solids receiving building;
 5. Replacement of two covered underground biofilters with one covered above ground odour control unit;
 6. Increase in the area of soft landscaping (450m²);
 7. Reduction of the height of the engine/amenity building, increase the internal floor space and repositioning of the CHP/boiler flue stack;
 8. Adjustments to the fenestration on the store/machinery building and the engine/amenity building;
 9. Identification of location for the stand-by flare stack;
 10. Introduction of a transformer and roadside kiosk;
 11. Removal of external wheelwash and provision of an internal vehicle wash down area;
 12. Adjustment to car parking layout, and;
 13. Provision of maintenance access track to the receiving facilities building.
- The receiving facilities building floor space has been reduced from 532m² to 495m² (a reduction of 37m²)

There are no proposed changes to the hours of operation, vehicular movements, type or amount of waste accepted onsite.

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
- Design, Landscape and visual Impact
- Impact upon Amenity
- Traffic & Highways
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Jennie Sutton. Mrs Sutton said:

- Halstead Town Council has expressed concerns over the lack of community engagement, traffic and the foot and bridle path to the north of the development.
- Braintree District Council has also objected to the proposed alterations.
- There has been little evidence of community engagement or proper consultation.
- An environmental impact assessment should have been carried out.
- A full traffic impact assessment should have been carried out on the town's road network.
- Local residents have no objection to the plant and what it does but they are becoming increasingly concerned about the amount of traffic the site will generate.

In response to questions raised, Members were informed that:

- The Environment Agency will control the development through an environmental permit
- The original applicant stated they had consulted with local residents and the planning authority has carried out a statutory consultation for both applications.
- A condition of the original application requires the applicant to submit a satisfactory lighting plan that would require approval.
- The County Landscape Advisor has agreed the landscaping should be established within a 12 to 15 year period.
- The flare stack will only operate in an emergency procedure.

The resolution was moved, seconded and following a vote of ten in favour and none against, with Cllr Abbott abstaining it was:

Resolved:

That planning permission be granted subject to the amendment of the existing legal agreement (to reflect the revised application reference ESS/28/13/BTE) and amended wording of Condition 2 and Condition 15 (of permission ESS/25/10/BTE) to state:

Condition 2

‘The development hereby permitted shall be carried out in accordance with the details of the application dated 05 July 2010 and supplementary information dated July 2010, as amended by the application and supplementary information dated 5 June 2013, together with drawing numbers;

13005_05 Rev P3
13005_06 Rev P3
13005_07 Rev P3
JBA 13/59-TS01 Rev B
JBA 13/59-01 Rev B
'Promap site plan 1:2500 @ A3',

e-mails from Jeremy Elden dated 28 July 2010, 05 August 2010, 06 August 2010, 20 August 2010 17:22 and 19.46, 26 August 2010, 31 August 2010, 01 September 2010, 15 September 2010, 22 September 2010, 05 October 2010 15:10 and 15:49,

e-mails from Matt Clarke date 07 July 2010, 02 September 2010 09.48 and 15.07, 03 September 2010,

the contents of the Design and Access Statement received 07 July 2010, as updated June 2013,
the contents of the Planning Statement dated June 2010, as updated June 2013,
the Highways Traffic and Transport Statement dated 17 June 2010,
the Landscape and Visual Impact Assessment dated February 2010, as updated June 2013,
Measured Works Schedule dated 28 May 2013,
Management Statement dated April 2013,
Arboricultural Implications Assessment dated October 2009,
Flood Risk Assessment dated May 2010,
Phase 1 habitat Survey dated 04 October 2009,
Reptile Survey dated 04 October 2009,
Air Quality Assessment dated June 2010 and Wardell Armstrong Air Considerations Note,
Noise Assessment dated June 2010 and Wardell Armstrong Noise Considerations Note,
Site Check Environmental Risk Assessment dated 13 March 2007,

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions':-

Condition 15:

'No beneficial occupation of the development hereby permitted shall take place until parking areas as indicated on plan 13005_05 Rev P3 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose'.

And:

All other conditions of planning permission ESS/25/10/BTE be re-imposed and updated as appropriate.

6. Ongar Landfill

The Committee considered report DR/34/13 by the Head of Planning, Environmental and Economic Growth.

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

The Committee was advised that the proposal was for The importation of 50,000m³ of inert material suitable to correct the differential settlement and reprofile the site and a revised restoration scheme with afteruse to energy crops and conservation grassland.

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
- Green Belt
- Landscape and visual Impact
- Noise, dust & odour
- Traffic & Highways
- Hours of Operation
- Ecology
- Footpaths
- Restoration

In accordance with the protocol on public speaking the Committee was addressed by Derek Jacobs. Mr Jacobs raised a number of questions and concerns:

- Will the time allocation of lorry movements be monitored
- Have the existing site contours been checked and is the reprofiling necessary
- Could the restoration be carried out in a shorter period of time than two years

Stuart Markham then addressed the meeting. Mr Markham said:

- This application will allow the importation of 50,000m³ over a period of no more than two years to reprofile the site and address differential settlement that has occurred since the site closed.
- The work will help protect the land fill cap, allow surface water to run off and avoid the emission of gas and the potential for fire.
- The restoration will allow machinery to manage the weeds and allow the land to be used for agriculture.

- Working closely with Planning Officers and local residents it has been agreed that all material deliveries to site will avoid Ongar High Street.
- The restoration will be easy to manage in the future and have a positive impact on the environment.

In response to questions and concerns raised, Members were informed that:

- The applicant has stated they would get all the material required within two years.
- The applicant was amenable to restrict Saturday operation times to 8:00 to 13:00
- Noise monitoring is dealt with under condition 13 and there would be a small weighbridge office on site together with necessary staff facilities.
- This application was encouraged to help address and resolve the existing problems on site.
- The site has deteriorated to a level that requires an increased amount of materials to be imported
- The Environment Agency will monitor imports and exports to the site.

The resolution was moved and seconded, with the amendment concerning Saturday operating hours, and following a vote of 10 in favour and 1 against, with no abstentions it was:

Resolved:

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

1. COM 1 Commencement
2. COM 3 Compliance with submitted details
3. CESS 2 Cessation of Development
4. Restriction on period in which inert materials may be imported on site.
5. CESS 3 Removal of ancillary equipment
6. CESS 7 Revised Restoration in Event of Suspension of Operations
7. HOUR 1 Hours of Working (General)
8. PROD 4 Monitoring Waste Data
9. HIGH 4 Prevention of Mud and Debris on Highway
10. HIGH 5 Vehicle Movement Limits
11. HIGH 11 Visibility Splays
12. NSE 1 Noise Limits
13. NSE3 Monitoring Noise Levels
14. NSE 6 Silencing of Plant and Machinery
15. VIS 1 Limiting Impact of Skips, Containers
16. DUST 1 Dust Suppression Scheme
17. DUST 3 Spraying of Haul Road
18. ECO 3 Protection of Legally Protected Species
19. ECO 4 Wildlife Protection Plan
20. ECO 7 Update of Survey before Commencement of Development
21. Wildlife Surveys
22. Soil stripping outside bird nesting season

- 23. LS 8 Soil Handled in a Dry and Friable Condition
- 24. LS 12 Topsoil and Subsoil Storage
- 25. RES 1 Stones to be Picked
- 26. RES 4 Final Landform
- 27. AFT1 Aftercare & Landscaping Schedule to be approved
- 28. WAST 1 Waste Type Restriction
- 29. WAST 5 No Waste Deposit Outside Defined Areas
- 30. WAST6 No Crushing of Stone or Hardcore
- 31. Stability Risk Assessment

7. National and local requirements for the validation of planning applications

The Committee considered report DR/35/13 on the National and local requirements for the validation of planning applications by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

8. Guidance on Non-Material Amendments and Minor Material Amendments to planning permissions

The Committee considered report DR/36/13 on Guidance on Non-Material Amendments and Minor Material Amendments to planning permissions by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

9. Enforcement Update

The Committee considered report DR/37/13 on enforcement matters for the period 1 May to 31 July by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report and requested a detailed report on Dannatts Quarry be submitted to the next meeting of this committee.

10. Statistics

The Committee considered report DR/38/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

11. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 27 September 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.10pm.

Chairman

ADDENDUM FOR THE MEETING OF DEVELOPMENT & REGULATION COMMITTEE
23 August 2013

Item 5a (DR/33/13) Land north of Bluebridge Industrial Estate, Halstead, Essex

Page 17

APPLICANT

Replace “Tamar Energy” with “Tamar Renewable Power (Essex) Limited”

Page 20/21

POLICIES

Insert with policy table: Industrial and Environmental Standards RLP 36

Delete within policy table: Special Landscape Areas RLP 79

Page 32

DESIGN, LANDSCAPE AND VISUAL IMPACT

2nd paragraph, 9th line replace “security” with “securing”

Delete 4th paragraph,

7th paragraph, 5th line replace “2m” with “2.5m”.

Page 35

RESIDENTIAL IMPACT

7th paragraph replace “As noted within the previous application details the digestate would be removed by road and the applicant stated that properly made digestate should be odourless if conforming to PAS 110, thereby negating the need for such measures.”

With “As noted within the previous application details the digestate would be removed by road. The applicant stated that properly made digestate should be odourless if conforming to PAS 110, thereby negating the need for the air from road tankers transporting material to be filtered”.

Page 37

RESIDENTIAL IMPACT

1st paragraph, 7th line replace “BLP 62” with “RLP 62”

TRAFFIC & HIGHWAYS

3rd paragraph, 4th line replace “clasped” with “collapsed”

Page 39

CONCLUSION

1st paragraph, 4th line replace “BLP 62” with “RLP 62”

2nd paragraph, 2nd line replace “waste transfer station” with “AD facility”

Page 39

1st bullet point 3rd line delete “Condition 16” and replace with “Condition 15”.

Page 40

RECOMMENDED

3rd line delete “201313” and replace with “2013”

.....

Item 5b (DR/34/13) Ongar Landfill, Mill Lane, Essex, CM5 9RG

Page 84

CONSULTATIONS

COUNTY COUNCIL’S NOISE CONSULTANT – No objection however requires a noise assessment to define the likely noise impacts and the mitigation measures where necessary.

No concerns over traffic noise.

Page 93

ENVIRONMENTAL PROTECTION

Noise

3rd paragraph, County Council's Noise Consultant has not objected to the proposal subject to a condition requiring a noise assessment being carried out if planning permission is granted.

Page 94

6th paragraph 3rd line replace (50,000cm³) with (50,000m³)

.....

Item 6a (DR/35/13) National and Local requirements for the validation of planning applications

Page 145 (Appendix to item 6a)

2nd paragraph, 2nd line replace "from the 25 June 2013 new rules [HYPERLINK](#) reduce" with "a letter was sent to all planning authorities (dated 19 June 2013), advising of commencement of Section 6 of the Growth and Infrastructure Act and The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 (SI 2013/1238), on the 25 June 2013. Included within the implemented changes, there is a reduction in"

Page 155 (Appendix to item 6a)

6th paragraph, 3rd line replace "Error! Reference source not found." with "3.3.2"

.....

Item 7a (DR/37/13) Enforcement of Planning Control

Page 188

MALDON DC

Delete 'No formal cases'.

ROCHFORD DC

Under 'Rawreth Industrial Estate' delete 'history' and replace with 'history'.

TENDRING DC

Move 'Foxhall Road, Southminster' from Tendring DC to Maldon DC.

Delete 'Retrospective planning application for the importation and depositing waste' and replace with 'Retrospective planning application for the importation and deposit of waste has been approved (July 2013)'.

