



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 23 August 2019</b>	<b>Committee Room 1, County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Matthew Waldie, Democratic Services Officer

**Telephone:** 033301 34583

**Email:** democratic.services@essex.gov.uk

### **Part 1**

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

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes</b> To approve the minutes of the meeting held on 26 July 2019.	<b>6 - 21</b>
<b>3</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>4</b>	<b>Minerals and Waste</b>	

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|-------------------------------------|---|------------------|
| <b>4.1</b>                          | <b>Land at Greenacres, Packards Lane, Wormingford</b><br>To consider report DR/24/19, relating to the Erection of clean materials recycling facility at existing established recycling/recovery facility, Relocation of existing staff welfare facility, Provision of additional staff parking, Culverting section of existing swale, Additional landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times.<br>Location: Land at Greenacres, Packards Lane, Wormingford<br>Reference: ESS/09/18/COL | <b>22 - 84</b>   |
| <b>5 County Council Development</b> |   |                  |
| <b>5.1</b>                          | <b>Dunmow CE Junior School, Great Dunmow</b><br>To consider report DR/25/19, relating to the construction of two single storey extensions to provide a SEN group room and relocated first aid and storage facilities. The provision of a temporary classbase for a period of eight years until 2027<br>Location: Dunmow Church of England Junior School, High Stile, Great Dunmow, CM6 1EB<br>Reference: CC/UTT/38/19   | <b>85 - 99</b>   |
| <b>6 Information Item</b>           |   |                  |
| <b>6.1</b>                          | <b>Applications, Enforcement and Appeals Statistics</b><br>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.<br>Report DR/26/19  | <b>100 - 101</b> |
| <b>7</b>                            | <b>Date of Next Meeting</b><br>To note that the next meeting will be held on Friday 27 September 2019, in Committee Room 1, County Hall.  |                  |
| <b>8</b>                            | <b>Urgent Business</b><br>To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.   |                  |

### **Exempt Items**

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

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or

not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

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

## **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.

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

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## **Essex County Council and Committees Information**

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972. If there is exempted business, it will be clearly marked as an Exempt Item on the agenda and members of the public and any representatives of the media will be asked to leave the meeting room for that item.

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## **Agenda item 1**

**Committee:** Development and Regulation Committee

**Enquiries to:** Matthew Waldie, Democratic Services Officer

### **Membership, Apologies, Substitutions and Declarations of Interest**

#### **Recommendations:**

To note

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

#### **Membership**

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

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**Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 26 July 2019**

**Present:**

Cllr C Guglielmi (Chairman)	Cllr D Harris
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr M Maddocks
Cllr M Garnett	Cllr J Moran
Cllr M Hardware	Cllr J Reeves

**1 Apologies for Absence**

Apologies were received from Cllr D Blackwell, Cllr S Hillier (substituted by Cllr Maddocks) and Cllr A Wood.

**2 Declarations of Interest**

There were none.

**3 Minutes**

The minutes of the meeting held on 28 June 2019 were agreed and signed.

**4 Identification of Items Involving Public Speaking**

There were no public speakers.

**Minerals and Waste**

**5 Bradwell Quarry, Bradwell**

The Committee considered report DR/21/19 by the Chief Planning Officer.

The situation regarding the potential enforcement of planning control was noted, as set out in the report.

With regard to the legal agreement, it was noted that the agreement was likely to be completed within a few days.

There being no points raised, the resolution was proposed and seconded. Following a unanimous vote of 10 in favour, it was

**Resolved**

**a) Enforcement Action**

That, taking into account the results of harm assessment carried out on 9 April 2019, it is not considered expedient to take enforcement action at this time, however the situation will be reviewed with 3 months of the date of this report, should planning permission have not been formally issued, and:

**b) Legal agreement**

a) That within 3 months of the date of this report, Legal Agreements under the Planning and Highways Acts are completed to secure obligations covering the following matters:

- Submission and approval of a Landscape and ecological management plan for 25 years for the areas of priority habitat and in the event any of the priority habitats are disturbed/relocated a further 25 years of management to be provided
- Commitment to adhere to Master Plan in term of phasing and restoration, delivering 31.2ha of priority biodiversity habitat on a prorate basis if sites A6 and A7 are permitted.
- Accruing of a fund or financial bond to cover the costs of management of the priority habitats. The developer to submit a schedule of the likely costs arising over the management period
- Deeks Cottage and Haywards not be used as residential properties whilst machinery is within 100m of the properties
- Retention and maintenance of existing measures in the highway to prevent/discourage access onto the private access road at the crossings with Ash Lane and Church Road
- Disciplinary measures to be enforced by the company if drivers found using minor roads and the crossing points to access the site
- Removal of access road if the IWMF is not progressed, or not required with respect to Waste Local Plan preferred sites or future potential mineral permissions
- Commitment to enter into appropriate PRow Orders to extend timescale for current diversions and upon restoration Extension of PRow Bradwell 24 to PRow Bradwell 55, upgrading of footpaths to bridleway status upon completion of restoration to create a bridleway route between Sheepcotes Lane and Pantlings Lane.
- Continuation of site liaison group
- Programme of works to be undertaken to Woodhouse Farm Cottage to provide suitable habitats for bats

to thereafter enable planning permission ESS/03/18/BTE to be issued in accordance with the resolution of the committee taken on 27 July 2018.

**6 Sheepcotes Farm, Little Waltham**

The Committee considered report DR/20/19 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Members noted that this application had previously been presented in January 2019 when it was resolved to grant planning permission subject to a Legal Agreement, requiring the provision of a right-hand turn lane within the A131, prior to commencement of operations, and the removal of these works following restoration of the site.

Members were informed of the revised information which had been submitted since this resolution (updated Transport Statement) and the access arrangements now proposed. The Committee, in respect of this, noted the appraisal section of the report on 'Transport' and updated recommendation.

Policies relevant to the application were detailed in the report.

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

Several Members voiced their approval of the new proposal, believing it likely to improve the safety situation.

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

- Highways had expressed no concerns over the proposed new layout, but would conduct a further safety audit of the site, as part of the S278 process, taking into account such factors as traffic speed, sight lines and signage
- The new entrance would be designed to prevent all right turns, operating in a left in, left out capacity only
- There would be a wheel wash on site, and some distance of hardstanding to the exit, to reduce the potential for mud deposits on the main road.

There being no further points raised, the resolution was proposed and seconded. Following a vote of 9 in favour and 1 against, it was

**Resolved**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan', drawing no. M16.181.D.001, dated November 2017; 'Block Phasing Proposals', drawing no. M16.181.D.003, dated Oct 2018; 'Concept Restoration', drawing no. M16.181.D.004, dated Oct



2018; 'Plant Specification Plan', drawing no. M16.181.D.005 (version: 1003/PP/1 v2), dated Sept 2017; and 'Weighbridge and Weighbridge Office Detail', drawing no. M16.181.D.008, dated October 2017 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies S1, S3, S6, S8, S10, S11, S12, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC4, DC6, DC13, DC14, DC21, DC25, DC28, DC29 and DC56 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3, S5, S6, CO6, HE3, NE1, NE2, NE3, MP1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

3. The development hereby permitted shall be limited to a period of 5 years from the notified date of commencement of the development by which the extraction and processing of mineral shall have ceased. Within a further 12 month period of this date (6 years in total) the site shall have been restored in accordance with the scheme approved and be the subject of aftercare for a period of 5 years.

*Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies S1, S3, S6, S10, S11, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC4, DC13, DC14, DC25, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3, S5, S6, NE1, NE2, NE3 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 6 years from the notified date of commencement, by which time the land shall have been restored in accordance with the restoration scheme.

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Mineral Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and in accordance with policies S1, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC4, DC13, DC14, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the*

*Focussed Review (2013); and policies S2, S5, S6, NE1, NE2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

5. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday  
07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

*Reason:* *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

6. The total number of heavy goods vehicle movements\* associated with the development hereby permitted shall not exceed the following limits:

100 movements (50 in and 50 out) per day (Monday to Friday); and  
50 movements (25 in and 25 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

*\* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

*Reason:* *In the interests of highway safety, safeguarding local amenity and to comply with policies S1, S10, S11, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, CP14, DC2, DC4, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority within seven days of written request.

*Reason:* *To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies S1, S10, S11, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, CP14, DC2, DC4, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6 and PA1 of the*

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*Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

8. No development shall take place until details of woodland, tree and hedgerow retention and protection measures have been submitted to and approved by the Mineral Planning Authority. The details shall include indications of all existing woodlands, trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection including exact details of proposed stand-off distances and fencing/bunding. The approved details shall be implemented and maintained for the period of construction of the development hereby permitted.

*Reason: Concerns have been raised about the submitted woodland, tree and hedgerow protection plan and revised details which seek to clarify stand-off distances and proposed fencing types is in the interest of visual amenity, to ensure protection for the existing natural environment and to comply with policies S1, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13 and DC14 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE1 and NE2 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

9. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be based on drawing titled 'Concept Restoration', drawing no. M16.181.D.004, dated Oct 2018 and include detail of all areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, additional planting is required to account for the gapping up of hedgerows following the removing of the access road and to improve the appearance of the site in the interest of visual amenity and to comply with policies S1, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13 and DC14 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE1, NE2 and MP1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018). The condition is worded as pre-commencement as an aspect of advanced planting is required.*

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

*Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply with policies S1, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13 and DC14 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE1, NE2 and MP1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

11. With the exception of materials used to form the perimeter screening/noise attenuation bunds around the site, as approved by separate conditions as part of this permission, no materials shall be stockpiled or stored on-site unless within the areas labelled 'stocks' within the processing area; or within the temporary overburden storage bund within the extraction area, as shown on drawing titled 'Block Phasing Proposals', drawing no. M16.181.D.003, dated Oct 2018. Stockpiles within the aforementioned areas shall furthermore be no greater than 5 metres when measured from the adjacent ground level.

*Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP13, CP14, DC2, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

12. No development shall take place until details of the proposed lagoon system and associated dewatering sump and pond have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include details of design, construction and management based on that outlined within the Hydrogeological and Hydrological Assessment, prepared by BCL Consultant Hydrogeologists Limited, dated December 2017. The proposed lagoons and sump shall be constructed and maintained in accordance with the details approved.

*Reason: To ensure that the development does not give rise to significant hydrological impacts, to safeguard groundwater from pollution and to comply with policies S1, S3, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC25 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3 and NE3 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

13. No development shall take place until details of the proposed abstraction pipeline from Langleys to the site have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include full details of the proposed specification of the pipe and any associated equipment; proposed routing; construction management and restoration post installation. The pipeline shall subsequently be installed in accordance with the details approved.

*Reason: Limited detail has been submitted on the proposed abstraction pipeline and the required detail is to ensure that the proposed routeing and method of construction is environmentally suitable, does not give rise to significant impact and to comply with policies S1, S3, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC4, DC13, DC14, DC25, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3, S5, S6, CO6, NE1, NE2, NE3, MP1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

14. No excavation shall take place beyond the proposed 'Mineral Extraction Area' as shown on the drawing titled 'Block Phasing Proposals', drawing no. M16.181.D.003, dated Oct 2018. No extraction shall furthermore take place below 38m AOD.

*Reason: To ensure development is carried out in accordance with submitted details, that the development does not give rise to unconsidered impacts and to comply with policies S1, S6, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC4, DC13, DC25, DC28, and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3, S6, NE1, NE2, NE3 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

15. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Mineral Planning Authority. The restoration plan shall be based on the principles shown on drawing titled 'Concept Restoration', drawing no. M16.181.D.004, dated Oct 2018 but updated to reflect the removal of the access track from the site (and the subsequent restoration of this land) and the reinstatement of the existing access from the A131 to its former specification (full details to be provided). In addition to this, at least two complete cross sections through the reservoir shall be provided to supplement the proposed restoration scheme. The development shall be undertaken and the site restored in accordance with the details subsequently approved.

*Reason: To ensure that all areas not representing a water body are restored to agriculture, that the reservoir is engineered in accordance with the suggested slope and base profiles within the 'Preliminary Engineering Review', submitted by Greenfield Associates, dated 20<sup>th</sup> November 2017, in the interests of landscape and visual amenity and to comply with policies S1, S6, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13, DC14 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, CO6, NE1, NE2, MP1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018). This condition has been worded as pre-commencement on the basis that the proposed restoration will affect the volumes of soil and clay which are required to be retained on site.*

16. An aftercare scheme detailing the steps that are necessary to bring the land which does not form a water body (agricultural reservoir), to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works and the re-placement of soils on site. The submitted Scheme shall accord with that suggested with the Planning Practice Guidance and:
- Provide an outline strategy for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme; and
  - Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Mineral Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

*Reason: To ensure the satisfactory restoration of parts of the site to agricultural in accordance with the details submitted and deemed to comply with policies S1, S6, S10, S12, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13, DC14 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, CO6, NE1, NE2, MP1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

17. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties shall not exceed the following limits:

Sheepcotes Cottage: 49dB LAeq 1hr

Sheepcotes Farm: 47dB LAeq 1hr

Alsteads Farm, Longs Cottages, Alresford and Longs Farm: 45dB LAeq 1hr

*Reason: In the interests of amenity and to comply with policies S1, S10, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

18. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Sheepcotes Cottage; Sheepcotes Farm; Alsteads Farm; Longs Cottages; Alresford; and Longs Farm shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation which shall, for the purpose of this condition, include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral

Planning Authority in advance of such a temporary activity taking place.

*Reason: In the interests of amenity and to comply with policies S1, S10, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

19. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Appendix B of the Noise Assessment, undertaken by WBM Acoustic Consultants, dated 01 December 2017. In addition to this, a set of monitoring (in addition to the normal three monthly one, if timings do not collate) shall be undertaken at the start of extraction and clay lining closest to Sheepcotes Farm and Sheepcotes Cottage. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Mineral Planning Authority within one month of the monitoring being carried out (two weeks for the additional monitoring undertaken when operations are at their closest to Sheepcotes Farm and Sheepcotes Cottage). Should an exceedance in the maximum noise limits secured by condition be noted a scheme of additional mitigation shall be presented to the Mineral Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

*Reason: In the interests of amenity and to comply with policies S1, S10, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

20. The development hereby permitted shall be undertaken in accordance with the dust mitigation measures outlined within section 6 of the Dust Assessment, undertaken by Pde Consulting Limited, dated December 2017. Principally in this regard periodic wash down of the site access haul road and other areas of hardstanding shall be undertaken; stockpiled materials shall be regularly dampened down; and no loaded vehicle shall leave the site unsheeted.

*Reason: In the interests of amenity and to comply with policies S1, S10, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC4, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

21. Other than the floodlights shown on drawing 'Plant Specification Plan, drawing no. M16.181.D.005 (version: 1003/PP/1 v2), dated Sept 2017 and 'Light Spill Plan', drawing no. M16.181.D.009, dated March 2018, no fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Minerals Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting hereby and thereafter approved shall be erected, installed and operated in accordance with the approved details and only operated in accordance with the hours of operation as controlled by condition.

*Reason: In the interests of amenity and to comply with policies S1, S10, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

22. No development shall take place, including any groundworks, until a Construction Method Statement has been submitted to and approved in writing by the Mineral Planning Authority. The Statement shall provide for:
- Areas proposed for staff and visitor parking both during initial site set up and then during operations;
  - Areas proposed for the loading and unloading of plant and materials during initial site set up;
  - Storage of plant and materials during initial site set up; and
  - The proposed location and specification of the wheel and underbody vehicle washing facilities both during initial site set up and then during operations.

Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway

*Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with policies S1, S10, S11, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, DC4 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

23. All vehicle access and egress to and from the site shall be from the A131, as



indicated on drawing titled 'Block Phasing Proposals', drawing no. M16.181.D.003, dated Oct 2018. No development shall nevertheless take place until full details of the improvement works proposed at the access junction, including the design of the splitter island, have been submitted to and approved in writing by the Mineral Planning Authority. No material shall leave the site until the works approved have been implemented in full and junction visibility splays shall be maintained to measure a minimum of 2.4m x 215m at the site access, for the duration of the development hereby permitted. The improvement works shall subsequently be removed, and the access returned to its former specification, as part of the restoration of the site.

*Reason: In the interests of highway safety and to comply with policies S1, S11, DM1 and DM2 of the Essex Minerals Local Plan (2014).*

24. Access and egress to and from the site shall be left turn only, with the prohibition of right turns across the A131. No material shall leave the site until details of proposed signage and lining, together with information of how this access arrangement will be managed, monitored and enforced, have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details and maintained thereafter for the duration of the development hereby permitted.

*Reason: In the interests of highway safety and to comply with policies S1, S11, DM1 and DM2 of the Essex Minerals Local Plan (2014).*

25. No development shall take place until full details/specification of the proposed internal access road from the A131 to the site have been submitted to and approved in writing by the Mineral Planning Authority. That submitted shall include details of construction; design (finish/surface); and proposed landscaping of the access road to the processing plant area. That submitted shall furthermore clarify details proposed to manage surface water run-off including, as appropriate, detail of the swash as suggested within the Hydrogeological and Hydrological Assessment, prepared by BCL Consultant Hydrogeologists Limited, dated December 2017. The access road shall subsequently be installed and maintained in accordance with the details approved until removed as part of restoration.

*Reason: In the interests of highway safety, landscape and visual amenity and to ensure the development is not constructed without appropriate mechanism to manage surface water run-off and to comply with policies S1, S3, S10, S11 DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC2, DC13, DC14, DC25, and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S3, S6, NE1, NE2 and NE3 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless

they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

*Reason: In the interests of highway safety and to comply with policies S1, S11, DM1 and DM2 of the Essex Minerals Local Plan (2014).*

27. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks

*Reason: To ensure that any archaeological interest on-site has been adequately investigated and recorded prior to the development taking place and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, and DC21 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S5 and, HE3 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

28. No development or preliminary groundworks shall take place until a further badger survey, to include all areas on and off-site within 30m of any development/disturbance area, has been undertaken. The survey shall be undertaken within two months of the proposed commencement date and the results of the survey together with any actions or mitigation, as may be required, shall be submitted to the Mineral Planning Authority for approval in writing prior to formal commencement of the development.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13 and DC13 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6 and NE1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

29. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Mineral Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13 and DC13 of the Chelmsford Core Strategy and Development Control Policies (2008) as*

*amended by the Focussed Review (2013); and policies S2, S6 and NE1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

30. No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall include provision for habitat creation and management during construction of the development and post restoration and include:
- a) The aims and objectives of the plan and management;
  - b) A description and evaluation of features to be managed;
  - c) Ecological trends and constraints on site that might influence management;
  - d) Appropriate management options for achieving the aims and objectives of the project;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being followed during the five year aftercare period) inclusive of on-going monitoring and remedial measures and timings; and
  - g) Details of the body or organisation responsible for implementation of the plan.

The development hereby permitted shall be implemented in accordance with the approved plan and shall be maintained during construction and through the five year after care period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policies S1, S10, DM1 and DM2 of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13 and DC13 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6 and NE1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

31. No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of all perimeter screening/noise attenuation bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping and be based on that shown on the drawing titled 'Block Phasing Proposals', drawing no. M16.181.D.003, dated Oct 2018;
  - b) Provide detail on the quantities of topsoil and subsoils to be retained on-site and that to be exported (based on submitted detail of the quantum of soils required to facilitate restoration);
  - c) Detail how soils will be handled during construction, bunds planted and maintained, and soils re-spread for restoration;
  - d) Define the type or machinery to be used to strip and replace soils; and include
  - e) Confirmation that soil will only be stripped and handled when in a dry and friable condition\*; and that no area of the site traversed by heavy goods vehicles of machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or

subsoil has been stripped from that part of the site.  
The development shall be implemented in accordance with the approved scheme.