DR/39/13

committee DEVELOPMENT & REGULATION

date 27 September 2013

MINERALS DEVELOPMENT

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

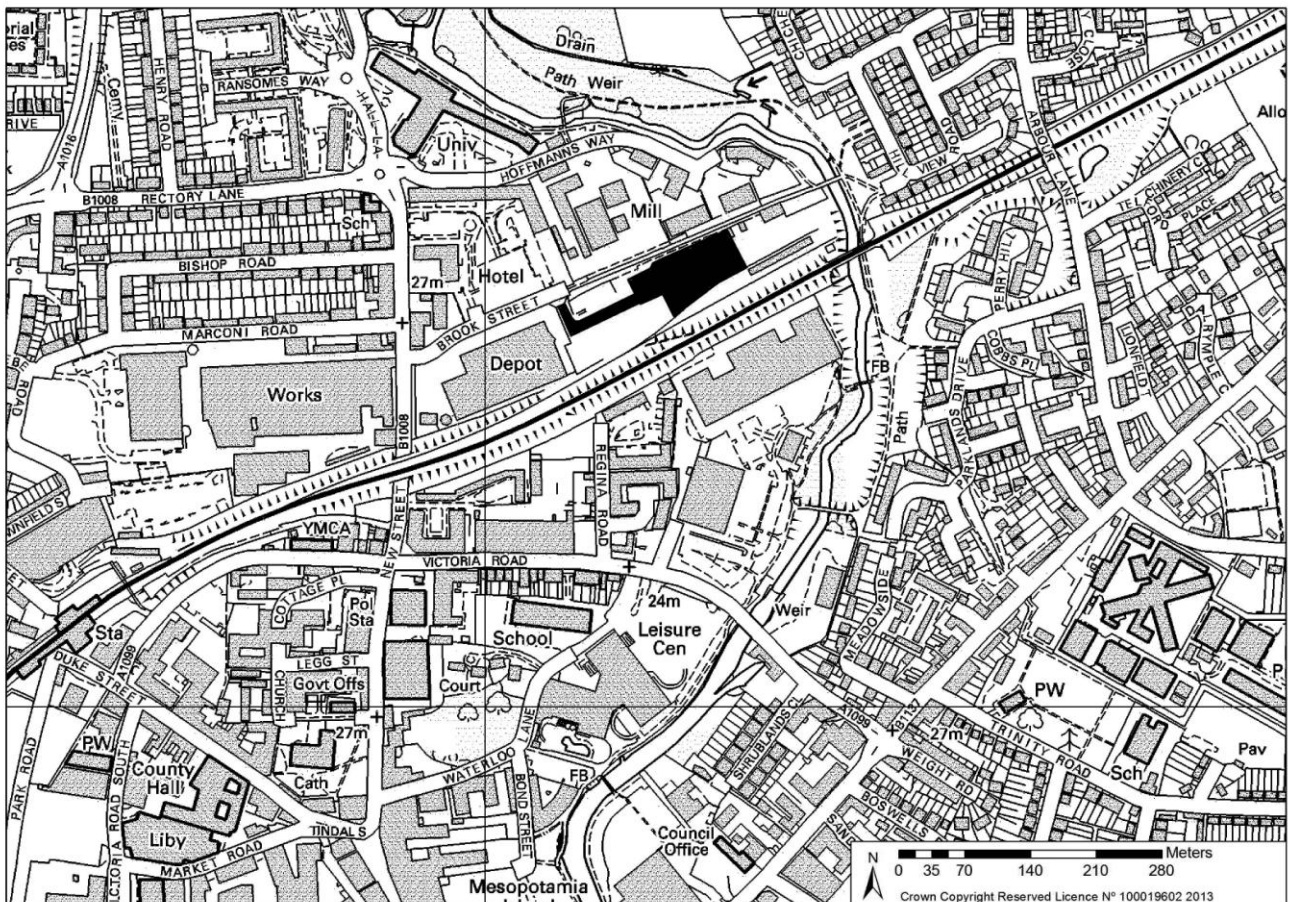
Location: **Former Goods Yard, land off Brook Street, Chelmsford, Essex, CM1 1SU**

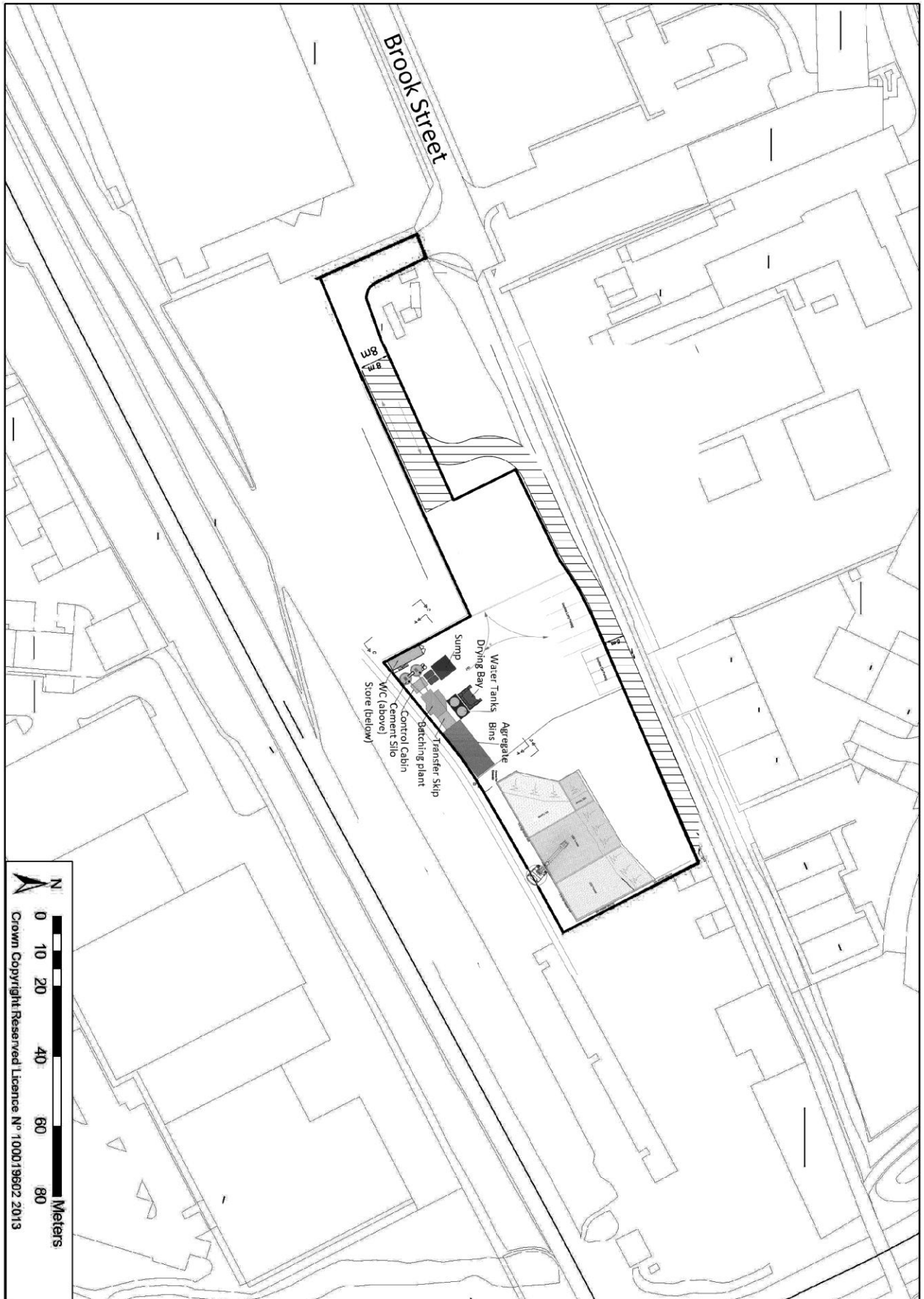
Ref: **ESS/32/13/CHL**

Applicant: **Brett Concrete Limited**

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Matthew Wood Tel: 01245 435755





1. BACKGROUND

The site, a former goods yard and rail sidings has an extensive history as an aggregates transshipment site with previous uses of this site including a coal yard with material imported by rail. The site is also a safeguarded mineral transshipment site both within the existing Minerals Local Plan (1997) and emerging Replacement Minerals Local Plan (RMLP).

In December 2011 the applicant submitted an application for a Lawful Development Certificate for a Proposed Use or Development (CLOPUD) (ref: ESS/04/12/CHL) in order to confirm the lawful use of the site in question. The application was sufficient in demonstrating on the balance of probability that the lawful use of the site was for the storage and distribution of minerals given the history of the site and that this use had long been established in this location. A certificate to this affect was issued on 07 March 2012.

In August 2012 the applicant submitted a planning application (ref: ESS/52/12/CHL) seeking approval for the erection and use of a concrete batching plant and ancillary facilities on land which encompasses that to which the CLOPUD relates. As part of this proposal the use covered by the CLOPUD would have facilitated the concrete batching plant. However, this application was refused in October 2012 on Local Plan Policy issues relating to Chelmsford City Council's Adopted Town Centre Area Action Plan (CTCAAP) and on noise grounds due to insufficient information being provided to satisfy noise concerns as part of this planning application.

This planning application is a resubmission of planning application ref: ESS/52/12/CHL which seeks to address those reasons for refusal of the previous planning application refused in October 2012.

In terms of the site itself, this is situated within Chelmsford Town Centre as identified by Chelmsford's Local Development Framework (LDF) and in particular the Chelmsford Town Centre Area Action Plan (CTCAAP) adopted in 2008. The application site is covered by the CTCAAP which designates part of the former goods yard site as Site Opportunity Area 34. The northern half of the site falls within this designation. The southern half of the site is a safeguarded mineral transshipment site as identified by the Minerals Local Plan (MLP) adopted in 1997 and which is proposed to continue to be safeguarded by the Replacement Minerals Local Plan (RMLP) which has been submitted to the Secretary of State for Examination in Public (EIP).

2. SITE

The former goods yard site is situated within Chelmsford Town Centre and is covered by the Chelmsford Town Centre Area Action Plan (CTCAAP) which forms part of Chelmsford City's Adopted Local Development Framework (LDF). The site itself is accessed via Brook Street to the north west of the site which itself is accessed from New Street further to the north west of the site. Both vehicular and pedestrian access to the site is from Brook Street.

The application site covers only part of the former goods yard site located to the south of the site adjacent to existing rail sidings. Other adjacent active uses on the site include a builders merchants to the north east, metals storage to the north and an existing mineral storage and distribution depot to the west of the site. Other areas of the goods yard, notably to the east of the site are redundant and are currently underused. The proposed development would be located approximately 150 metres from the nearest residential properties situated in Hill View Road to the east of the site.

Along the eastern boundary of the site there is some partial screening from vegetation beyond which is the River Chelmer and residential properties (Hill View Road). The site is adequately screened from beyond the south boundary of the site by an existing railway embankment approximately 15 metres in height. Along the north and west boundaries of the site there is some partial screening from vegetation beyond which are commercial/industrial properties. Within the goods yard site itself adjacent uses would only be screened by a proposed 3m high sleeper walls to the east of the application site.

The application site is approximately 130 metres from the Chelmer Valley Riverside Local Wildlife Site (LWS) and 140 metres from the River Chelmer. However, the proposal site is situated within Flood Zone 1, classed as low probability risk in table 1 of the Technical Guidance to The Framework. From the information submitted the application site is less than 1 hectare in size. A pedestrian and cycle path forming part of the Chelmer Valley pedestrian network runs along the northern boundary of the former goods yard site. The Marconi building approximately 300m to the west of the site in New Street is a Grade II Listed Building.

3. PROPOSAL

This application seeks approval for the erection and use of a concrete batching plant, ancillary water, aggregate and recycling facilities on land at the former goods yard, off Brook Street in Central Chelmsford.

The main difference with this proposal from that previously submitted under planning application ref: ESS/52/12/CHL is the location of the plant on the site which has been moved from a position to the north of the site as previously submitted to a proposed position to the south of the site adjacent to existing rail sidings which serve the site.

The proposed erection and use of the concrete batching plant and ancillary facilities would produce and distribute ready-mixed concrete and floor screed on land which lies adjacent to an existing aggregate importation, storage and distribution facility operated by an adjacent landowner.

For clarity purposes the applicant has confirmed that water recycling and the recovery for reuse of aggregates referred to in the description of development refers to concrete remaining in truck mixer drums at the end of the working day.

For the avoidance of all doubt the applicant has confirmed that aggregate recycling

from imported waste by crushing and screening in no way forms part of the proposed development. The recycling element refers to the recycling of the (washout) water and the recycling of any returned undelivered concrete loads, of which the applicant has confirmed there would be few of. There would be no recycling of any other materials.

The proposed annual output of concrete and floor screed would be in the region of 22,400 cubic metres which is an average of 81 cubic metres per working day (275 working days per year).

The proposed development includes a number of components which are considered to be Permitted Development under Schedule 2, Part 17 (Railway or light railway undertakings) Class A of The Town and Country Planning (General Permitted Development) Order 1995 and which are considered to be lawful under the CLOPUD application (ref: ESS/04/12/CHL) in relation to the storage and distribution of minerals on the site.. These include the following:

- 4m high sleeper walls along part of the southern and eastern boundaries of the application site and the formation of bays for the storage of various grades of imported aggregates;
- A mess room and toilet facilities with foul drainage to a sealed cess pit;
- A store for consumables within which any cycles used by site personnel for transport to work would be parked during the day;
- Concrete surfacing where lorries manoeuvre and are loaded; and
- A dedicated car and motorcycle parking area.