*\*The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

*Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise structural damage and compaction of the soil to aid final restoration works, to protect the amenities of local residents and screen the development and to comply with policies S1, S3, S10, S12, DM1 and DM2 and of the Essex Minerals Local Plan (2014); policies CP1, CP9, CP13, CP14, DC4, DC13, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE2 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

32. With the exception of clay which may be required to be imported for the purpose of lining the reservoir, no material or other aggregate shall be imported to the site. The processing plant shall only be used to process material extracted from within the approved extraction area.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies S1, S6, S8, S10, S11, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, CP14, DC2, DC4, DC13, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

33. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the site.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies S1, S6, S8, S10, S11, DM1, DM2 and DM3 of the Essex Minerals Local Plan (2014); policies CP1, CP13, CP14, DC2, DC4, DC13, DC28 and DC29 of the Chelmsford Core Strategy and Development Control Policies (2008) as amended by the Focussed Review (2013); and policies S2, S6, NE1 and PA1 of the Chelmsford Draft Local Plan – Pre-Submission Document (2018).*

## **Enforcement Update**

**7 Enforcement of Planning Control**

The Committee considered report DR/22/19, updating members of enforcement matters for the period 1 April to 30 June 2019 (Quarterly Period 1), and received an update from Mrs Armstrong, Enforcement Officer.

The Committee NOTED the report and commended the work of Mrs Armstrong, on the Authority's behalf.

**8 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/23/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

**9 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 23 August 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 10:55 am.

**Chairman**

**DR/24/19**

committee DEVELOPMENT & REGULATION

date 23 August 2019

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## MINERALS AND WASTE DEVELOPMENT

**Proposal: Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16:30 hours on Good Fridays**

**Location: Land at Greenacres, Packards Lane, Wormingford**

**Ref: ESS/09/18/COL**

**Applicant: CSH Environmental**

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**Report by Chief Planning Officer (County Planning and Major Development)**

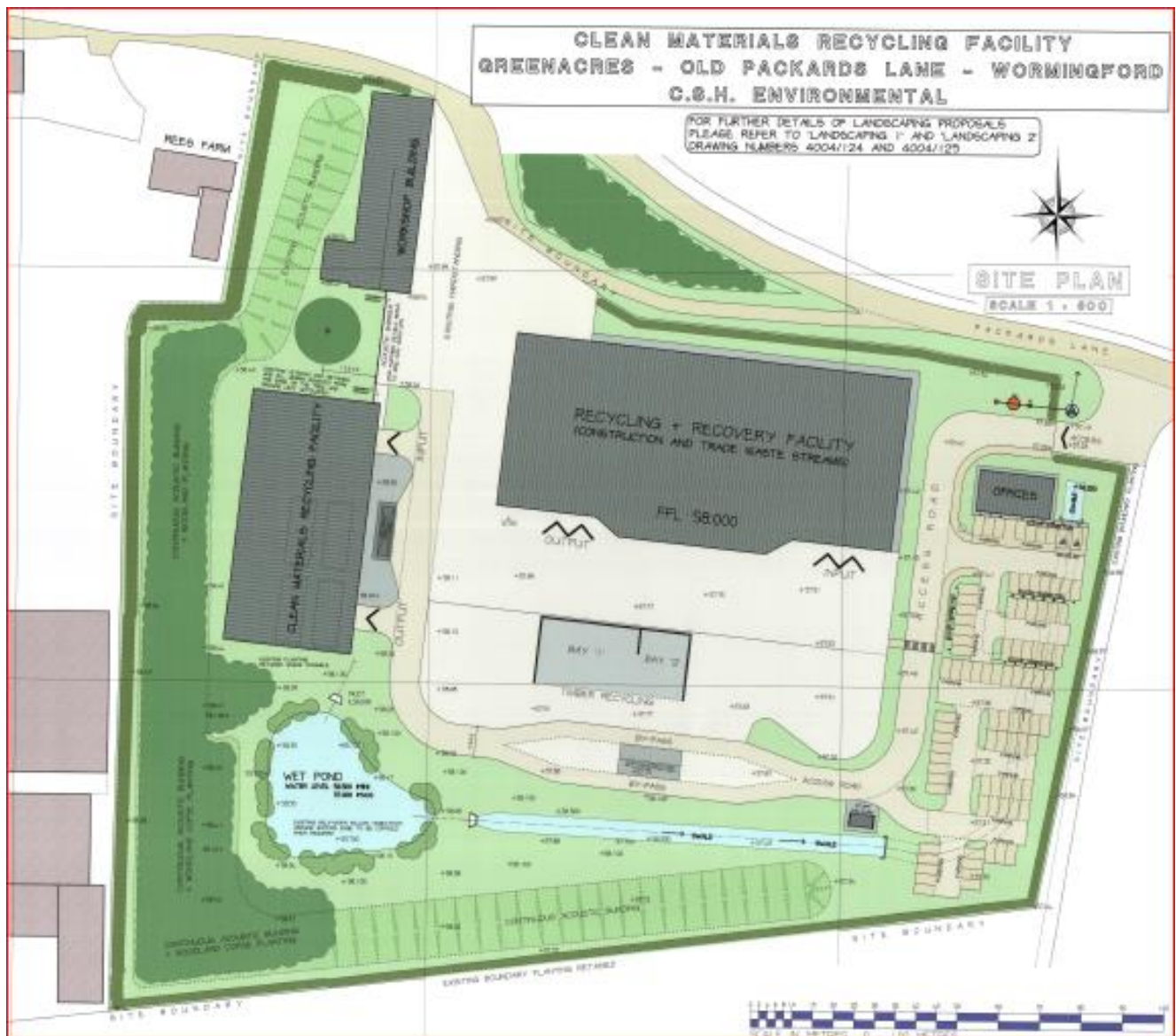
**Enquiries to: Terry Burns Tel: 03330 136440**

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



Extract from submitted Location Plan





Extract from submitted proposed site layout

## 1. BACKGROUND AND SITE

The present Colchester Skip Hire waste management facility was granted approval on appeal in July 2012. The presence of the operator's business at this location goes back to the late 1980's. Implementation of the appeal permission has taken place with the commissioning of the recycling/recovery building in 2014.

The business is restricted by planning condition restricting a yearly throughput of some 50,000 tonnes comprising a mix of commercial; industrial; construction and demolition wastes. Food wastes are diverted away from the site directly from source to off-site energy recovery facilities.

The business sees the above waste types collected in the operator's own skip/dustcart type vehicles. Collected loads are then delivered to the site during the business day and sorted within the recovery building the largest of the sites three buildings (the other two comprise the site offices and the storage/maintenance building). A number of planning applications have been determined for the site addressing:

- ESS/21/16/COL (approved July 2016) that provided for the use of the end bay in the workshop/maintenance building to be used for the storage of dry bales and upgrading of part of the northern site perimeter fence. All other activities of waste handling are required to be taking place within the recovery building.
- ESS/29/16/COL (approved October 2016) that provided for continuation of timber processing within designated outside storage bays.
- Good Friday working - ESS/18/17/COL; ESS/05/18/COL with the most recently permitted; ESS/15/19/COL, these three permissions provided for site operations and HGV movements to take place on the respective 2017; 2018 and 2019 Good Fridays.

Since the recovery building was commissioned in 2014 the site operator has been implementing various aspects of the planning condition requirements. These have included, amongst other matters, the landscaping, foul/surface drainage and water catchment provision, revised colour cladding of the facility (approved July 2015) and a welfare building (portacabin style approved as a non-material development June 2016).

At the time of the original application and subsequent appeal, the site saw the involvement of the local action group, Residents Against Skip Hire (RASH), principally comprising the occupiers of the site's three nearest local properties. Their involvement post the appeal Inquiry has continued and relations between the local residents and the site operator have been strained. Over the years the complaints received by the Waste Planning Authority have, amongst other matters, comprised noise (mainly reversing beepers), odour, lighting, cladding requirements of the buildings and the positioning of bunding.

In an effort to establish better relations and understanding on both sides of each other's concerns, a site liaison meeting was established comprising the site operators, two of the three local residents (the third being involved during the early stages although subsequently, and at their request, left out of being party to liaison minutes and invitations), Local Member, County Council Portfolio Holder for Waste; Parish Councils (both Wormingford and Fordham), the WPA and Environment Agency. Invites are also extended to the District Council Member and Planning and Environmental Health Officers.

To date meetings are held about twice a year and the two original residents have now moved on. Invitations to the new local residents to attend have not been taken up. Whilst issues remain between the remaining original local resident comments received from them do get raised at the meetings. It is always open to that local resident and for others to raise issues and use the liaison meeting as an avenue for issues to be raised and for following site progress. The meeting has been useful in maintaining face to face contact between interested parties.

The Committee will be aware from previously presented reports that local residents had felt a slow uptake of the operator to implement some of the approved schemes as well as actioning reversing beepers on vehicles/site noise, odour and outside storage aspects and use of the company skips. This feeling also extended to the Waste Planning Authority (WPA) and Environment Agency who it was felt were



ineffective in their dealings with the operator.

The WPA has been working to help steer the operator to achieving its responsibilities as well as addressing activities that have developed as the business has grown and which required regularising. The WPA has had, and continues to progress, meetings with both the operator and agent (together and separately) in identifying and working through the site operator's activities and future aspirations whilst also liaising with local residents separately as well as acting as a mediator between the parties, where appropriate.

### Site

The existing waste management facility comprising some 4.2 hectares of land, takes access off and lies to the south of Packard Lane which links the Fordham Road (Fordham to Wormingford) and the B1508 (Wormingford to West Bergholt). Immediately bounding the northern site perimeter is a narrow single track lane, Old Packard's Lane, which forms a crescent shape link on to and separated from Packard Lane proper by a narrow belt of mature woodland and which provides access for a number of the residential properties that lie immediately adjacent to the application lands western boundary. Agricultural land lies beyond both the road and to the south and east of the application land. To the immediate north west beyond the application lands bunding and vegetated perimeter boundary lies the nearest of the three closest residential properties, Rees Farm. "The Coach House" and "Rochford's" (a Grade II Listed Building) are situated further to the west beyond the garden of Rees Farm.