The proposed development of which this planning application relates to includes the following components:

- Aggregate storage bins;
- Cement and cement substitute silos, admixture tanks and a fresh water tank;
- Aggregate and cement weigh hoppers;
- A control cabin;
- Concrete surfacing which would drain to a water recycling system, comprising a washout pit and recycled water tank;
- An aggregate recycling system comprising the washout pit and a drying bay; and
- Boundary treatment, the details of which would likely be confirmed via a condition attached to planning permission should it be granted.

Therefore, it is important to note that this planning application relates only to proposed batching plant and its associated mixing operation with all other aspects including the importation, storage and distribution of aggregates already deemed to be lawful.

The proposed hours of operation of the plant would be:

07:00 to 18:30 hours	Mondays to Fridays (excluding Public Holidays); and
07:00 to 13:00 hours	Saturdays.

It is noted that these proposed hours of operation have been amended slightly from those sought previously under planning application ref: ESS/52/12/CHL with this previous application having proposed operations to start from 06:00 hours as opposed to 07:00 hours now being sought.

Only essential maintenance would normally be carried out outside of these hours. However, in the event that deliveries to public works are required outside of these hours the Mineral Planning Authority's (MPA) agreement would be required. The last loads of concrete would normally leave the site no later than 16:30 hours with the proposed aggregate storage bins being topped up by 18:00 hours.

Operation

The basic operation of a concrete batching plant is the controlled discharge of measured quantities of sand, stone, cement (and cement substitute) and water into a mixing plant with the mixed material being loaded in batches into a truck mixer waiting beneath.

Aggregate stored within the authorised sleeper wall bays near the rail sidings would be fed directly into aggregate storage bins by loading shovel. Individual bins would be provided for each grade of aggregate.

The required proportions of each grade of aggregate for a batch of concrete would be controlled from a control cabin and would be discharged into a weigh hopper and conveyed by bucket elevator to a mixer. Cement and cement substitute, imported by road tanker and loaded pneumatically into silos would be fed from silos to a mixer by sealed screw conveyor via a weigh hopper. Water and necessary admixtures would be added and the batch would then be discharged to a truck mixer waiting below.

Whilst the principal source of supply of water for use in the production of concrete would be taken from the mains supply, the use of recycled water is encouraged by Government and is permissible on plants which are accredited under the Quality Scheme for ready mix concrete.

The proposed development includes a water recycling system with recycled water derived from rainwater drainage collected from paved areas around the batching plant, water used in dust suppression at the plant's loading point, and from water used in cleaning out truck mixers; drums at the end of each working day.

Rainwater and water used in dust suppression would drain to a sump. Truck mixers would also be washed out into a sump and water together with cement removed from aggregate in residual concrete in the cleaning process would be pumped into a recycled water tank where solids would be constantly agitated and remain in suspension. Along with water from the adjacent freshwater tank it would be pumped to the batching plant and used in concrete production.

The aggregate from which the cement would be removed in the washing out process would be transferred from the sump to a drying bay and, once dry, would

be reloaded into the aggregate bins together with stored aggregate. This system minimises any wastage of aggregate, cement or water.

All site generated waste materials would be placed in standard wheeled and covered containers which would be emptied as and when necessary by waste collection contractors. Separate containers for waste for disposal and waste for recycling would be provided.

4. POLICIES

The following policies of the Minerals Local Plan (MLP) Adopted 1997, Replacement Minerals Local Plan (RMLP) submitted to the Secretary of State (SoS) for Examination in Public (EiP) and the Chelmsford Borough Local Development Framework (CBLDF) including the Core Strategy and Development Policies Document Adopted 2008 provide the development framework for this application. The following policies are of relevance to this application:

	<u>MLP</u>	<u>RMLP</u>	<u>CBLDF</u>
Transportation	MLP3		
Rail Depots	MLP6		
Development Control	MLP13		
Safeguarding Mineral Transshipment Sites and Secondary Processing Facilities		S9	
Development Management Criteria		DM1	
Area Action Plans			CP7
Minimising Environmental Impact			CP13
Securing Economic Growth			CP22
Freight Transport			CP26
Protecting Existing Amenity			DC4
Criteria for Transport Assessments			DC6
Vehicle Parking Standards at Developments			DC7
Sites of Biodiversity and Geological Value			DC13
Water Efficiency and Sustainable Drainage Systems			DC25
Amenity and Pollution			DP29
Achieving High Quality Development			DC45
Industrial and Warehouse Development			DC52

It is noted that, as of 03 January 2013, the Regional Spatial Strategy for the East of England (RSS) has been revoked and therefore no longer forms part of the development plan.

It is important to note with regard to the above and the National Planning Policy Framework (The Framework) that the MLP was adopted in 1997. The Framework (Paragraph 215) details that for Local Plans adopted before 2004 (not in accordance with the Planning and Compulsory Purchase Act 2004) due weight

should be given to relevant policies according to their degree of consistency with The Framework. The level of consistency of the relevant policies contained within the MLP with The Framework is considered in Appendix One of this report.

Chelmsford City Council's Local Development Framework including the Core Strategy and Development Policies Document was Adopted in 2008 in accordance with the Planning and Compulsory Purchase Act 2004.

Chelmsford City Council (CCC) has undertaken a Focused Review of its adopted Core Strategy and Development Control Policies in light of The Framework. Although not yet formally adopted by the City Council, this review has been submitted to the Secretary of State (SoS) for independent examination and reflects the City Council's position with regard to its adopted Core Strategy and Development Control Policies in relation to the requirements of The Framework. CCC state that they consider that their development plan as a whole is sound and consistent with the requirements of The Framework and that this review has been limited to policy amendments to a small number of its Core Strategy and Development Control Policies that need to be more appropriately aligned with the requirements of The Framework. Therefore, based on this information, the MPA consider that the principle of those Core Strategy and Development Control Policies contained within this Focused Review are consistent with The Framework and therefore continue to hold significant weight in decision making.

With regard to the above Essex County Council (ECC) submitted its Replacement Minerals Local Plan – Pre-Submission Draft (January 2013) (RMLP) to the Secretary of State on 12th July 2013 for examination. Given that the RMLP has formally been submitted, it is considered to have some weight in the determining of relevant planning applications. Paragraph 216 of The Framework specifically states, in relation to this, that 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 the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL – Objects on the following grounds:

- The proposal would fail, in principle, to safeguard a Transshipment Site for minerals as identified in the Essex Minerals Local Plan. The concrete batching plant would represent a material change in the use of the site from storage/distribution through the production of concrete on-site. Furthermore, the allocation of the site (Opportunity Site 34) in the Chelmsford Town Centre Area Action Plan for business and industrial use,

does not provide the necessary policy justification for a concrete batching plant at the site;

- The proposal would fail, in part, to provide any environmental improvement as identified by the objectives in the Town Centre Area Action Plan. It would also undermine the ability for the creation of a new built frontage to face Brook Street. On balance the proposal would undermine the overall objectives of the Town Centre Area Action Plan.

ENVIRONMENT AGENCY – No objection subject to the imposition of a condition requiring a scheme to dispose of surface water on the site.

NETWORK RAIL – No comments received.

HIGHWAY AUTHORITY – No objection subject to the imposition of a condition requiring a Lorry Routeing Plan, detailing the routeing of HGVs to and from the site.

HIGHWAY AUTHORITY (RIGHTS OF WAY) – No comments received.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to the imposition of a condition requiring a landscape plan to show how the proposal would be mitigated through tree planting and other proposed planting. This should, in particular, include boundary treatment to the east end of the site beside the 4m high proposed sleeper wall.

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

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

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

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

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

ESSEX WILDLIFE TRUST – No comments received.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to the imposition of conditions requiring the Noise Impact Assessment (NIA) submitted in support of this planning application to be updated once specific plant information is available, and for operational noise levels from the site to not exceed the background noise level at any residential property which would be required to be demonstrated through on-site measurements within one month of operation, with methodology to be agreed with the MPA.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection.

LOCAL MEMBER – CHELMSFORD – Chelmsford Central – Any comments received will be reported.

LOCAL MEMBER – CHELMSFORD – Chelmsford West – Objects on the following grounds:

- No significant change from previous application which was turned down;
- Continue to have concerns over levels of light, sound and air pollution that this site would cause;
- No guarantee that railway will be utilised as part of proposal;
- Additional vehicle (HGV) movements proposed would put further strain on New Street and road networks through the city centre to get to A12 and other major routes; and
- There is currently a site with approximately 450 dwellings being built across the road on the old Marconi site and such vehicle movements will only exacerbate an existing problem for residents getting onto New Street, particularly during rush hours.

LOCAL MEMBER – CHELMSFORD – Springfield – Objects on the following grounds:

- The proposed location although closer to the railway tracks to that of the previous refused application, is still immediately adjacent to the Opportunity Site as designated by Chelmsford City Council's adopted Town Centre Plan and therefore compromises that development opportunity. The height of the structures for that development exceed that as recommended in that same plan;
- The MLP identifies the Rail Yard as a Minerals Storage and Distribution Area as distinct from a Minerals Processing Area as is proposed;
- The proposed number of HGV lorries entering and leaving the site would increase heavy traffic on the already congested city centre roads. The nearest trunk roads are not easily accessible. In addition other traffic would be generated by builders and contractors collecting materials;
- The inevitable noise and dust created would drift on the prevailing westerly wind to the adjacent residential area of Hill View Road, Chichester Drive, Perry Hill and Arbour Lane in particular but also the surrounding residential areas;
- Light pollution created in the hours of darkness would also have a detrimental effect on those same residential areas; and
- The case for need is not made out as alternative suppliers are available in the area with good access to trunk roads and away from residential areas.

6. REPRESENTATIONS

626 properties were directly notified of the application. The application was also advertised in the local press. 58 letters of representation have been received (all against). A table is provided at Appendix Two of this report detailing the comments received. The main planning issues raised are summarised in brief below:

- The site is too close to residential properties, and impacts such as;
 - increased noise levels;
 - dust nuisance;
 - air quality;
 - light pollution and
 - hours of operation;
 are of increasing concern;
- Proposed mitigation of these impacts would be insufficient;
- Proposed vehicle movements would add to existing congestion and road maintenance problems in and around New Street and various safety concerns over other road users, pedestrians and cyclists including University and School students;
- The impact on local wildlife and local designated wildlife sites including the River Chelmer;
- Proposal would go against aspirations for the City centre and would conflict with City centre objectives contained within adopted Town Centre Action Plan which covers the site;
- Proposal not appropriate in this heavily urbanised and residential location and approval of application could create a precedent.

7. APPRAISAL

The key issues for consideration are:

- A – Need & Principle
- B – Policy considerations
- C – Impact on Residential Amenity
- D – Traffic & Highways
- E – Visual Impact & Design
- F – Ecology
- G – Fall-back Position

A NEED & PRINCIPLE

The applicant manufactures ready-mixed concrete and also produces washed sands and gravels which are two of the three main raw materials.

The grant of a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) in March 2012 confirmed the planning status of land at Brook Street rail sidings for the storage and distribution of aggregates. These aggregates would be available for general use by the construction industry or for the manufacture of concrete whether it is on site or elsewhere. The applicant proposes to develop the

proposed concrete batching plant alongside the sidings to serve local development projects. However, it is noted that the rail sidings would not immediately be fully utilised as part of the proposal with the majority of movements being via road.

The applicant has stated that, in the short term not all aggregate would be imported by rail to the proposed facility. However, in the medium and long term the applicant envisages that all aggregate would be imported to the site by rail.

The applicant has also stated that locating the proposed plant within the designated 'town centre area' would ensure that haulage distances from plant to projects in the local area are kept to an absolute minimum. Those projects would otherwise need to be supplied with concrete produced at one of two batching plants at Boreham some 5-6km away, one within an active quarry in the city, the other on industrial land elsewhere.

Until the late 1990's the applicant had a concrete batching plant at Sandon Quarry approximately 4km from Chelmsford City Centre and although the applicant sought planning permission to retain the plant using imported aggregates, this was refused as the proposal was considered to be contrary to the development plan. This remains so with the plant's removal from the site secured by planning condition.

Two of the applicant's existing sand and gravel processing plants, one at Ipswich and one on the Isle of Grain, Kent, are both rail connected and are able to distribute aggregates via the rail network. Both of these plants have permanent planning permission and long term reserves of sand and gravel. Consequently, the applicant is actively seeking to set up a series of rail connected facilities within economic rail haulage distance from existing sustainable sources of supply. Chelmsford, in which major redevelopment in its town centre is already permitted or is planned, is one such location.