A Public Right of Way follows the eastern perimeter. Abutting along the western/south western boundary lies a small light industrial/warehousing complex. Further north west sited beyond Fordham Road lies a large crisp manufacturer together with an associated onsite anaerobic digester facility.

The extant permission based on a full planning application with no environmental statement, was granted approval on appeal in 2012. This permission accommodates an existing recycling/recovery building (measuring some 97 x 47 metres x just over 11 metres to ridgeline) with the applicant's facility handling limit of 50,000 tonnes per annum of principally commercial and industrial waste streams with a small proportion of commercial and demolition.

Permitted operating hours are Monday to Fridays 07:30 – 18:30 and Saturdays 07:30 – 13:30 hours. There is no Bank Holiday working; however, the operator has been permitted over the last three Good Friday periods provision to operate HGV movements from and back to the site for collection purposes only.

Provision allows restricted HGV movements outside of the normal permitted hours.

HGV movements are restricted to 150 movements per day Monday to Fridays and 74 movements per day on Saturdays.

## **2. PROPOSAL**

The development proposes:

- (i) An additional Recycling/Recovery Facility building. This building would measure some 60 metres x 30 metres x 11.43 metres to ridgeline and be sited towards the western site boundary;
- (ii) The relocation of an existing staff welfare facility that comprises a portacabin style building that was permitted for siting on the south eastern edge of the car park (itself located on the eastern site boundary);
- (iii) Provision of additional staff parking that would extend the existing staff car parking arrangements from some 42 spaces to 85, this would be achieved through (iv) below;
- (iv) Culverting of a section of the existing swale that runs between the existing site office/car parking facilities on the eastern side of the site and the site perimeter fencing;
- (v) Provision of additional Landscaping and Rainwater Harvesting features as a result of the proposed design feature alterations within the existing site; and
- (vi) Amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16:30 hours on Good Fridays.

The application states in support of the application that *"In the past few years the UK has seen a rapid growth in the volumes of plastic collected and separated for recycling across both the public and private sectors. These newly available tonnages of waste plastics present the waste industry with the challenge of how best to convert a waste resource into valuable new material and products.*

*There are many benefits to be gained by the responsible recycling of plastics:*

- *Provides a sustainable source of raw materials to industry*
- *Greatly reduces the environmental impact of plastic-rich products*
- *Minimises the amount of plastic being sent to the UK's diminishing landfill sites*
- *Avoids the consumption of the Earth's oil stocks*
- *Consumes less energy than producing new, virgin polymers".*

*Planning permission was originally granted in 1993. This enabled the applicant to recycle waste on site and to extend an existing building to provide a covered area for the recycling activities. This existing building is used to process the construction and demolition waste (C&D). The C&D passes through a trommel screen and a picking station to segregate soils and aggregate and remove items such as wood and metal.*

*Following the successful appeal decision in July 2012 a new waste management facility was commissioned in August 2014 which enabled all recycling facilities, with the exception of timber, to be undertaken within the building.*

*The site operates in accordance with an Environmental Permit issued by the Environment Agency. The Agency undertakes regular inspections of the site and the operations are compliant with the Permit.*

*The building has been sized to accommodate all waste processing plant, as well as incoming waste material, storage of recovered fractions and vehicle turning areas.*

*As a result of this, no waste material will be stored outside as is currently undertaken.*

*The building will lift the lid on recycling plastics by giving them a new life:*

- *The baled plastics arrive at the facility*
- *A trammel and ballistic separation help remove materials that are not bottles*
- *A metal separation is employed using magnets*
- *Finally, a type and colour separation ensuring clear and mixed colour plastics go their separate ways*
- *Plastics are granulated and then separated, cleaned and dried before going through a separate packaging process and quality tested clear plastics by sampling flakes and then test the mixed coloured plastics by sampling the pellets produced*
- *The end-product then heads off to be remanufactured*

*The UK has a plastic packaging recycling target of 57% by 2020. Nearly all UK Councils now offer householders some form of plastics recycling as part of the local authority waste collection system and this is increasing annual tonnages of post-consumer plastic packaging waste as they input to the recycling sector. Across the construction, manufacturing and retail sectors the importance of capturing potentially valuable streams of waste plastics and channelling them into efficient recycling and recovery routes is recognised as a key way to save costs and reduce environmental impacts”.*

*And that “The use of the Clean Materials Recycling Facility will allow the CSH Environmental to divert waste from landfill disposal, which meets Government Policy in moving waste up the management hierarchy but also reduces the Greenhouse gas emissions that are associated with landfill disposal.*

*The ability to convert all waste plastic to an end product to be remanufactured.....*

*The building will operate a unique processing line that will accept either pre-baled or loose plastics on arrival. These materials will travel via a trammel and ballistic separation process to help remove materials that are not bottles, any metal will be separated using magnets. Following this stage in the recycling process a type and colour separation will take place to ensuring clear and mixed colour plastics go their separate ways.*

*The recycled plastics are then granulated and then separated, cleaned and dried going through a separate packaging process and quality tested clear plastics by sampling flakes and then testing the mixed coloured plastics by sampling the*

*pellets produced. The end products then head offsite to be remanufactured”.*

In terms of economic issues the application states *“The applicants are considered to be a significant employer in the rural environment, employing up to 48 people, which contributes to the rural, local economy. The proposed development will secure the existing employment, as well as secure long-term job opportunities for 20 to 40 additional jobs”.*

The application states that the design features include the following environmental performance qualities:

- A curved roof to provide a more sympathetic profile
- Use of energy efficient light fittings for all offices and external areas.
- Use of infra-red sensor lighting for car parks to ensure that lights are only used during the permitted hours of darkness.
- Implementation of a Travel Plan (car sharing, provision of bicycle facilities, for example).
- Provision of a vehicle manoeuvring area, which is separate from the car park/office area, to ensure efficient flow of traffic. Thus avoiding, queuing and unnecessary manoeuvring.
- Use of baling machines for more efficient transport of material (e.g. cardboard and plastic).
- Collection of roof water for reuse purposes (water harvesting).
- Greywater recycling for offices and mess facilities.
- Use of secondary aggregates in building foundations and new areas of hardstanding. These materials will be derived from the existing on-site operation and will therefore not result in additional HGV movements delivering secondary aggregates.
- Use of secondary aggregates will prevent use of primary aggregates.
- Development of a Site Waste Management Plan for the construction phase which will reduce unnecessary waste by accurate ordering of materials and reuse of any surplus materials.
- Implementation of a detailed landscaping scheme.
- Provision of additional woodland planting, meadowland and wildflower meadowland to increase ecological value.
- The above measures have been developed in consultation with BREEAM guidance.

The application has been supported with assessments undertaken by appropriate consultants addressing:

- (i) Transport – The submitted information notes that *“The current recycling facility at the site is subject to a weekday maximum of 150 two way greater than 3.5 tonne movements per day, i.e. 75 in and 75 out, ‘traffic cap’.* Other vehicle movements under 3.5 tonnes in and out of the site are not restricted. *Therefore, the investigations in this report focus predominantly on HGV movements to/from the existing and proposed developments at the site. For the purposes of this report traffic flows will be categorised as light vehicles and HGVs, the latter being assumed to be vehicles in excess of 3.5 tonnes only.*

*The existing operation at the site is open from 6:00 to 18:30 weekdays and therefore in order to ensure that all vehicle movements to/from the existing site were recorded the manual classification counts were undertaken between 06:00 to 19:00. As part of the turning counts CSH vehicles were identified separately. All CSH vehicles are 'sign written' and as such the latter could be accurately achieved.*

*The traffic flows demonstrate that on the day of the manual count survey the existing on-site development attracted 124 two-way HGV movements between 07:00 and 19:00 hours. It should be recognised that between 06:00 and 07:00 hours, an additional 4 HGVs were counted to leave the site. The total number of two-way HGVs counted at the site on the day of the survey was therefore 128. This figure falls significantly below the 'traffic cap' for the development i.e. 150 two-way HGV movements”.*

*The planning statement has noted that “The development would not result in an increase of CSH HGV movements. However, it is envisaged that an additional 20 to 40 staff members would be employed at the proposed development. Due to the increase in number of employees, additional car parking spaces would be provided to the south of the existing car park which is located towards the eastern boundary”. Also*

*“In terms of any additional traffic attracted to the site because of the proposed development, HGV flows are not expected to increase given that the proposed clean materials recycling facility would simply enable CSH to recycle materials that are already effectively present at the site, but which cannot currently be recycled. Furthermore, CSH do not seek an increase in relation to the existing HGV movements cap at the site in conjunction with the current application”.*

- (ii) Heritage – The appraisal considered the setting of the adjacent Grade II\* listed building (Rochfords) that lies to the west of the application site. The conclusion of the appraisal was “that the ..... proposals would have no effect (other than minor benefit) on the character and setting of Rochfords as a Grade II\* listed building”.
- (iii) Acoustics – The noise consultant states in conclusion that “The current site has a noise control criterion set by planning condition of 45 dB LAeq, at the boundary of the site. It is therefore suggested that an appropriate noise control criterion of 35 dB LAeq, 1hr is proposed.

*Meeting the suggested noise control criterion would ensure that the existing noise control limit would not be compromised by noise from the proposed clean materials recycling building.*

*Noise levels have been measured at existing recycling facilities (including the existing CSH facility). Using these measured noise levels source sound power data have been derived for the proposed building, both open doors and the facade cladding.*

*The calculated noise levels for the proposed development, for all three of the*

*chosen boundary locations, are lower than the suggested noise criterion.*

*As noise levels are within the suggested noise criteria it is concluded that there is no requirement for additional noise mitigation.*

*It is further concluded that as noise levels meet the suggested noise criterion, that there should be no significant effect on residential amenity to nearby residential properties”.*

- (iv) Visual and Landscape – The application considers that the “*proposed design features have then been assessed in terms of the local landscape character. The landscape assessment concludes that the proposed scheme will have minimal direct impact on the local landscape character. No trees will be lost and the existing hedges will be retained. Furthermore, the creation of extensive areas of woodland, woodland edge and wildflower grassland habitats will enhance the landscape. In the long term, the mitigation proposals are judged beneficial.*

*The majority of the plant species would be native and selected to encourage the biodiversity potential of the site. Woodland shelterbelts would include climax species of oak, hornbeam and ash with an under storey of field maple, hornbeam, hazel, hawthorn and holly. Nurse species would comprise hybrid poplar and Corsican pine - both of which are found locally in neighbouring woodlands and copses, together with native cherry. A woodland edge/shrub mix would include field maple, hawthorn, hazel, blackthorn, privet, dog rose and goat willow”.*

In visual terms the assessment notes that the sites visual envelope extends south and east; that from middle distance viewpoints that of Spring Cottages would be middle high adverse decreasing to medium low adverse by year 15, however this aspect is likely to be from first floor windows.

More distant views from Wormingford and from the valley to the east are assessed as not significant and mostly due to the distance involved.

Whilst the report notes that views from the two adjacent receptors would likely be assessed as medium-high adverse in year 1 post construction and following maturing of the vegetation the impact would become less adverse.

The assessment states that “*the proposal is for the construction of a large building in the countryside. However, the building is closely related to other large structures and commercial uses on adjacent sites. Furthermore, the form of the proposed buildings and materials used have been carefully selected to respond to the locality and create a composition more agricultural in appearance... As the planting steadily matures it will reduce the impact of the building in the countryside screening the structures over time so that the site will from the outside appear like a block of woodland similar to blocks of woodland in the area. The planting proposal will in time enhance the setting of the site and enable the integrate the buildings into the surroundings”.*

- (v) Ecology – A Phase 1 Habitat Survey was undertaken to record the floral interests on the land. The report noted that few reptiles are supported on site, although a Grass snake was found. The impact on reptiles and badger was assessed as neutral.

Overall the site was considered to be low importance to wildlife “with substantial opportunity for wildlife enhancement to be built into the scheme”

An updated Great Crested Newt survey was undertaken with the report completed in June 2019. This survey confirmed the presence of these newts within a pond located offsite. The conclusion of the report was that work could be undertaken lawfully under an appropriate European Protected Species License such that overall impact to the newts would be negligible.

In respect of atmospherics the planning statement notes “..... *there will be no increase in the permitted level of vehicle numbers and therefore no impact on air quality as a result of atmospheric emissions from traffic associated with the proposed development.*

*The air circulating in the building would pass through filtration equipment that would remove dust, other particles and odours before it is discharged from the site. Based on these controls the proposed operations would not result in significant omissions to the local air. It can be concluded that the proposed development would not result in any significant change in local air quality”.*

Following submission of the application and as a result of comments from representees and consultees additional information was submitted including photomontages from a local resident’s garden; elevational details; landscape and ecological surveys. A re-consultation was undertaken to cover these aspects and addressed above.

### **3. POLICIES**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise.

The development plan comprises:

- i) The Essex and Southend Waste Local Plan (adopted July 2017)
- ii) Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).
- iii) Submission Colchester Borough Local Plan 2017-2033:

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) February 2019.
- ii) The National Planning Policy for Waste October 2014
- iii) The Waste Management Plan for England December 2013.
- iv) Planning Practice Guidance

- v) “Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018.

The following policies of the Essex and Southend Waste Local Plan (adopted July 2017) and the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).(paraphrased or in quotation marks if set out in full) are of relevance to this application:

In the Essex and Southend Waste Local Plan (adopted July 2017) relevant policies are:

Policy 10 (Development Management Criteria)

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- iii) Local amenity
- iv) Safety and capacity of road network
- v) Appearance quality and character of the landscape and visual environment.
- vi) The natural environment

Policy 12 (Transport and Access)

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

In the Colchester Borough Council Local Development Framework Core Development Policies Adopted 2010 (selected policies revised July 2014).

Policy DP1: Design and Amenity (Revised July 2014) which requires development to be designed to a high standard, avoid unacceptable impacts on amenity, and to protect existing public and residential amenity, particularly with regard to amongst other matters noise and disturbance.

Reference to Submission Colchester Borough Local Plan 2017-2033 is being made within Colchester Borough Council planning application reports. In respect of this particular application, Policy SP1 “Presumption in Favour of Sustainable Development” within this emerging plan would be considered most relevant in



supporting such an application however, the plan is at present going through the Examination process. And at this stage the plan would be considered to have some weight given its advance stage.

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- Supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources.
- Contribute to conserving and enhancing the natural environment and

reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

### National Planning Policy for Waste (NPPW)

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is “the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through: delivery of sustainable development and resource efficiency .....

The NPPW sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

- “undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management,.....;
- drive waste management up the waste hierarchy ..... recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;
- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;
- take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;
- work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;
- consider the extent to which the capacity of existing operational facilities

would satisfy any identified need”.

For the determination of planning applications the policy statement requires waste planning authorities to amongst other matters

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B [this referred to appendix sets out locational criteria] and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced

Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018.

This guidance strategy is primarily focussed on “preserving the stock of material resources through waste minimisation, promotion resource efficiency and moving towards a circular economy. The strategy blueprint is to eliminate plastic waste over the lifetime of the Governments 25 Year Environment Plan.

The strategy sets out steps to promote the market for recycled plastic via the tax system. It recognises and seeks improvements in the raising of recycling quality and quantity standards and investment in the domestic recycling materials market.

The Strategy seeks to preserve the stock of natural resources through waste minimisation, promoting resource efficiency and moving towards a circular economy. The strategic blueprint is to eliminate avoidable plastic waste over the life time of the Government’s 25 year Environment Plan.

The strategy seeks to promote the recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem. Within the strategy it acknowledges that valuable recyclate is lost to landfill/incineration and there is thus a need to preserve our stock of natural capital.

#### **4. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL: Object on the following grounds:

“Due to the close proximity of residential property and the possible noise nuisance caused by 24-hour HGV movements and the expansion of operations at the site it is recommend existing noise conditions and existing restrictions on vehicle

movements be retained. Environmental Protection have serious concerns about the impact upon neighbouring residential amenity if the conditions and restrictions are altered.

With regard to general issues, careful consideration should be given to the impact of the proposal on the following:

- (i) Landscape character
- (ii) Setting of nearby Listed Building
- (iii) Wildlife
- (iv) Archaeology
- (v) Boundary trees and vegetation”

WORMINGFORD PARISH COUNCIL: Object “on the following grounds:

- Encroaching further on residents’ amenity.
- Removing conditions that have been previously been put in place to protect the local residents i.e. Bank Holiday working, which are slowly being eroded over time.
- Additional traffic movements affecting direct neighbours, residents in Wormingford and neighbouring villages.
- Reduction in width of hedge boundary.

We would therefore ask you to reject this application.

We would like it noted that if you are minded to accept this application that you ensure that additional planting is required and reiterate that the doors must be kept closed at all times which is an existing condition but not always adhered to”.

Additional comments received from the parish council:

- “We would ask that the planting round the site is increased in thickness and height in order to assist with the reduction of noise.
- We would ask that the main doors to the existing waste processing building be improved, possibly made automatic so that they remain shut as much as possible (as per the current planning conditions) in order to keep odours, noise and dust from encroaching on residential amenity. We would ask that this existing planning condition remains in place and is enforced more rigidly than today!
- The Parish Council are concerned regarding the possible noise impact of the process of chipping plastic should CSH decide to install such equipment in their proposed new building either at the onset or at some future date. It is important that before such developments take place full investigations of the noise potential are understood by all parties. We would ask that if CSH do decide to go ahead with this process at some stage, that another planning application must be submitted once the type and make of equipment has

been identified by CSH”.

FORDHAM PARISH COUNCIL: Any comments received will be reported at the meeting.

COUNTY COUNCIL’S AIR QUALITY CONSULTANT (CAC) – Comments *“As the EA regulate odour emissions as part of the Environmental Permit, MB3438RT/A001, I would expect them to pick up this particular issue as part of their consultation response. They should have historical information on the frequency of any odour complaints submitted by local residents, and also whether issues with the operation of the doors has impacted on these observations.*

*Moving forward, any non-adherence to planning conditions would also fall within the remit of planning enforcement officer, therefore there are a number of mechanisms in place to ensure that any odour impact on residential amenity would be suitably controlled”.*

COUNTY COUNCIL’S LIGHTING CONSULTANT – No objection and recommends lighting scheme condition.

COUNTY COUNCIL’S NOISE CONSULTANT (CNC) – The CNC has had a long involvement with this site and to the consideration of the noise aspects and these are presented later in this report. The CNC has summarised in his response that:

*“With the understanding that the existing noise limits will remain to control noise emissions from the site, I am satisfied that the addition of the proposed clean material handling building is unlikely to result in non-compliance. The Noise Assessment presented, together with the further information requested and reviewed, would suggest that, despite a slight increase in noise emission at Reese Farm, noise levels should remain below 45 dB LAeq,1hr.*

*Notwithstanding the above, I have recommended that comments be sought from Colchester Borough Council with regard to potential noise nuisance matters under the Environmental Protection Act 1990.”*

The CNC provides the following justification for seeking comments from Colchester Borough Council:

*“The current stipulated noise limit on the site has its foundation in 2002, arguably based on unsuitable guidance. This noise limit has been maintained through subsequent planning permissions. The Appeal Decision in 2012 would appear to have determined that, as the site was historically controlled by a noise limit of 45 dB LAeq,1hr, and that the proposal should have improved the pre-existing situation, then the noise limit can remain. The Appeal Decision does not appear to consider the appropriateness of the noise limit in isolation, i.e. is it suitable to prevent adverse noise impacts?*

*It shall be noted that compliance noise monitoring undertaken by both AAD and Jacobs over the past year has demonstrated compliance with the noise limit of 45 dB LAeq,1hr. That is the monitoring exercise demonstrated that specific site noise varied between 34 dB LAeq,1hr and 44 dB LAeq,1hr in close proximity to Rees Farm. Therefore, compliance against the existing noise limit is evident. However, I am*

*aware that local residents continue to make complaints with regard to noise and it would be interesting to know if the Local Council Environmental Department have received and/or investigated complaints with regard to statutory nuisance (under the Environmental Protection Act 1990)? From my own observations made on site, noise from certain activities associated with the existing use of the facility is clearly audible at the boundary of the site, adjacent with Rees Farm; however, it would be for a local environmental officer to determine if this would be considered a statutory nuisance."*

Notwithstanding the above the CNC advises the following should permission be granted for this application:

*"Should permission be granted for this application, I would recommend that compliance monitoring be undertaken as soon as possible, to demonstrate the established noise limits are observed".*

ENVIRONMENT AGENCY (EA): Any comments received will be reported at the meeting.