Figure 16 of the Chelmsford Town Centre Area Action Plan (CTCAAP) identifies a total of 38 'Opportunity Sites' within the 'City Centre area'. Each site represents land where there is a significant regeneration objective to remove dereliction, re-use brownfield land and deliver necessary major infrastructure improvement.' (ref paragraph 13.5 of the CTCAAP). Part of the application site is located within Opportunity Site 34 although it is important to note that all proposed built development forming part of this planning application including the batching plant itself would be located outside of this Opportunity Area. The CTCAAP states that the overall land area in this location (former goods yard) is underused and offers the opportunity for more intensive business and industrial use as long as the rail sidings can still accommodate lorry movements for aggregates interchange. The proposed development is considered to fall within this land use category as an industrial use. Further, the applicant has stated that no other rail connected site is similarly identified, and hence potentially available in substitution for the application site, in the Chelmsford area including the 21 sites identified in policy DC52 (Industrial and Warehouse Development) of Chelmsford City's Core Strategy and Development policies document which highlights acceptable areas for industrial related development within the Cities boundaries.

In addition, it is considered that the proposal would provide some economic benefit as the proposal would generate 5 full time jobs, and could be considered to be a beneficial economic use of the currently underutilised former goods yard site.

A large number of representations have been received with some of these, in part, questioning the need for a facility such as that proposed given that alternative suppliers are available in the area with good access to trunk roads which are located away from residential areas.

The Framework (Paragraph 145) states that MPAs should ensure that large landbanks of minerals bound up in a few number of sites should not stifle competition. Although the proposal is not for mineral extraction it is considered to be a secondary minerals process and therefore relevant to this National Policy objective. It is acknowledged that this proposal would add to local competition regarding concrete supply which it is considered would have a positive impact on the local economy.

Given this and the case of need put forward by the applicant for the proposed development on the rail connected former goods yard site it is considered that there is a justifiable need for the proposal.

Therefore it is considered that the applicant has demonstrated a need for the proposed development in relation to the rail sidings and the importation of aggregate by rail in order to serve the local market from sources outside of Essex via more sustainable modes of transport. It is also considered that a principle for the proposed development exists given the proposal's revised location on the former goods yard site, the former goods yard site's history and lawful use and the context of the surrounding area being predominately industrial, even though it is acknowledged that residential and commercial land uses are also in close proximity of the site given its City Centre location.

B POLICY CONSIDERATIONS

The Framework was published on 27 March 2012 in an attempt to reform the planning system and make it less complex and more accessible, to protect the environment and to promote sustainable growth. 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 and that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The Framework states that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-making this means approving development proposals that accord with the development plan without delay.

The Framework also states that, in preparing local plans, local planning authorities should safeguard existing, planned and potential sites for concrete batching. It is worth noting here that the proposed location is not an existing, planned or has

been previously considered a potential site for a concrete batching use in relation to the RMLP, MLP and CBLDF, specifically the CTCAAP.

CBLDF Policy CP22 (Securing Economic Growth) states, in summary, that the City Council will actively seek to maintain high and stable levels of economic and employment growth in the City with support being given to proposals that secure job growth within 'high value' businesses and premium retailing within the City's economy.

CBLDF Policy DC52 (Industrial and Warehouse Development) states, in summary, that the expansion, conversion or redevelopment of premises for uses falling within Classes B2 and B8 of the Use Classes Order 1987 (as amended) will be permitted in the Employment Areas as shown on the Proposals Map and other appropriate areas identified in the Site Allocations Development Plan Document. Any proposals should have regard to the amenity and character of both the existing Employment Area within which it is located and the sites that adjoin it.

Although the application site is not within a designated Employment Area, it is considered that the proposed location would fall under 'other appropriate areas identified in the 'Site Allocations Development Plan Document' through the CTCAAP. The proposal is industrial and, as highlighted previously within this report, would provide a beneficial economic use of part of the underused former goods yard site subject to the proposal having regard to the amenity and character of both the area within which it is located and the sites that adjoin it, issues which are considered later within this report.

CBLDF Policy CP7 (Area Action Plans) states, in summary, that the Area Action Plan for Chelmsford Town Centre will set out an integrated land use and urban design framework to direct development proposals and public realm investment. The CTCAAP will allocate land for future development and change and provide a framework for the delivery of infrastructure and other improvements that will reinforce the town's role as the 'Capital of Essex'.

The main objectives of the CTCAAP include generating environmental improvement in parallel with economic growth with these objectives embedded within the CTCAAP.

The former goods yard site being safeguarded for mineral transshipment and the Certificate of Lawfulness issued on the site (ref: ESS/04/12/CHL) for the storage and distribution of minerals are material considerations in relation to this application. However, these both refer specifically to the storage and distribution of minerals and not processing which would be a material change to the use of the site.

As previously highlighted within this report, this planning application relates to the erection and use of the batching plant and associated mixing operation only with all other ancillary development considered to be lawful. Part of the application site is situated within 'Opportunity Site 34' as identified by the CTCAAP as being a site within the City Centre which has opportunities for development and improvement. However, it is important to note that none of the proposed batching plant or any

associated mixing operation would be located within Opportunity Site Area 34. The stated objective of Opportunity Site 34 is to establish a 'beneficial economic use of existing railway land and environmental improvement' with business and/or industrial uses described by the CTCAAP as 'leading land uses' in achieving this objective. The MLP and RMLP both safeguard the railway sidings and goods yard land for future use for mineral transshipment. However the overall land area is underused and offers the opportunity for more intensive business and industrial use as long as the rail sidings can still accommodate lorry movements for aggregates interchange as identified by the CTCAAP.

The CTCAAP also states that the site represents the opportunity to create a frontage to the footpath/cycle route which runs along the northern boundary of the site which is an important link between the Town Centre and the area known locally as the 'Bunny Walks' which is a 'green lung' situated in close proximity of the urban City centre area and includes the Chelmer Valley Riverside LWS.

The context of the area surrounding the application site is provided by Section 21 Rivermead within the CTCAAP which states that the area is a dynamic university campus and industrial base with Anglia Ruskin University (ARU) rolling out development in accordance with a master plan with strengthened transport links to New Street and the High Street surrounded by industrial and commercial uses important to the City Centre economy.

CCC has objected to the application on two grounds; firstly, that the proposal would fail in principle to safeguard a transshipment site for minerals as identified in the Essex Minerals Local Plan with the concrete batching plant representing a material change in the use of the site from storage/distribution through production of concrete on-site. The City Council has gone on to state that the allocation of the site (Opportunity Site 34) in the Chelmsford Town Centre Area Action Plan for business and industrial use, does not provide the necessary policy justification for a concrete batching plant at the site on policy grounds in relation to the adopted CTCAAP. CCC's second reason for objection is that the proposal would fail, in part, in providing any environmental improvement as identified by the objectives of the CTCAAP and the proposal would also undermine the ability for the creation of a new built frontage to face Brook Street.

MLP Policy MLP6 (Rail Depots) states, in summary, that the MPA will seek to protect existing rail depot sites for mineral importation and distribution as shown within the MLP, including the site at Brook Street, Chelmsford. This policy is considered to be consistent with The Framework as The Framework also seeks to safeguard existing, planned and potential rail heads (ref paragraph 143).

This policy principle remains under policy S9 (Safeguarding mineral transshipment sites and secondary processing facilities) of the RMLP.

Taking CCC's response into account, it is considered that the proposed development would not compromise the continued operation of the Chelmsford Rail Depot Safeguarded Mineral Transshipment site and would not compromise the ability of the existing rail sidings to accommodate lorry movements for aggregates interchange. A fundamental element of the proposed development would be the

importation of aggregate to the site both via road and rail and that it is not considered the proposed batching plant in itself would compromise such mineral transshipment uses elsewhere on the site given the proposed development site's footprint, the proposed positioning of the batching plant on the site and the size and extent of other underutilised areas of the former goods yard site. Accordingly it is considered the proposal complies with MLP policy MLP6 and RMLP policy S9.

It is further considered that the proposed development would assist to ensure the retention and upgrade of the existing rail head facility on the site which would also serve the ambitions of the MLP and RMLP.

CCC comments that Opportunity Site 34 within the CTCAAP does not provide the necessary policy justification for a concrete batching plant at the site on policy grounds. As previously highlighted, the proposed batching plant itself is located outside Site Opportunity 34 and it is only ancillary works which are already considered to be lawful which would be located within Site Opportunity 34 which are outside of the scope of this application. Notwithstanding this, the proposed development is considered to be industrial in nature and a beneficial economic use located on an existing underutilised brownfield site within the City Centre as identified by the CTCAAP. Therefore it is considered that there is a supportive policy principle for this proposal.

It is also considered that the proposed development would not undermine the ability for the creation of a new built frontage to face Brook Street, an important pedestrian and cycle link as identified by the CTCAAP. This is proposed to be located beyond the eastern end of Brook Street and to the south of the site and a reasonable distance from Brook Street and nearby pedestrian and cycle links to the north of the former goods yard site, ensuring that the proposal would not undermine the ability for the creation of a new built frontage to face Brook Street should the prospect arise.

It is considered that the utilisation of rail freight as part of the proposed development would be supported through CBLDF Policy CP26 (Freight Transport) which seeks sites with significant freight or goods movements to have good access to transport networks. The rail sidings and Brook Street are considered to have good access to the road network.

Therefore, it is considered that the proposed industrial development would represent a beneficial economic use located on an existing underutilised brownfield site within the City Centre as identified by the CTCAAP and would not compromise the future safeguarded mineral transshipment use of the site as identified by the MLP and RMLP. Taking the above into account it is considered that the proposed development would not conflict with the CTCAAP as it would not have a significant impact on the stated aims and objectives of the CTCAAP and its deliverability. As such, in principle it is considered that the proposed development conforms with The Framework, CBLDF Policies CP7, CP22, CP26 and DC52, MLP Policy MLP6, and RMLP Policy S9. The environmental and social aspects in relation to the proposal are considered later within this report

C IMPACT ON RESIDENTIAL AMENITY

One of the core planning principles of The Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Framework also states that to prevent unacceptable risks from pollution, decisions should ensure that new development is appropriate for its location with the effects (including cumulative effects) of pollution on health, the natural environment and general amenity, and the potential sensitivity of the area or development to adverse effects from pollution being taken into account.

MLP Policy MLP13 (Development Control) states, in summary, that planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on local residents' (or others') amenity. This policy is supported by the Framework which states that planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the local environment, and therefore it is considered that MLP Policy MLP13 is consistent with The Framework.

RMLP Policy DM1 (Development Management Criteria) states, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable) and the health of local residents adjoining the site.

CBLDF Policy CP13 (Minimising Environmental Impact) states, in summary, that The Borough (now City) Council will seek to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts on health, amenity including air quality, and the wider environment.

CBLDF Policy DC4 (Protecting Existing Amenity) states, in summary, that all development proposals should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in excessive noise, activity or vehicle movements, overlooking or visual intrusion and the built form would not adversely prejudice outlook, privacy, or light enjoyed by the occupiers of nearby properties.

CBLDF Policy DC29 (Amenity and Pollution) states, in summary, that planning permission will be refused for development, including changes of use, which will or could potentially give rise to polluting emissions to land, air, and water by reason of noise, light, smell, fumes, vibration or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and permanently maintained.

The location proposed for the development is a mix of commercial/industrial with residential and commercial properties also located within close proximity of the site. The proposed development would be located approximately 150 metres from the nearest residential property situated in Hill View Road to the east of the site.

Beyond this there are also residential properties in Arbour Lane approximately 300m from the application site which could potentially be affected by the proposed development given the topography of the land and that these properties would be situated higher than the application site itself. There are also residential properties in Perry Hill approximately 200m to the south east of the application site. All of these properties would be partially screened from view by existing vegetation and distanced by the eastern end of the former goods yard site which is predominantly open, and the River Chelmer. There are also residential properties in Chichester Drive to the north east of the site, approximately 200 metres away from the application site which would be screened by vegetation and existing commercial buildings in the locality. To the west of the site the Marconi site on New Street is approximately 250m from the application site. The Marconi site is currently under redevelopment for residential use.

The proposed development would be partially screened from view from beyond the north boundary of the site by mature vegetation beyond which are industrial properties including Marriage's Flour Mill with industrial properties also adjacent to the west boundary of the former goods yard including Kay-Metzeler's polystyrene factory. The application site is adequately screened from beyond the south boundary of the site by an existing railway embankment approximately 8 metres in height on top of which runs the London to Ipswich main rail line, and beyond which are commercial properties in Riverside Retail Park and industrial properties in Kingsdale Industrial Estate. There are a number of residential properties approximately 250m beyond the south west corner of the site that would be partially screened from view by vegetation and existing industrial buildings. The Atlantic hotel in New Street is also located approximately 250m beyond the north west boundary of the site. Given its urban location there are a number of other residential, commercial and industrial properties located within the local area. Ground level views of the application site itself can only be obtained from the Chelmer Valley Footpath to the north of the site and railway operational land.

Within the goods yard site itself adjacent uses to the east would be partially screened by 4m high sleeper walls, however, the plant would be highly visible when viewed from within the site given its flat topography and open nature including from an existing builders' merchants to the north east of the site. Other land uses on the site including an aggregate transshipment facility to the west and metal storage area to the north west. However, the majority of the site is derelict and underused.

Adjacent to the proposed access of the site from Brook Street onto New Street is the former Marconi works building which represents opportunity site 19 within the CTCAAP. The Marconi site has recommended land uses including a mix of residential and commercial uses with planning permission for such redevelopment having been granted by Chelmsford City Council with these works currently under construction.

A large number of representations have been received relating largely to noise, dust, air quality, hazardous substances pollution, vehicle movements, light pollution and hours of operation associated with the proposed development. These issues are discussed below.

Noise/Vibration

The applicant has submitted a Noise Impact Assessment (NIA) in support of the planning application. The Assessment has been guided by The Framework and the Noise Policy Statement for England (NPSE). The NIA itself includes environmental background levels at the nearest noise sensitive locations to the proposed site as well as comparing these levels against the noise levels that would be produced by the proposed development taking account of distance factors and any screening that may exist. This NIA also includes background noise levels for the site between 06:00 and 07:00 hours which seeks to address one of the reasons for refusal relating to previous planning application ref: ESS/52/12/CHL in relation to insufficient noise information having been submitted. However, as previously highlighted within this report, the current proposal seeks the proposed hours of operation to begin from 07:00 hours as opposed to 06:00 hours under the previous refused proposal (application ref: ESS/52/12/CHL). Therefore this information is not considered to be relevant to this proposal as hours of operation are proposed to start from 07:00 hours each day.

A significant number of representations partly relating to noise concerns in relation to the proposed development have been received.

The NIA concludes that noise from the proposed operations would not be expected to create unacceptable working conditions in the adjoining double glazed offices to the north of the site and living conditions to those residential properties to the east of the site. However, the NIA also states that it would be necessary to incorporate noise mitigation measures into the layout of the site in order to ensure that acceptable noise levels are achieved. These mitigation measures include full enclosure of the proposed mixing operations and 4 metre high sleeper walls being erected along the east boundary of the application site.

A letter of representation has also been received from the occupiers of the builders' merchants within the former goods yard site to the north east of the application site. These comments include concerns over the lack of noise assessment relating to the builders' merchants as a result of the proposal including the fact that the builders' merchant building does not have double glazing or air conditioning. In response to this the applicant has updated the submitted NIA in relation to the builder's merchants. This NIA concludes that the working conditions within the offices of the builders' merchants would be acceptable as a result of the noise impact of the proposed development.

The County Council's Noise Consultants have been consulted on both the original NIA and updated version taking into account the NIA in relation to the builders' merchants on the site. The County Council's Noise Consultants have stated that they are satisfied that the proposed site would be operated so as to not cause unreasonable impacts on nearby receptors with the noise impact of the proposed development not being considered to be significant under worst case circumstances when referring to the builders' merchants. As a result the County Council's Noise Consultants have raised no objection to the proposed development on noise grounds subject to the NIA submitted in support of this

planning application being updated once specific plant information is available, and for operational noise levels from the site to not exceed the background noise level at any residential property. Such details would be required to be demonstrated through on-site measurements within one month of operation, with methodology to be agreed with the MPA, should permission be granted.

Chelmsford City Council (CCC) has raised objection to the proposal on noise grounds. However, it is noted within CCC's officer report regarding their consultation response on this planning application that it states that should the MPA be minded to grant approval for this proposal then conditions would be recommended covering hours of operation, the noise mitigation measures contained within the submitted NIA being imposed, enclosure of mixing operations and acoustic cladding of the plant and mixing/loading bay, fencing to the eastern side of the site, and a restriction on loading shovel operations prior to 07:00am.

Therefore, should planning permission be granted it is considered that conditions could be attached covering hours of operation as proposed, enclosure of mixing operations and acoustic cladding of the plant and mixing/loading bay, and the noise mitigation measures contained within the submitted NIA being imposed. However, the other recommended conditions relating to fencing to the eastern side of the site and a restriction on loading shovel operations before 07:00am are not considered appropriate as fencing to the east of the site by way of 4m high sleeper walls is considered to be lawful and therefore outside the scope of this planning application and hours of operation would not be permitted before 07:00am as proposed including in relation to shovel operations which would be secured by condition in itself.

Although concerns have been raised regarding the potential impact from vibrations relating to the operation of the proposed plant this issue has not been raised by any statutory consultee. Given this and the nature of the proposal and site within which it is located it is considered that the proposed development would be unlikely to have a significant adverse impact as a result of vibration from the proposed operation.

Dust / Air Quality

A large number of representations have been received partly relating to the proposed development's impact on dust pollution and air quality and associated health impacts from such substances.

Chelmsford City contains one Air Quality Management Area (AQMA) approximately 1km to the south east of the application site at the Army and Navy Roundabout which is the opposite side of the City Centre to the application site.

Dust emissions from the proposed development could potentially occur from the movement of vehicles and plant over unsurfaced areas and the handling of bulk mineral/aggregate feeding the proposed concrete batching plant. The applicant has proposed dust mitigation measures including the following:

- All combustion powered plant would be fitted with exhausts directed

- vertically upwards to prevent raising of dust at ground level;
- All unsurfaced areas over which plant and vehicles are required to travel would be damped down with water using a towed water bowser equipped with a spray bar, when necessary, to reduce dust emissions;
- A speed limit of 5 mph would be applied to all plant and vehicles operating on the site;
- All paved areas would be swept and cleaned routinely and additionally whenever necessary; and
- A site management plan being prepared and implemented to establish a protocol for managing dust episodes which could become a nuisance to sensitive receptors if unaddressed.

A significant number of representations have been received regarding the potential dust impact of the proposed development, particularly in relation to those residential properties in Hill View Road to the east of the site.

The applicant has stated that dust control measures, similar to those set out in this planning application, are implemented at each of their 20 concrete batching plants in the South-East which form part of the company's integrated management system which ensures that dust migration is controlled. Additionally, proposed 4m high sleeper walls to the eastern end of the site would also act as a barrier to low level migration.

A representation has been received including whether or not material could be stored inside a building. However, the applicant states that this does not take account of more than half of the proposed material being washed gravel with no dust whatsoever associated with it. Therefore, the MPA consider that putting a roof over the proposed sharp washed sand storage bay would be unnecessary in this instance.

Dust would most likely be generated by the handling of cement, sand, windblown sand and through the movement of plant and lorries over unsurfaced areas. When the site would not be operational cement and sand would not be handled. In terms of windblown sand, the applicant has stated that tarpaulins would be in place to mitigation the potential for windblown sand when the site is close non-operational. The applicant has also stated that plant and lorries associated with the proposed operation would not travel over unsurfaced areas. Therefore it is considered unlikely that dust would have an adverse impact on the local environment when the site would be closed.

The County Council's Air Quality Consultant has raised no objection to the proposal on air quality grounds including in relation to the builder's merchants on the former goods yard site. The County Council's Air Quality Consultant has stated that they do not believe there to be any grounds for refusal based on air quality or dust nuisance and that, the dust control measures contained within the application are appropriate and should ensure that any dust emissions from the site are minimal. The County Council's Air Quality Consultant has also raised no objection to the proposal in relation to proposed HGV movements and the proposed developments impact on the nearby AQMA with the County Council's Air Quality Consultant stating that the proposal would be unlikely to lead to a significant local

air quality impact either in close proximity of the application site or the nearby AQMA.

Further, CCC and CCC's Environmental Health Officer (EHO) have raised no objection to the proposed development in relation to air quality or dust nuisance including its potential impact on the public's health.

Therefore, it is considered that the full extent of the impact of dust from the proposed development and its likely impact on local air quality in the local area has been fully taken into account and is considered acceptable subject to the above outlined mitigation measures which could be controlled by condition attached to planning permission should it be granted. It is further considered that, as a result of this, the proposal would not have a significant detrimental impact on air quality in the locality.

Hazardous Substances Pollution

The core products involved with the process and production of a concrete batching plant such as that proposed are sand, cement, stone, some cement substitute and some additives which are not considered to be hazardous substances. Further, it is considered that the amount of mobile plant which would operate on the site would be insufficient to cause concerns regarding emissions of noxious gases from exhausts with the main factor affecting air quality lying in the potential for operations to generate dust, as previously appraised earlier within this report.

Further, CCC and CCC's Environmental Health Officer (EHO) have raised no objection to the proposed development in relation to hazardous substances pollution.

Vehicle Movements

The planning application proposes up to 38 two-way vehicle movements (19 in and 19 out) per day in total. The proposal would generate 25 vehicle movements (13 in and 13 out) per day if all importation of sand and gravel was to be by rail. These vehicle movements would account for the materials imported to the site as part of the mixing operation such as cement and required additives which would not be imported by rail.

In terms of access to the application site, this is gained via Brook Street which itself is accessed from New Street. In terms of the closest residential properties to the site in Hill View Road and Chichester Drive, these are located to the east of the site with the proposed access to the site being only be from the west of the site with no other form of vehicular access available, thereby minimising any impact on the amenity of nearby residential occupiers.

Therefore it is considered that the increase in vehicle movements from rail to road would have a negligible impact on the closest residential properties. There are other residential properties located in New Street further away from the application site where vehicles entering/exiting the application site would be accessing. It is also important to note the proposed residential development currently under

development on the Marconi which significantly adds to the number of residential properties located on New Street. Given the City Centre location of the proposal and that New Street forms a key access into the City Centre, it is not considered that the additional maximum 38 extra HGV movements per day on this network would have a significant adverse impact of the amenity of residential occupiers in New Street, given existing capacities and volumes of traffic currently using this route including HGV's generated from existing established uses, including industrial, in the locality. Further, the Highway Authority has raised no objection to the proposed development subject to the imposition of a condition requiring a Lorry Routeing Plan, detailing the routeing of HGVs to and from the site to be submitted to the MPA for approval in writing. A more detailed appraisal of the highway implications of the proposal are considered later within this report.

Hours of Operation

A large number of representations have been received partly relating to concerns over the hours of operation of the proposed facility.

The application proposes the following hours of operation:

Monday to Friday (excluding public holidays): 07:00 to 18:30 hours
Saturday: 07:00 to 13:00 hours.

The applicant has stated that each day there is a need for the proposed development to commence work at 07:00 hours so that floor screed (a sand, cement and additive mix) can be mixed when the mixer is clean and the product would not be contaminated by residual stone. Production would only be carried out using sand stored in the aggregate storage bins overnight. The applicant has also stated that the last loads of concrete would normally be delivered to the site no later than 16:30 hours with aggregate storage bins topped up by 18:00 hours.

The proposed hours of operation are consistent with those normally permitted for industrial uses (07:00 to 18:30 hours Mon to Fri / 07:00 to 13:00 hours Sat) and the applicant has demonstrated a need for the processing plant to be operational during these times. No deliveries or exports would take place before 07:00 hours. This is considered to be acceptable.

Light Pollution

A large number of representations have been received with a number of these raises concerns regarding light pollution in relation to the proposed development.

The proposed development includes no independent fixed floodlighting. However, the proposal would include local downward directed lighting fixed to the proposed plant and buildings to provide local illumination. The applicant has stated that overnight security lighting would be sensor operated. Given this, and the fact that no floodlighting would be installed on the site it is considered unlikely that the proposal would generate light pollution of any significance. However, to ensure that this is the case and to ensure that the proposal would not significantly impact on residential amenity in relation to light pollution a condition could be attached to

planning permission should it be granted requiring lighting details to be submitted for approval prior to the commencement of the development.

Previously Refused Planning Application on the site ref: ESS/1/99/CHL

A planning application seeking approval for a roadstone coating plant and associated development, including rail-fed aggregates storage bays, double weighbridge, office, testing, laboratory, roadways, hardstandings, access ramps, acoustic barriers and associated landscaping on the site was refused by the MPA in June 2000 on highway and amenity grounds. Although this proposed land use is similar in nature to that proposed, its operation, source materials and any associated emissions would be fundamentally different and therefore this application should be assessed on its own merits. Further, the Highway Authority has not objected to this proposal on highway grounds and no objection has been received from CCC's EHO or the County Council's Air Quality Consultant in relation to the proposed Concrete Batching Plant proposal.

In conclusion it is considered that the potential impact from dust, hazardous substances pollution, vehicle movements, light pollution, hours of operation and on air quality in the locality associated with the proposed development would be unlikely to have a significant impact on residential amenity, subject to the mitigation measures as outlined above being implemented. Therefore the proposed development is considered to comply with The Framework, MLP Policy MLP13, RMLP Policy DM1, and CBLDF Policies CP13, DC4 and DC29.