PLACE SERVICES (ARBORICULTURE): No objection. The Arboricultural Officer is concerned about the potential retention of debris and material around the base of the veteran tree and hedgerows and has requested that a suitable condition addressing the retention and protection of the veteran tree and hedgerows be imposed.

PLACE SERVICES (ECOLOGY) No objection subject to securing biodiversity mitigation and enhancement measures

The County Ecologist comments: *"We have reviewed the Preliminary Ecological Appraisal (Adonis Ecology Ltd (11<sup>th</sup> December 2018) and Great Crested Newt Report (Adonis Ecology Ltd, 12<sup>th</sup> June 2019) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, particularly Great Crested Newts and identification of proportionate mitigation.*

*We are satisfied that there is sufficient ecological information available for determination of this application.*

*This provides certainty for the WPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.*

*This will enable the WPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.*

*The proposal are acceptable, provided that all the recommendations in section 5 of the Preliminary Ecological Appraisal and section 5 of the Great Crested Newt Report are delivered, particularly as some of them should have already been undertaken as part of former permissions on this site. In addition, a long term landscape and ecology management plan should be conditioned and should be based upon the recommendations and the management which was permitted*

*under earlier planning permissions but not yet implemented. The mitigation measures identified in the Preliminary Ecological Appraisal and Great Crested Newt Report should be secured and implemented in full. The root protection zone of the mature oak tree should be protected and should not be used for storage of materials or parking of vehicles during or after the construction phase.*

*In addition, a Construction Environmental Management Plan should be provided to ensure that measures are undertaken for biodiversity during the construction phase, including mitigation of impacts to the adjacent land.*

*This is necessary to conserve and enhance Protected and Priority Species, particularly Great Crested Newts, Bats, Reptiles, Hedgehogs, and Common Toads.*

*This information is required to provide the WPA with certainty of likely impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.*

*Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.*

*Submission for approval and implementation of the details below should be a condition of any planning consent”.*

The County Ecologist recommends a number of conditions.

PLACE SERVICES (HISTORIC BUILDINGS) No objection commenting: *“The applicant seeks to erect a new facility at an existing recycling/recovery facility to the south of Wormingford. The site falls in close proximity to Rochfords, a moated manor house which is listed grade II\* and its associated Cartlodge, listed grade II. Whilst an initial cartographic assessment may suggest that the site falls within the setting of these listed buildings, a previous appeal decision, relating to an application on the site in 2010, is definitive that both in terms of visual impact and the erosion of historic association, the development of the application site is not considered to harm the contribution which the building's setting makes to its significance. This is a material consideration, and nothing which is proposed in this application is considered to be different enough to suggest that this conclusion would need to be re-evaluated”.*

PLACE SERVICES (HISTORIC ENVIRONMENT) - No objection

PLACE SERVICES (LANDSCAPE): Supports subject to conditions and comments: *“During the process of consultation and a site meeting held on 15<sup>th</sup> August 2018 I expressed some specific concerns regarding the landscape impacts and proposals relating to mitigation for the proposed new building and extended parking area. These were outlined in the site meeting note dated 7<sup>th</sup> September 2018.*

*I am satisfied that these concerns have been largely addressed through the amended landscape proposals and Plans 120 Rev B, 124 A and 125 A.*

1. *East boundary, I have expressed my concerns regarding the impact of*

*bringing parking close to the boundary hedge, with the consequent loss of the open grass area and swale. This conflicts with the Inspectors appeal findings that the wide band of green space on this edge of the site would provide landscape mitigation. The mixed hedge and trees (oak, ash and field maple) on this boundary currently give good screening to the current facility, in the summer months. However in winter months and with the extended development footprint the hedge is unlikely to provide such effective screening for the car park.*

*The trees have now been indicated on the plan, although not specifically labled. There will be a need to condition the retention and protection of these trees. Management will be essential with specific monitoring of the ash in the event of ash dieback and decline. I consider there is a need to survey and plot these trees in order that the condition secures their retention.*

*The car park lighting proposals do not appear to be specified so will need to be conditioned. I have previously advised against placing along columns close to the hedge/trees at the eastern car park edge. This will place further pressure on the successful retention and management of hedges/trees. I would prefer to see lower level lights/bollard lighting placed within the car park zone.*

- 2. With the respect to the southern boundary mound and original approved planting, these were never implemented. However I consider that the planting is not necessary here as the bund provides good visual mitigation from the south. The southern boundary hedge is mature and of good size. The retention and management of the hedge/trees will need to be conditioned.*
- 3. West boundary mound and planting. Whilst on site we discussed and agreed that this planting (some of which has been partially implemented) would be refined in terms of its form and species content. The new planting will sit behind and above the proposed new build but it is not practical to continue to the rear of the workshop building due to the height and profile of the existing bund. Natural regeneration of ruderal and shrubby species appears to be taking place.*

*The more recent submitted photomontages taken from 'Rochfords' to the west show how the planting (subject to time and positive management) will give good screening in terms of residential views of the new building. Native privet (*Ligustrum vulgare*) has been added for evergreen content and I advise that this be used on the western edge of the planting block. These matters have been largely addressed through the amended 'Landscaping 2' Plan 125 Rev A.*

- 4. West boundary hedge: this has been planted but needs management and beating up where it has failed. I advised using hawthorn. I advise that this be conditioned through landscape implementation.*
- 5. The large mature oak has now been plotted on the amended plans. We requested moving the Acoustic barrier away from the tree to secure a greater distance for protection. This is now shown as 13 metres clear from centre of trunk on the east side of the tree. I consider that there is a need to*



*provide a BS 5837 survey for this tree in order that the condition secures its retention.*

6. *Wet pond: the self-sown willow and its retention and occasional management by coppicing is indicated on the amended plans.*

*My overall concerns have been largely addressed by the refined proposals. There is no doubt that at some times of the year both the new building and extended parking zone will be partially visible in the wider landscape.*

*All matters relating to the retention of existing vegetation, implementation of new planting, management of existing and new planting will need to be conditioned”.*

The County Landscape Officers recommended conditions are set out in the Place Services response dated July 2019 at Appendix A to this report.

PLACE SERVICES (URBAN DESIGN): No Objection. The Urban Design Officer recommends that samples of the building materials are submitted to ensure finish and colour consistent with the existing development. Also supports the recommendation of the Landscape Officer to seek tree survey information to ensure protection of on site trees.

LOCAL MEMBER – COLCHESTER – CONSTABLE - Any comments received will be reported.

## **5. REPRESENTATIONS**

Site, press (Essex County Standard) and neighbour notification (58 properties) was undertaken and as a result 65 letters of representation have been received concerning the original submission whilst a re-consultation process resulted in 7 further representations of which 3 were new responders.

The representations relate to, in summary:

<u>Observation</u>	<u>Comment</u>
Supporting the previous grounds of refusal made by the Waste Planning Authority at the time of the original application and noting these still apply.	Planning applications are determined on their merits with past histories being balanced in their considerations.
“The proposed location of the additional building is even worse being located on the boundary of residential properties which will make it highly visible, out of character, disproportionately massive and will overlook family rooms and gardens”.	See appraisal.
Why haven't CSH been guided to locate the proposed building on the eastern	

boundary of their land overlooking empty farmland rather than adjacent to people's homes?

The issues of odour, dust and noise are not currently being controlled by conditions and for the first time an application by CSH admits that the situation will be even worse

That County Court claims of dust nuisance against the operator have been successful and this application would make the situation worse.

The previous application required an EIA and yet this application with a proposed building bearing down on residential properties does not.

In respect of "Impacts on a heritage site" That "Rochfords" is a grade II\* property. That the site operations will cause discolouration of the façade whilst increase in road traffic would impact the front of the property.

Anything in the curtilage of "Rochfords" as part of the heritage site and needs special consideration such as the covering of the swale which could impact the moat.

Notes no visual appraisal taken to take account of impacts on Rochfords Listed status.

No ecological surveys have been undertaken at Rochfords in support of this application. Great Crested Newts and other reptiles are present across the property. Survey data as presented could be misleading.

Raises concerns in respect of noise, dust and odour pollutants.

(i) Whilst noting the existing 07.00am

See appraisal.

Private claims are not a planning matter. Applications are considered on their merits and dust aspects are part of the consideration.

This present application was screened as below the thresholds required for an Environmental Impact Assessment, however the coverage and content of the application addresses the issues required for appropriate determination.

See appraisal and Consultee responses.

See appraisal and consultee responses

Subsequent assessment has been undertaken and consultees have taken into account this information.

Subsequent assessment has been undertaken and consultees have appraised this

Noise, dust, odour and landscape aspects are addressed in the report.