D TRAFFIC & HIGHWAYS

The Framework states, in summary, that all developments that generate significant amounts of vehicle movements should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. 'The Framework' also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

MLP policy MLP3 (Transportation) states, in summary, that access from a mineral working will preferably be by a short length of existing road to the main highway network via a suitable existing junction. This policy is considered to be consistent with The Framework in promoting sustainable transport by ensuring safe and suitable access to application sites.

MLP Policy MLP11 (Secondary Processing Plant and Buildings) states, in summary, that plant for the secondary treatment of minerals will only be acceptable for location on mineral extraction or processing sites where it can be demonstrated that the use will not cause unacceptable traffic problems. Although the application site is not an existing mineral extraction or processing site it is within an existing safeguarded mineral transshipment site as identified by both the MLP and RMLP and therefore it is considered that this Policy is relevant to this planning application and should be considered accordingly.

Although the proposal is not for a mineral working, it is for a related ancillary development and therefore it is considered appropriate that this policy would apply. Access from the application site to the highway network is via a short length of existing road (Brook Street) via a suitable existing junction on to the main highway network (New Street). Therefore it is considered that the proposed development conforms to MLP Policy MLP3.

MLP policy MLP13 (Development Control) states, in summary, that planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on the highway network.

RMLP Policy DM1 states, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon the safety and capacity of the highway network.

CBLDF policy DC6 (Criteria for Transport Assessments) states, in summary, that all developments will be required to assess their impact upon transport Systems and where significant impacts are identified, development will be refused unless measures to reduce these impacts to acceptable levels are provided.

CBLDF policy CP26 (Freight Transport) states, in summary, that sites with significant freight or goods movements should have good access to transport networks. Preferred sites for such development will be locations which have the potential for rail access, and the provision of rail freight will be encouraged wherever possible.

A Transport Statement has been submitted in support of the planning application.

A large number of representations have been received partly relating to highways concerns including the capacity of the existing road network including nearby junctions, maintenance of the existing road network and impact on road users, pedestrians and cyclists safety.

The proposed vehicle movement generation from a concrete batching plant can be split into two categories, imports and exports. Imports being trips associated with the raw materials for use in the production of concrete. These are primarily sands and gravels, which would consist of approximately 44,800 tonnes per annum for a batching plant of the size proposed, plus cement with modest amounts of chemical admixtures.

A modest amount of cement would be delivered, at most, generating 2 HGV movements per day.

The export process would be deliveries of concrete to construction sites, through company owned specialist ready-mixed concrete trucks, however, the applicant has stated that there would be occasional deliveries with tipper trucks.

On average the proposed plant would produce 81m³ of concrete per day for delivery when delivered using 6m³ and 8m³ sized lorries. By using an average of

7m³ for a concrete lorry an average of 12 (full) trucks out and 12 returning would be anticipated.

Based on commercial judgement by the applicant, the proposed development has been assumed to generate a flow of up to 38 two way vehicle movements (19 in and 19 out) per day in total. This is the maximum number envisaged when all importation is by road and the submitted Transport Statement has used these 'worst case scenario' figures in its assessment. The proposal would generate 25 vehicle movements (13 in and 13 out) per day when all importation of sand and gravel is by rail. This is due to the fact that the proposed development would still require the importation of cement and additives by road as part of the proposed operation to facilitate the mixing process meaning that the proposal would generate vehicle movements over and above that associated with the transshipment of mineral to the site which is already the established lawful use on the site. However, it is also acknowledged that this level of vehicle generation in relation to the storage and distribution of minerals to and from the site is lawful as confirmed by CLOPUD application ref: ESS/04/12/CHL approved in March 2012.

The source of the material is the main factor in determining whether or not material is imported by road or rail with both methods viable. However, the applicant is unable to provide a clear breakdown of the likely use of the two transportation methods as the determining factor in which source material is imported from is dependent on market conditions.

The existing access to the site from New Street is designed for the current permitted use of aggregate deliveries and this access allows for good visibility splays. As the proposed development would use similar HGVs to existing uses it is considered that the existing access is adequate and would accommodate the proposed vehicle movements safely. The predominant distribution from the site would be through New Street and Rectory Lane to the Chelmer Valley Road signal control junction.

The proposed development would require 5 new employees based at the site and working on a daily basis. The maximum trips generated per day by staff working on site would be 5 and these movements have been included within the peak period assessment which forms part of the submitted Transport Statement. However, the applicant has stated that these movements would most likely be outside of peak hours. The possibility of alternative modes of transport for staff is considered to be acceptable as there are public transport services within 450 metres of the application site.

CBLDF policy DC7 (Vehicle Parking Standards at Developments) states, in summary, that all development will be required to comply with the vehicle parking standards as set out in the City Council's Adopted LDF. The Policy also states that in the areas covered by the Chelmsford Town Centre Area Action Plan, maximum car parking shall be no higher than 70% of the standards set out in the LDF.

The infrastructure proposed as part of the application includes the following:

- 5 vehicle parking spaces;

- 2 light goods vehicles / public carrier vehicle parking spaces;
- 2 motorcycle parking spaces;
- 1 disability space;
- 2 cycle spaces.

This is considered to conform to Chelmsford City Council's Adopted Vehicle Parking Standards and therefore CBLDF Policy DC7. Further Chelmsford City Council has raised no objection to the proposed development based on CBLDF policy DC7.

The submitted Transport Statement concludes that, when applied to the highway network, the proposal would generate a negligible increase in existing vehicle movements. During peak periods, the development would increase the vehicle movements to the highway network by less than 5% except for the Brook Street/New Street junction. This junction has been modelled and has identified that the proposed development would have a negligible impact on the highway network. The submitted Transport Statement also states, that the New Street corridor would continue to operate as existing with no impact from the vehicles likely to be generated by the proposed development.

Representations have also been received partly relating to the potential for vehicle conflict with the access to the new Marconi development, and also possible safety issues with the aspiration to improve Brook Street as a pedestrian and cycle link to the riverside paths network. However, the Highway Authority has raised no objection to the proposed development on highway grounds subject to the imposition of a condition requiring a Lorry Routeing Plan, detailing the routeing of HGVs to and from the site to be submitted to the MPA for approval in writing.

The proposed development would be accessed using Adopted Public Highway from Brook Street in close proximity of the site. However, the applicant has subsequently provided this information to the Highway Authority to confirm the lorry routing plan to facilitate the proposed development. This confirms that movements to the wider highway network would utilise Rectory Lane (B1008) to Chelmer Valley Road (A1016) and Parkway/Waterhouse Lane (A1016). Taking into account that the Highway Authority has raised no objection to the proposed development it is considered that the proposal would be unlikely to have a significant adverse impact on road safety in the local area.

In terms of highway, pedestrian and cyclist safety, it is considered unlikely, given current transport infrastructure in the vicinity of the application site, that the proposed development would increase the risk of accidents/collisions between motored vehicles, pedestrians and cyclists. Further, as previously stated, the Highway Authority has raised no objection to the proposed development both in terms of the additional number of vehicle movements likely to be generated and in terms of highway safety.

A large number of representations have been received with a number of these questioning whether the proposal includes scope for independent customers/general public to be able to attend the site to collect material. The applicant has confirmed that the proposed development would not include any

scope for this with deliveries being by the applicant's HGV construction vehicles/cement mixers only with no scope for independent customers and/or the general public to collect material from this proposed facility.

Therefore it is considered that the proposed development would not have an adverse impact on the local highway network and further considered that the residual cumulative impacts of the proposed development would not be severe therefore complying with The Framework, MLP Policy MLP13, RMLP Policy DM1, and CBLDF Policies CP26 and DC6.

E VISUAL IMPACT & DESIGN

The Framework states that planning decisions should address the connections between people and places and the integration of new development into the built environment. The NPPF also goes to say that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

RMLP Policy DM1 (Development Management Criteria) states, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

CBLDF Policy DC45 (Achieving High Quality Development) states, in summary, that planning permission will only be granted for new buildings provided, the siting, scale, form, massing, materials and detail of the proposed buildings would have an appropriate visual relationship with the layout, scale, form, massing, materials, details and character and appearance of development in the surrounding area.

In addition, the City Council will support proposals for buildings above 13m high in parts of Chelmsford Town Centre provided the location is:

- Suitable for higher intensity development; and the base of the building reinforces surrounding scale and urban form;
- provides containment of space and has active frontages and the building visibility from adjoining spaces contributes to townscape; and
- the building visibility from longer range views causes no visual Intrusion.

Although the vast majority of structures proposed are plant and not buildings, this policy is still considered to be relevant given the proposals maximum height and its location within the city centre.

A Landscape and Visual Assessment has been submitted in support of the application. The assessment concludes that the landscape and visual effects of the proposed development are limited in their nature and extent. This, it is stated, is due in no small part to the location and relationship of the proposal to the wider

industrial development. The report goes on to state that, as a result of surrounding development, buildings in the wider landscape, the railway embankment and existing woody vegetation, viewpoints in the local area are restricted. In particular, the proposed development would not detract from important views or landmarks, it would not adversely affect people's amenities in respect of immediate outlook, loss of daylight/sunlight and loss of privacy and it would not prejudice the character or function of greenways and open spaces.

The report also states that, from the few areas where views or vistas can be obtained, the proposal would not have a huge mass or include untoward feature and that the industrial form of the proposed development is clean in profile and familiar in terms of context.

The County Council's Landscape Consultant has raised no objection to the proposed development on landscape grounds subject to a condition attached to planning permission, should it be granted, requiring a landscape scheme to be submitted for the approval in writing of the Mineral Planning Authority (MPA) showing how the proposal would be mitigated through tree planting and other proposed planting. Therefore, should planning permission be granted, it is considered that a condition could be attached requiring this.

The applicant has stated that all plant would be designed to be the minimum height practicable with the maximum height of all plant proposed not exceeding 13m above ground level. However, the cement silo drums would exceed 13m in height by 0.3 of a metre as highlighted by Figure 6 submitted in support of this application which shows proposed plant elevations. In addition ancillary apparatus is located on top of the drums which would also exceed 13m in height by approximately 1.5m. The factor determining this height is the need to accommodate a minimum of two imported loads of each material to ensure continuous availability of the vital raw materials in the production process and is also governed by the need to locate a mixer directly above the truck mixer being loaded. Therefore as the site is within the City centre and as the proposed development would be over 13 metres in height (approximately 14.5 metres) the proposal will only be supported in this location if:

- Suitable for higher intensity development; and the base of the building reinforces surrounding scale and urban form;
- Provides containment of space and has active frontages and the building visibility from adjoining spaces contributes to townscape; and
- The building visibility from longer range views causes no visual Intrusion.

As previously mentioned within this report, the application site is surrounded by land uses of an industrial nature although these are predominately buildings and not plant such as the proposal. The application site would be suitable for development as highlighted by the CTCAAP and it is considered that, given the nature and context of the site and surrounding area and that the proposed development would be industrial in nature that the proposal would conform to CBLDF Policy DC45. Further, although elements of the proposed development would exceed 13m in height, the visual impact of this is considered to be negligible

given the small scale of those sections exceeding 13m in height and that they would be no higher than 14.5m in height.

As previously highlighted within this report, the application site is approximately 300m from the Grade II Listed Marconi Building situated in New Street to the west of the site. However, given this distance and that the proposed development would be adequately screened from view and distanced by the existing large scale Kay-Metzeler industrial building it is considered that the proposal would not have a impact on the character or setting of the Marconi Listed Building.

Therefore it is considered that the proposal would be acceptable in relation to its visual impact, design and its impact on the nearby Marconi Grade II Listed Building. As a result it is further considered that the proposed development would conform to RMLP Policy DM1, CBLDF Policy DC45 and The Framework given its height, nature, design and location within the City Centre.

F ECOLOGY

The Framework states, in summary, that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

RMLP Policy DM1 (Development Management Criteria) states, in summary, that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon the natural environment (including biodiversity and ecological conditions for habitats and species and drainage systems).

CBLDF Policy DC13 (Sites of Biodiversity and Geological Value) states, in summary, that the City Council will seek to restore, maintain and enhance biodiversity conservation interests. In determining planning applications appropriate weight will be attached to designated sites of international, national and local importance, protected species, and to biodiversity interests within the wider environment. This Policy also stipulates that planning permission will not be granted for development that would result in significant harm to biodiversity.

The applicant has submitted a report in relation to existing biodiversity potential on the site as well as potential impacts of the proposed development on the nearby Chelmer Valley Riverside LWS approximately 130 metres to the east of the application site including the River Chelmer. This work has been undertaken by independent ecological consultants on behalf of the applicant. This information concludes that, due to the nature and existing state of the site, the probability of protected species such as reptiles or breeding birds being present on the site is negligible. Further ecological information submitted states that the application site does not adjoin the LWS. The land immediately to the east of the application site buffers the site from the River Chelmer and LWS. This land is also former goods yard land and has previously included the same broad kinds of industrial uses as that proposed. This area is now open and derelict apart from the builders' merchants located to the north east of the site. The ecological information

submitted concludes that the proposed development offers no further scope for negative effects on the LWS, or indeed the water quality of the River Chelmer itself, than the historical or existing position.

A representation has been received from the London Essex and Hertfordshire Amphibian and Reptile Trust (LEHART) confirming the presence of at least one species of protected reptile, namely viviparous lizard (*Zootoca vivipara*) on land adjacent to the site of the proposed development (record dated October 2012). LEHART have stated that Lizards (and other species of reptile) may also be present within the site of the proposed development and have recommended that a full reptile survey is undertaken by specialists as a planning condition as, reptiles including viviparous lizards are protected by law from killing and injury even during the course of an otherwise lawful development.

The applicant's ecological consultant has stated that, given the scope for significant invertebrate potential, or indeed habitat or protected species potential on the site would be negligible, following their own assessment, they concluded that a formal desk survey/ full reptile survey would not materially influence this conclusion. However, following the representation including recommendation received from LEHART it is considered appropriate that, should planning permission be granted for the proposed development, that a condition is attached requiring a full reptile survey to be undertaken and submitted to the MPA for approval prior to any works starting on site to ensure that reptiles are adequately protected with suitable mitigation in place where necessary, in line with The Framework and CBLDF policy DC13.

CBLDF Policy DC25 (Water Efficiency and Sustainable Drainage Systems) states, in summary, that the City Council requires developments to incorporate measures that reduce the demand for water. The City Council also requires the provision of sustainable drainage systems for the disposal of surface water within and leading from development sites.

In relation to drainage of the site, the site currently drains to ground, although permeability is low over much of it due to artificial surfacing such as hard standing. The proposal includes surfaced areas of the batching plant draining to a sump with the water collected used in the concrete production process. Therefore the scope for run-off to enter nearby watercourses is effectively nullified by this system with no potential for pollution to the nearby LWS or River Chelmer from surface water. Further the application includes a proposed water recycling system in order to reduce demand for water.

The County Council's Ecological Consultant has raised no objection to the proposed development. However, the Environment Agency has requested a condition requiring a scheme to dispose of surface water to be submitted to the MPA for approval to ensure that surface water captured within the application site is disposed of appropriately. Therefore, should planning permission be granted a condition could be attached requiring this.

Subject to appropriate conditions being imposed, it is considered that the proposal would not have an adverse impact on local biodiversity and that existing

biodiversity in the local area would be adequately maintained. In this context it is further considered that the proposal would conform to The Framework, RMLP Policy DM1, and CBLDF policy DC13 and further considered that the proposal conforms to RMLP Policy DM1, and CBLDF policy DC25 in relation water efficiency and drainage provision.

G FALL-BACK POSITION

The fall-back position is a material consideration in the determination of this planning application.

As previously highlighted within this report the application site includes a CLOPUD which confirms that a storage and distribution use in relation to minerals is lawful on the site given its history which stretches far back, even beyond the inception of today's Planning System in 1947.

In relation to this application, the fall-back position is that all elements of that proposed by this application can already be undertaken lawfully on the site with the exception of the batching plant itself and associated mixing operations given that these elements, in themselves, would not represent a 'storage and distribution of minerals' use and would not be required directly in connection with the movement of traffic by rail. Therefore, in terms of rail freight movements, HGV movements and mineral activities on the site, as existing these are all lawful and unrestricted subject to them being directly related to the storage and distribution of minerals.

Further, Class A of Part 17 (Development by Statutory Undertakers) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) also gives scope for a wide variety of works to take place without the need for planning permission as long as such works are required in connection with the movement of traffic by rail.

Although it is noted that the applicant is not a statutory rail undertaker, the applicant would be leasing the application site from a statutory rail undertaker with Case Law¹ confirming that Permitted Development Rights under Part 17 of the GPDO are shared by a third party lessee of operational land.

Therefore, the fall-back position in this case means that the majority of works in relation to the proposal could be undertaken lawfully without the need for planning permission. As a result, and as previously highlighted within this report, it is considered that the additional associated impact of the proposed batching plant and associated mixing operations, which this application relates to, would not be significant or on a scale where planning permission could reasonably be refused, including on policy grounds.

8. CONCLUSION

Although policy objections have been received on the grounds that the development would not conform to the objectives of Opportunity Site 34 (within the

¹ Barnet Green decision 1967/Purley Goods Depot decision 1971

CTCAAP which part of the application site relates to) it is considered that the development would be in conformity with the objectives of Opportunity Site 34 and the CTCAAP. The development is considered to be industrial in nature, would be a beneficial economic use located on an existing underutilised brownfield site within the City Centre as identified by the CTCAAP and would not be considered to undermine the ability for a built frontage to be created facing Brook Street given its proposed location on the site. Further, the batching plant itself would be located outside of Opportunity Site 34 with the only elements of the development within Opportunity Site 34 being those which are already considered to be lawful. Therefore in this respect the development to which this planning application relates to, is considered to be in conformity with the objectives of Opportunity Site 34.

Objections have also been raised that the development would fail, in part, in providing any environmental improvement as identified by the overall objectives of the CTCAAP. It is acknowledged that no information has been put forward by the applicant to demonstrate that the development would provide any environmental improvement as required by the CTCAAP. However, as highlighted, the development is considered to be acceptable on all environmental grounds and it is further considered that the development would be unlikely to have a significant impact on the local environment by way of its use and operation.

The benefits of the development include providing a beneficial economic use on a currently underutilised brownfield site and a fundamental aspect of the development would include the importation of aggregate, some via rail, on an existing safeguarded mineral transshipment site as identified by the MLP and RMLP which would ensure the retention and upgrading of this existing rail head facility. Therefore it is considered that the benefits of the development would outweigh the need for clear environmental improvement to be demonstrated in this instance. As a result it is considered that the development would conform to the stated aims and objectives of the CTCAAP taking into account all material considerations and the development plan including the MLP and RMLP.

In determining the appropriateness of the development itself the overarching consideration must be whether or not it constitutes sustainable development and if net gains within the economic, social and environmental roles, as defined by The Framework, would be achieved.

The design and location of the development are considered to be consistent with the character of the surrounding area and would also be of a scale and size appropriate and considerate to its surroundings as well as being positioned to limit physical impacts on the local landscape and local amenity. The MPA are also satisfied that the development would be acceptable environmentally and would be unlikely to have a significant adverse impact on the local environment. It is further considered that the development is acceptable in all other aspects.

As a result it is considered that the development would bring economic, social and environmental gains and therefore that the development would be sustainable in light of The Framework.

In conclusion, it is considered appropriate to grant planning permission for the erection and use of a concrete batching plant and ancillary water, aggregate recovery and recycling facilities at the former goods yard site, off Brook Street, Chelmsford, as it is considered that the development would directly benefit the economic and social dimensions of sustainable development, as defined by The Framework in the beneficial economic use of an underutilised site and job creation, and environmentally in ensuring the retention and upgrading of an existing rail head facility thereby reducing the resilience on aggregates needing to be transported by road within the County. In respect of this and that the development would not significantly impact on local amenity or the local environment it is considered that the development complies with MLP policies: MLP3, MLP6 and MLP13, RMLP Policies S9 and DM1, and CBLDF Policies CP7, CP13, CP22, CP26, DC4, DC6, DC7, DC13, DC25, DC29, DC45 and DC52.

9. RECOMMENDED

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

1. COM1 – Commencement
2. COM3 – Compliance with Submitted Details
3. HOUR1 – Hours of Working/Operation (General)

07:00 to 18:30 hours Mondays to Fridays (excluding Public Holidays);

07:00 to 13:00 hours Saturdays;

And at no other times, including on Sundays, Bank or Public Holidays.

4. NSE1 – Noise Limits
5. Non-Standard – Monitoring within one month of start of operation to ensure compliance
6. Non-Standard – NIA to be updated once specific plant information available
7. NSE5 – White Noise Alarms
8. NSE6 – Silencing of Plant and Machinery
9. HIGH5 – Vehicle Movement Limits
10. LAND 1 – Landscape Scheme
11. POLL1 – Surface and Foul Water Drainage
12. WAST6 – No crushing of Stone or Hardcore
13. LGHT1 – Fixed Lighting Restriction
14. Non-Standard – Full Reptile Survey
15. Non-Standard – Compliance with Submitted NIA Mitigation Measures
16. Non-Standard – Enclosure of Mixing Operations and Acoustic Cladding of the Plant and Mixing/Loading Bay
17. Non-Standard – All elements of scheme to be implemented prior to use and operation of plant

BACKGROUND PAPERS

Consultation replies

Representations

Apps Ref: ESS/32/13/CHL, ESS/04/12/CHL, ESS/52/12/CHL

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

The proposed development would not be located adjacent to/within screening distance to a European site.

Following consultation with the County Council's Ecological Consultant no issues have been raised to indicate that this development would adversely affect the integrity of this site, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT: The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

In determining this planning application, the Mineral 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, requiring further information and clarification where needed 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 Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

LOCAL MEMBER NOTIFICATION

CHELMSFORD – Central

CHELMSFORD – West

CHELMSFORD – Springfield

APPENDIX 1

Consideration of consistency of Policies

Ref: and	Policy	Consistency with NPPF PPS10
MLP3 (Transportation)	<ol style="list-style-type: none"> 1. Access from a mineral working will preferably be by a short length of existing road to the main highway network, defined in structure plan policy T2, via a suitable existing junction, improved if required, in accordance with structure plan policies T4 and T14. 2. Proposals for new access direct to the main highway network may exceptionally be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards. There is a presumption against new access onto motorways or strategic trunk roads. 3. Where access to the main highway network is not feasible, access onto a secondary road before gaining access onto the highway network may exceptionally be accepted if in the opinion of MPA the capacity of the road is adequate and there will be no undue impact on road safety or the environment. 	<p>Paragraph 32 of the Framework requires LPAs decisions to take account inter alia that "...safe and suitable access to the site can be achieved for all people..." and in Paragraph 35 developments should be located and designed where practical to..." inter alia "...create safe and secure layouts"</p> <p>It is therefore considered that MLP3 is in conformity with Framework as it seeks to provide safe and suitable accesses.</p>
MLP6 (Rail Depots)	The Mineral Planning Authority will encourage the provision of rail depots for mineral importation and distribution and seek to protect existing sites shown in schedule 2. The site must be suitable in terms of environmental impact and in compliance with policy MLP3 of this plan.	Paragraph 143 of the Framework states that in preparing Local Plans, local planning authorities should safeguard existing, planned and potential rail heads, rail links to quarries, wharfs and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-

		dredged materials.
MLP13 (Development Control)	<p>Planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on any of the following:</p> <p>The visual and aural environment; Local residents' (or others') amenity; Landscape and the countryside; The highway network; Water resources; Nature conservation.</p>	<p>The Framework at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The Framework supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>