<p>start which is already disturbing any increase at the site would be closer to the boundary and more sustained.</p> <p>(ii) Both existing site odour and the air fresheners used are both foreign smells and likely through increased site activities to decrease air quality and increase the foreign smell experience.</p> <p>(iii) Dust problem will increase as will deterioration of the property and impact on human health.</p> <p>(iv) Height of the building will affect the morning sun at nearby properties.</p> <p>(v) Noise level of 45db (sic) is likely to be exceeded through the constant reversing beepers; dragging and dropping of skips</p>	
<p>Compromise local roads and local residents with increased vehicle movements and times.</p>	<p>Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.</p>
<p>Further deterioration of road network in Fordham; Moat Road and Mill Road.</p>	<p>Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal</p>
<p>Skip lorries already a nuisance and drive fast and increasing size and diversity of the facility is unacceptable.</p>	<p>Driver behaviour on the public highway is not a planning matter. Operators are encouraged to ensure good driving habits from their own and contractual drivers.</p> <p>The application is not seeking to alter the range of waste already being received at the existing facility.</p>
<p>(i) Traffic report ignores the various routes by which traffic serves this site.</p> <p>(ii) Traffic report ignores vehicles below 3.5 tonne which could be significant.</p> <p>(iii) Counterproductive to reducing/curtailing traffic movements and jobs not of high value.</p>	<p>Application is not seeking to change HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.</p>
<p>Use of local roads as rat runs and</p>	<p>Application is not seeking to change</p>

deterioration of the road conditions and danger to pedestrians and schools that they pass to get to the A12.	HGV movements/routeings. Comments on the Good Friday aspects are set out in the appraisal.
CSH are an industrial firm and not suitable for the area. Company should be moved to more appropriate location.	See appraisal
Essex already has an MRF in Barking and a recycling facility not appropriate for this location.	A recycling facility already exists at this location. The present application seeks to handle an existing waste stream.
Traffic data is out of date and has increased considerably.	See appraisal.
Current building already inappropriate and dominates the landscape. Floodlighting illuminates the locality.	See appraisal
Further growth of plastic recycling at the site inevitable diminution of enjoyment of countryside and amenity. Also sustainability of handling increased plastic wastes with no apparent end market.	Application seeks to deal with existing plastic waste stream and not to increase site throughput limits.
Inconsistencies in the Environmental Impact Screening Opinion relating to:	The Screening exercise is separate to the planning application. The comments relating to (i) to (iv) opposite relate to the Screening process which is not the subject of this application.
(i) "Installations" reference under which the site would only accept inert wastes which in themselves should not generate odour. The experience from the site is that inert wastes accepted at the site do smell.	
(ii) Under heading "Characteristics of Development" reference to no new development then why is applicant seeking additional car parking spaces if not to expand.	
(iii) References to no transfrontier effects is wrong as it would cross the site boundary and impact adjoining properties.	
(iv) Scale of the two buildings being more than 0.5 hectares and therefore in breach of the relevant paragraph in the Regulations.	
(v) In respect of future Good Friday	See appraisal

working; whilst sympathetic it opens door for further eroding local amenities.

- |  |   |
|--|---|
| (vi) References to existing filtration system that does not work now and any doubling of work at the site would double both odour and dust generation. | Process activities are controlled through the Environmental Permitting Regime.  |
| (vii) That there would be an impact not that it is “likely” and that of the 22 conditions at the site they do not operate to 16 of them.               | The representees view of impact is expressed. Consultees would consider the assessments and formulate their view. No elaboration is made as to which conditions are not being adhered to. |
| (viii) Good Friday working   | See appraisal   |

## 6. APPRAISAL

The principal issues in respect of this proposal are:

- A. Appropriateness of the location for the additional building.
- B. Environmental aspects –Landscape/Visual
- C. Ecology
- D. Dust and Noise
- E. Traffic

### A APPROPRIATENESS OF THE DEVELOPMENT IN THIS LOCATION

The current CSH facility, approved on appeal, has since developed into a successful business with an established market serving both business contracts through the “dust cart” collections as well as skip hire.

Throughout the history of this site, there has been concern expressed from the local community as to the suitability of siting such a business in this particular location. The implications of the siting aspect were issues considered at the earlier planning appeal and ultimately considered acceptable to the Planning Inspectorate when it granted approval for this permanent waste management facility. The subsequent growth of the business has taken place against that original scheme.

Subsequent decisions taken by the Waste Planning Authority concerning use of various parts of the site such as storage bays or wood processing has been set against the fact that such proposals have not in themselves sought to increase either site throughput or HGV movements.

A backdrop to some of the various development requests in the history of this site, post appeal, has been third party expressions that the facility has not abided by its original conditions and that the operators has sought to ignore the conditions and

do what they please.

Whilst the business has developed, it has been undertaken either in line with the original planning approval or, as is the right of any operator, through subsequent applications which have been considered through the planning process. This application has been submitted on the basis of seeking additional space in which to handle, sort and process, the plastic product line to which the facility already caters for. Therefore, in this respect there is no intention through this planning application to seek additional tonnage throughput, extend the normal site operating hours nor seek additional increases in HGV movements.

The planning system exists to support development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override.

A number of representees consider the facility to be inappropriate and set within a rural setting. Whilst this may be so, there is the permanent planning status attached to this development site as noted earlier. The facility does exist in a rural setting, however it is also acknowledged that nothing is permanent and the rural area is not immune from change and development. Two small established industrial estate footprints lie immediately to the west of the existing facility and these have been established prior to the current CSH facilities being developed. A former chicken factory is located to the north west whilst a large crisp manufacturing complex and associated anaerobic digester unit lie immediately west of Fordham Road at Fairfields Farm. Beyond the crisp plant lies a former airfield which is used for leisure flying.

Such other industrial/agricultural business initiatives in the locality sit alongside the agricultural landscape and tempers the “rural” feel that the local community feel for this area.

As with any development aspirations these have to be balanced, as in this particular case, the environmental aspects including the consequences of the “rural dilution feel”; that the facility has a permanent waste management facility status but also the policy implications that stand to guide development.

National planning policy guidance has at its heart the delivery of sustainable development and resource efficiency. For waste management, and to secure the nations waste ambitions, the driving of waste management up the waste hierarchy is a key aspect of contributing to the sustainability goals.

The recent guidance “Resources and Waste Strategy “Our Waste, Our Strategy Our Resources A Strategy for England” 2018 has sought to “preserve the stock of natural resources through waste minimisation, promoting resource efficiency and moving towards a circular economy. The strategic blueprint is to eliminate avoidable plastic waste over the life time of the Governments 25 year Environment Plan.

The strategy sets out steps to promote the recycled plastic market via the tax system. It recognises and seeks improvement in the raising of recycling quality and quantity standards and investment in the domestic recycled material market.

The strategy seeks to promote the recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem. Within the strategy it acknowledges that valuable recyclate is lost to landfill/incineration and there is thus a need to preserve our stock of natural capital.

The Waste Management Plan for England sets out the principal commitment “towards moving beyond our current throwaway society to a ‘zero waste economy’ in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It means reducing the amount of waste we produce and ensuring that all material resources are fully valued – financially and environmentally – both during their productive life and at ‘end of life’ as waste. The benefits will be realised in a healthier natural environment and

- reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation – a truly sustainable economy”.

The national planning policy for waste sees positive planning as contributing to the nations waste ambitions through:

*“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.....;*

*ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*

*providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*

*helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and - ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.*

Seeking to achieve higher sustainability should not however come at the expense to the local environment through say a marked increase in tonnage throughput and/or additional HGV generation. Such implications could, in the case of this particular location, be considered detrimental to the local amenity and hence conflict with policy guidance.

The present application is seeking neither of the above aspects; more that of provision of a new building and rearranged car parking facilities. As such the proposal is not regarded as introducing additional “intensification” of development by way of tonnage increase/additional waste streams/operating hours or HGV increases. The present CSH facility has achieved a high sustainability rate through recycling and minimising waste to landfill. The proposal introduces a

modern and more modest additional facility to house; enable more efficient handling; achieve a higher recycling rate with better value end product. Such would reflect best practice, be supportive of the sustainability principles and accord to policy.

The other aspects of the new building in terms of visual/design and vehicle movements over the Easter Holiday period are addressed further below.

In terms of its locational aspects the provision of a new building and the rearranging of the car parking facilities alongside the extant activities has not been found to conflict with the principles of Policies 10; 12; DP1 or SP1.

## B LANDSCAPE/VISUAL

The existing site facilities are for the most part fairly well screened from outside public vantage points. A Public Right of Way (134-1) runs along the eastern site boundary from Packards Lane and separated from the existing site by a maturing hedgerow. Beyond the hedgerow lies the site offices and car parking facilities.

From the public highway there are views of the side elevation of the existing recycling building particularly from the junction of Main Road/Packards Lane travelling west and where the principal presence of the existing site infrastructure is felt.

From the adjacent residential properties north west of the site the existing site presence is represented by the screen mound, and likely from upstairs windows of Rees Farm, the closet property, of parts of the roof of the maintenance/storage building and recycling facility.

Long distance views are possible, with difficulty from a road user and for pedestrians looking over a hedge, from off the Colchester Road between the application land and West Bergholt. Such views of the recycling facility are set alongside existing vegetation and do not breach the skyline.

Such are the existing views which in all cases, save the side elevational view off the highway, are of partial aspects of the existing facility. Some representees have expressed the view that the new building itself would be an additional overly dominant feature in the landscape; will overlook their properties; is closer to properties and should be moved; that the historic setting of adjacent Rochfords would be impacted and that there are views of the existing car parking arrangements

Both the County Landscape Officer; County Ecologist and Historic Building Officer have been on site and considered the issues arising. Discussion has taken place with the operator's agent and respective consultants in addressing landscape and ecological matters.

The Historic Buildings Officer has not objected and previously made comment concerning the historic setting aspects. As a result of further supporting landscape and ecological work the County Landscape Officer also supports the proposal and has recommended conditions to address landscaping aspects and integrity of the natural screening.



Overall the proposed building set within an existing development footprint would not by virtue of its siting, design, cladding nor potential for skyline breaching is considered to introduce additional infrastructure that would impinge unacceptably on the local amenity. The design of the building is such that there would be no windows facing onto the adjacent residential properties.