APPENDIX 2

Summary of Representations Received

<u>Observation</u>	<u>Comment</u>
Adverse impact on local area including residential amenity from, noise, dust, vehicle movements and hours of operation	See appraisal
Future vision set out by CTCAAP does not include scope for a concrete batching plant	See appraisal
A full EIA should be carried out prior to approve	Formal EIA Screening Opinion adopted by MPA during application validation where it was considered that EIA would not be required
Present permitted parking in Brook Street will need to be changed if HGVs are going to use proposed site access	HGVs currently use access given industrial nature of area. Highway Authority has raised no objection on highway related grounds
Increased congestion and hazards in Brook Street, New Street from existing permit parking	See above
Increased demand/strain on local junctions – Brook St, New Street	See above
Highway Authority should conduct independent survey and include other pertinent highway requirements	Highway Authority has assessed submitted information and their own and raised no objection to the proposal
Application site designated for mineral use in 19 th century but area now predominately residential not industrial and should strive to further residential and small clean business	Former goods yard is a safeguarded mineral transshipment site within MLP and RMLP and it is considered that the storage and distribution of mineral on the site is lawful given its history. Former goods yard site and majority of adjacent uses industrial by nature
This type of development is alien to Core Strategy and should be rejected	See appraisal
A mineral operator already uses the site for mineral transshipment, storage and distribution and there is little control over these activities which are causing high levels of pollution	Existing use considered to be lawful and outside planning control. Pollution issues are a matter for CCC's EHO
Proposal alongside existing use needs to be assessed and considered as noise	Existing use considered to be lawful. This planning application relates to the

levels would be dramatically increased	proposed concrete batching plant only and should be assessed on its own merits
Aggregate receipt, moving and storage should be included in assessed figures	Storage and distribution of minerals on the site is lawful and therefore not included in scope of this planning application
Specific plant noise levels not included in noise assessment	County Council's Noise Consultants have not raised objection to the proposal on noise grounds subject to submitted NIA being updated when specific plant details become available or within one month of operation on site beginning. It is worth noting that predicted and specific levels are not considered likely to vary significantly
Little mention with regard to possible future or existing dust pollution	See appraisal
Lack of enforcement in relation to existing pollution from dust/toxic smells from Kay-Metzella plant in Brook St	Existing mineral use on former goods yard site considered lawful in planning terms. Other issues are matter for CCC and CCC EHO
No mention of builders merchants in NIA or relating to dust pollution	See appraisal
Residential properties in local area overlook the site and are vulnerable to noise and dust	See appraisal
Some of nearby homes located on sharp incline meaning that they are above the application site. Therefore wind variances should be taken into account as far as dust pollution and noise levels are concerned	See appraisal
Light Pollution potential needs to be considered in more detail	See appraisal
Would vehicles use white noise alarms?	Applicants have stated that this would be the case and should planning permission be granted a condition could be attached ensuring this is the case
Surface water from site currently floods adjacent footpath, this should be remedied particularly with the possibility of this plant adding to local water pollutants	See appraisal
Discrepancies in vehicle movement figures	See appraisal
Comparing to similar plants nearby application figures do not stack up	Application details would be tied to any planning permission should it be granted to ensure compliance. Such details can be conditioned. It is worth noting that proposal is part of a more strategic project compared to existing batching

	plants nearby which are not considered to be linked like the proposal.
Existing concrete providers in local area are more than adequate to supply local area/demand	See appraisal
Proposal will do nothing to enhance local area and would be contrary to CTCCAAP including undermining ability for built frontage facing Brook Street	See appraisal
Proposal should be deemed production plant and totally different from aggregate storage facility and totally against strategic plans	See appraisal
Proposal not needed or wanted and is totally in breach of Essex and City Council plans	See appraisal
HGVs causing congestion in New Street and city centre	See appraisal
New heavy industrial use on a site so close to residential area and city centre totally unsuitable	See appraisal
Noise and general pollution created all week and part of weekend	See appraisal
Industrial use of this kind is not compatible with the ongoing development of the nearby Chelmer Valley Conservation Area	See appraisal
Dust will have detrimental impact on health of local residents	See appraisal
It will compound existing major traffic problems that Chelmsford suffers	See appraisal
HGVs causing great deal of noise and added pollution	See appraisal
Proposal damaging to health and well-being of local residents and designated wildlife area nearby 'Bunny Walk'	See appraisal
Potential increase in noise, dust etc will severely impact on quality of life and health in local area	See appraisal
Negative impact on the value of my property	Not a material planning consideration
Proposed hours of operation unacceptable	See appraisal
Wrong location so close to established residential area	See appraisal
Traffic impact not adequately explained as imported materials by road must then require exporting by road	See appraisal
Local road network already stretched to capacity and many nearby roads too	See appraisal

small for the types of vehicle that could be expected	
Proposal offers little noise attenuation and relies on distance to mitigate noise intrusion	See appraisal
Hours of working will impact on local residents	See appraisal
Inevitable levels of pollution from materials and vehicles but no method to reduce impact on residents or adjacent food manufacturing plant	See appraisal
No justification made for extended hours of working/use	See appraisal
Proposal creates very few jobs	See appraisal
Little justification in creating such a large intrusive facility within city centre	See appraisal
Proposal makes little use of the rail head	See appraisal
It could easily be first step to further attempt to bring forward previous application for road tar facility	See appraisal
Site far better suited to lightweight warehousing and distribution	See appraisal
Proposal would be very close to nature reserve and could have very harmful effect on wildlife	See appraisal
Although applicant states dust pollution would be controlled, this may not be possible on a windy day	See appraisal
Must be other suitable locations out of town where proposal could be accommodated	See appraisal
Approval of application would create precedent allowing other businesses of such heavy industrial nature to follow into the area	See appraisal
Unacceptable noise and vibration levels from additional trains, HGVs and the plant itself	See appraisal
Dust pollution depositing fine dusts and impacting on health and in particular those with asthma	See appraisal
Amount of water used in production and to wash equipment	See appraisal
Dust and chemicals would wash over land, into ground affecting the water table and poisoning wildlife and plants in the adjacent river	See appraisal
Concerned by types of emissions created by proposed production	See appraisal

Increased risk of surface water being discharged into River Chelmer and of adjacent footpath being flooded	See appraisal
Potential for traffic accidents in area will increase	See appraisal
Marriages lorries are not permitted to use Brook Street but are required to use Hoffman's Way entrance and if applicant is allowed to use Brook Street then Marriages may begin to too increasing traffic problems	See appraisal
Major problem with width of Rectory Lane with road at points too narrow to allow two lorries or a lorry and a 'Park and Ride' bus to pass safely increasing risk to pedestrians and cyclists	See appraisal
Unclear where 38 lorries daily is just HGVs delivering to site includes entire process	See appraisal
Submitted noise survey appears to exaggerate existing noise levels as to 'dumb down' future noise levels	See appraisal
Noise from machinery and associated warning systems	See appraisal
Using both rail and road increases likelihood for noise and dust creation	See appraisal
Existing sidings used by adjacent operator already wake up residents early in the morning. Why?	See appraisal
Rail sidings unfit for use	See appraisal
Noise from rail movements not included in noise level readings	See appraisal
Importing mineral by rail to the site would occur every day which is totally unacceptable given close proximity of residential properties, nature reserve and businesses	See appraisal
Local residents already getting toxic smells from air born discharge from adjacent business	See appraisal
Perhaps ECC should carry out their own environmental surveys	See appraisal
Light pollution would cause problems for wildlife habitat as well as local residents	See appraisal
Already problems with dust and noise from existing mineral site adjacent to proposal	See appraisal
If permitted, lorries should be routed via the Chelmer Valley route and not via Victoria Road as this would add to	See appraisal

congestion	
Proposal not compatible use within evolving town centre	See appraisal
Proposal would adversely affect success of Chelmsford Town Centre Action Plan and objectives	See appraisal
I would like to see what the strategy is for the local area as there appears to be no logical development of the town centre	See appraisal
The proposal does not support the vision for the centre of Chelmsford	See appraisal
Proposal would be very close to residential housing, nature reserve, an active food producing flour mill, University as well as town centre shops and business which is at odds with a thriving and growing city	See appraisal
Access onto New Street would be further congested	See appraisal
Increased danger to pedestrians/cyclists along New Street	See appraisal
Proposal should be located in an industrial area away from residential properties	See appraisal
Proposal would be visually intrusive	See appraisal
Previous application for road coating plant refused on site in 1999	See appraisal
What worked two centuries ago in terms of the land use of the site is completely outmoded and dangerous in 2012	See appraisal
The area is adjacent to a nature reserve and the river clean of pollutants with Otters upstream having returned after many years, such an important area not to be ruined by the proposal	See appraisal
Proposal is outside the scope of 'storage and distribution of minerals'	See appraisal
Vehicle movements would also include employee movements and any waste disposal meaning that vehicle movements would be above the maximum of 38 per day stated in the application	See appraisal
Town centre location totally inappropriate and would affect potential redevelopments of land in New Street (Marconi site), Salmon Parade, New Street and Post Office site in Victoria Road	See appraisal
Longer term dust problems could cause structure damage to homeowners	See appraisal

properties	
Dust pollution would have implications for asthma and eczema sufferers	See appraisal
Access roads are already in need of repair	See appraisal
Proposal would not provide environmental enhancement and will limit possibilities for comprehensive development of site to provide non-intrusive or non-disruptive employment	See appraisal
Any vehicles carrying materials should be sheeted	Associated HGVs would predominately include cement mixers which are already covered. Exports would also be damp in nature given cement process therefore need for sheeting is unlikely to be required
Proposed use will create few jobs	See appraisal
Where will the washout pit be?	See appraisal
Are nearby developers aware of proposal	Application was advertised in line with statutory requirements and ECC's adopted Statement of Community Involvement (SCI). See appraisal.
Arbour Lane has been re-surfaced which has reduced local traffic noise levels, is this going to be replaced by noise generated by proposed operations	See appraisal
Local supply well catered for with supplier at Mid Essex Gravel site and extraction site at Boreham	See appraisal
If permission is granted Council would be unable to refuse expansion of plant in future	Each application is assessed on its own merits
Construction activity is currently low which means when it picks up vehicle movements associated with the plant would increase	See appraisal
Application should be removed and re-considered for siting at Boreham Interchange	See appraisal
Existing industrial operations nearby are located within buildings	See appraisal
Hours of operation considered to be excessive	See appraisal
Proposal would damage the City image	See appraisal
Proposal would lead to increase in rail movements which would have adverse impact on residential amenity	See appraisal
Similar application for road stone coating plant on site refused previously	See appraisal
Noise/dust mitigation not adequate	See appraisal

Proposal and development plan have not changed since previous application was refused	See appraisal
Proposal contrary to development plan	See appraisal
Proposal would detract from nearby redevelopments	See appraisal
Proposed layout of site not considered to be in keeping with City Centre location.	See appraisal
Structural damage from increase in HGV movements	See appraisal
Health impacts from associated increased pollution	See appraisal
Proposal will make for an unpleasant environment	See appraisal
Proposed site is sensitive	See appraisal
Main rail line serving Chelmsford is one of busiest and extra use of railway line for mineral transshipment would be difficult to implement	See appraisal
Residents, hotel guests and gym users will be affected by increased traffic in what is currently a nice part of Chelmsford	See appraisal
Peoples wellbeing totally disregarded	See appraisal
Application fails to address City Centre issues as previously raised by CCC	See appraisal
A boon is already in the River Chelmer to catch polystyrene which can come from adjacent uses and the proposal may lead to pollution which cannot be captured	See appraisal
Rail travel costs extortionate amounts without being guaranteed a seat and I hate to think this situation could get worse	Not a material planning consideration
Inadequate noise/dust/traffic assessments submitted in support of application	See appraisal
4m high boundary walls do not protect footpath	See appraisal
Vegetation should be provided adjacent to footpath rather than walls to screen it	See appraisal
Plant still above 13m in height	See appraisal
Application states 2 spaces for lorries on site but plans show 4	See appraisal
Traffic information submitted in support of application refers to Cannon Report which was commissioned before nearby redevelopment was approved in the area	See appraisal
Any proposal for a wall adjacent to footpath to screen proposal would	No wall is proposed adjacent to footpath

increase crime concerns	
Will customers be able to pick up product directly?	See appraisal
Proposal would increase pollution on/in River Chelmer above existing issues	See appraisal
Brook Street and New Street are used by primary school children and the proposal would increase the danger to these young people/families	See appraisal
There is enough heavy industry in the local area for us/local infrastructure to deal with	See appraisal
Unacceptable vibration levels	See appraisal
Proposal could have impact on adjacent business/industry which could have negative adverse impact on local economy	See appraisal
Perfectly suitable existing sites elsewhere within County	See appraisal

DR/40/13

Committee DEVELOPMENT & REGULATION

date 27th September 2013

INFORMATION ITEM**Applications, Enforcement and Appeals Statistics**

Report by Head of Planning, Environment & Economic Growth
Sustainable, Environment and Enterprise

Enquiries to Tim Simpson – tel: 01245 437031

or email: tim.simpson2@essex.gov.uk

1. PURPOSE OF THE ITEM

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Tim Simpson/

MEMBER NOTIFICATION

Countywide.

SCHEDULE**Minerals and Waste Planning Applications**

No. Pending at the end of previous month

23

No. Decisions issued in the month

6

No. Decisions issued this financial year

21

Overall % in 13 weeks this financial year

71%

% on target this financial year (CPS returns count)	67%
Nº Delegated Decisions issued in the month	3
Nº Section 106 Agreements Pending	1
<u>County Council Applications</u>	
Nº. Pending at the end of previous month	9
Nº. Decisions issued in the month	4
Nº. Decisions issued this financial year	23
Nº of Major Applications determined (13 weeks allowed)	0
Nº of Major Applications determined within the 13 weeks allowed	0
Nº Delegated Decisions issued in the month	4
% age in 8 weeks this financial year (Target 70%)	87%
<u>All Applications</u>	
Nº. Delegated Decisions issued last month	7
Nº. Committee determined applications issued last month	3
Nº. of Submission of Details dealt with this financial year	83
Nº. of Submission of Details Pending	95
Nº. of referrals to Secretary of State under delegated powers	0
<u>Appeals</u>	
Nº. of appeals outstanding at end of last month	4
<u>Enforcement</u>	
Nº. of active cases at end of last quarter	23
Nº. of cases cleared last quarter	13

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	2
Nº. of Temporary Stop Notices Issued last month	1
Nº. of Stop Notices Issued last month	0