From the principal viewpoint experienced off Packards Lane and part of Main Road, of the side elevation of the existing recycling building, this view would remain with the new building screened behind it.

From the same location noted above views can be taken, together with glimpses afforded off the Public Right of Way of the older industrial units situated on the application land's western site boundary. These structures, coloured both blue and green, stand out in the landscape. At the time of the appeal decision the existing recycling building was constructed in a white colouring with subsequent approval to a brown cladding. Together with the same livery on the other site infrastructure, has resulted in a more sympathetic colour scheme which blends the infrastructure into the landscape. The proposed new building is of a more modest size compared to the existing building and no closer than the maintenance/storage building to Rees Farm. The building would be clad in the same livery and screened from the highway viewpoints by the existing recycling building. The new building would, from the perspective of the residential properties, not impinge the skyline and would be set behind the existing screen bunding. Were any views glimpsed from these properties/gardens of the new building such views are likely to be of the top of the roof span if that.

It is worthwhile mentioning that the existing screen bund was itself requested by the local residents to be lowered to avoid visual intrusion post appeal.

The proposal to enlarge the footprint of the car parking area would take place through the partial covering over of the swale (ditch) that exists between the existing car park and the expanse of grass verge and hedgerow along the eastern site boundary. Such covering over and appropriate standoffs from the existing hedgerow tree lane has been undertaken in consultation with the County Landscape Officer. The operation of the swale in dealing with the sites surface water drainage aspects would not be interrupted. The applicant is further proposing the use of porous car park surfacing to further address site drainage.

The standoff from the perimeter vegetation would ensure the future growth and integrity of the screening belt.

Any long distance viewpoints of the new building taken from vantage points further to the east would be similar to that experienced of the existing recycling building whereby its presence if discerned is set amidst existing landscape vegetation and without breaching the skyline.

An enhanced landscape management programme is proposed, drawn up in consultation with the County Landscape Officer. Should permission be granted recommended conditions are proposed to include annual site visits and written reports to review, and if necessary form the basis for enforcement control, if the

stated programme and objectives are not being met.

Visually the provision of the new building and car parking design amendments are not considered to introduce an unacceptable impact over and above what is already experienced of the existing site presence. The layout, design and cladding proposals are considered appropriate and acceptable and in policy terms would not conflict with Policies 10 and DP1.

## C ECOLOGY

The County Ecologist supports the proposal and their comments are set out earlier in the report. In respect of the local resident's comments regarding protected species these aspects were addressed through the most recent ecological survey. The County Ecologist has recommended conditions that would address ecological aspects, should permission be granted.

Overall it is not considered that ecology would be in conflict with Policies 10 and DP1.

## D DUST AND NOISE

The Environment Agency would control the operational elements of the proposals through the Permitting Regulations as they do for other site activities.

In respect of odour concerns these would similarly be controlled via Permitting and the planning system is advised in guidance to avoid parallel controls in such circumstances.

### Dust

In respect of dust generation from the proposals the proposed building envisages similar dust and odour control systems as exist for the existing recycling building. Whilst there have been previous local resident concerns about dust generation this has related primarily to the wood processing facility and an instance with an on-site sweeper. The former aspects whilst liaison took place with the resident these complaints were not substantiated. Similar involvement on this matter is believed to have taken place with the District Environmental Health Officer (EHO) although further action is not thought to have been taken by the EHO. The road sweeper issue was addressed and the matter rectified.

Dust generation from the existing building has not to date been considered an issue, and whilst there were requests at the time of the appeal for the building to have its doors closed during operations, subsequent conditions did not require this to take place. In the event the building regularly operates with doors open.

The new building is proposed to be orientated on a similar pattern with access/egress doors facing into the site and having the solid back wall of the building orientated towards the site perimeter.

Was planning approval to be forthcoming, waste handling would be taking place within an enclosed building. The potential for dust generation is considered minimal and at no greater level than presently experienced from the existing main

building. Dust issues are not considered to conflict with Policy 10 and DP1.

### Noise

In respect of noise generation there is an extant condition imposed at the time of the appeal restricting noise generation from the site activities – to no more than 45dB LAeq,1hr. Noise control limits were set by the Planning Inspectorate at the boundary with Rees Farm.

Subsequent periodic noise monitoring undertaken by the operator's noise consultant has not demonstrated exceedance of the site's noise limit (45dB LAeq, 1hr) at the specified monitoring locations.

Noise-related issues at the site in the past arising from local residents have principally concerned the dropping and movements of skips off lorries; discharge of material into skips and reversing beepers.

The operator has been made aware of such instances primarily through the Waste Planning Authority passing on comments received from one of the local residents. Despite encouragement to contact the site as and when issues arise, the local resident has through the history of this site been unwilling to engage with the site operators. The Committee has been appraised of this situation on occasions in the past when applications at this site have been considered.

The WPA and Environment Agency has engaged with the operator to identify and address, where possible, the concerns of the local resident. The latest noise related aspect expressed by the local resident earlier in July; that of an extractor fan creating noise and having an associated odour aspect has not been substantiated. The operator has been unable to identify the source and an offer to the local resident for a meeting to identify the source by the WPA has not been taken up.

In recognising the noise sensitivities of the site, the County's Noise Consultant (CNC) has been in discussion with the applicant's own noise consultant and a joint site noise monitoring exercise was undertaken in November 2017. Whilst this exercise demonstrated compliance with the site noise limits, the CNC has remained concerned in respect of the appropriateness of the extant noise condition in being fit for purpose to safeguard local amenity and its implications in terms of considering this present application.

To explain how these concerns have arisen, the CNC has set out the history of this site and the relevant policy guidance that has developed those concerns. The CNC has in his formal responses of 13<sup>th</sup> August 2018 and 7<sup>th</sup> May 2019 [the full copies are set out in Appendix A to this report] stated:

*"The Applicant has employed Applied Acoustic Design (AAD) to produce a Noise Assessment (NA) to support the planning application. I provide comments below on the pertinent aspects of the application making reference to the NA were relevant.*

### *Policy and Criteria*

*The history of this site is summarised as follows:*

- 1988 – permission for light industrial use. Colchester Skip Hire (CSH) commenced occupation at about this time as a skip hire depot.
- 1993 – planning permission granted for a Waste Transfer Station on site. This consisted largely of external works and plant. Conditions were imposed on CSH but no limits on noise emissions were applied.
- 2002 – a variation in conditions on the 1993 permission was granted. A condition controlling noise emission was set which essentially restricts noise levels from the site to 45 dB LAeq,1hr when measured at the nearest residential property (Rees Farm).
- 2005 – permission granted to permanently retain containment walls, together with a conveyor and hopper for the existing recycling centre. The previously established noise limit of 45 dB LAeq,1hr at nearest residential property was maintained.
- 2012 – permission granted through Planning Appeal for the redevelopment of the recycling/recovery facility. The Planning Inspectorate maintained the 45 dB LAeq,1hr limit. In considering the Appeal Decision, it would appear that the Inspector considered that, as much of the activities will be brought inside, that would be beneficial when compared to the pre-existing situation.

*It shall be noted that through review of the planning history, it is apparent that the initial noise limit of 45 dB LAeq,1hr was set with reference to Minerals Planning Guidance 11 (MPG11). By definition, it can be observed that the use of guidance specific to mineral working is perhaps not entirely suitable when considering a waste facility. More relevant is BS 4142 (both the 1997 and 2014 versions), which is specific to determining the potential impact from industrial/commercial noise on residential properties.*

*Noise emanating from the site is currently controlled through condition 9 from the 2012 Appeal Decision, as follows:*

Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (i) the pre-existing background level (LA90) plus 5dB; and
- (ii) the average residual level (LAeq 5 min) plus 1dB.

During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).

The frequency of monitoring shall not be less than once every three months.

The monitoring scheme shall be implemented as approved.

All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:2014.

*The NA advises the proposed continued use of the above conditions.*

*Since 2012, there have been updates to various guidance documents and policy relating to noise. The most relevant being the following:*

#### *National Planning Policy Framework (NPPF)*

*The NPPF, initially published in 2012, and most recently updated in July 2018, sets out the Government's planning policies for England and how these are expected to be applied.*

*Under paragraph 170, it states:*

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*....e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."*

*Whereas para 180 states:*

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life60...."*

*Reference 60 pertains to the Noise Policy Statement for England (NPSE).*

#### *Noise Policy Statement for England (NPSE)*

*Published in 2010, i.e. prior to the Appeal Decision, the NPSE lists three noise policy aims (noted to be similar to the NPPF):*

*"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- Avoid significant adverse impacts on health and quality of life;*
- Mitigate and minimise adverse impacts on health and quality of life; and,*

- *Where possible, contribute to the improvement of health and quality of life.”*

#### *National Planning Practice Guidance (PPG)*

*PPG sets out how planning can manage potential noise impacts in new development. It advises that planning authorities should take account of the acoustic environment and in doing so consider:*

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

#### *BS 4142:2014 – Methods for rating and assessing industrial and commercial sound*

*BS 4142:2014 updated the 1997 version, i.e. that version available at the time of the 2012 Appeal Decision. The Standard details procedures for rating and assessing sound from commercial or industrial facilities to determine the likelihood of impact that sound emitted from such facilities has upon nearby residential premises.*

*Using BS 4142:2014 the likelihood of disturbance is determined through comparison of the sound attributable to the existing or future source, defined as the ‘specific sound level’ (expressed as LAeq), against the typical and representative background sound level (expressed as LA90). Where applicable, the specific sound level is adjusted to take into account characteristic features such as tonality, discrete impulses and intermittency. The resulting ‘corrected’ specific sound level (the correction is 0 dB where no features are present) is defined as the ‘rating level’. In respect of the comparison between the rating level and the background sound level, BS 4142:2014 states the following:*

- *A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.*
- *A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.*
- *The greater the difference between the rating level and the background level, the greater the magnitude of the impact.*
- *The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*

*Through a noise monitoring exercise undertaken by Jacobs and AAD on November 2017, observed data indicates that the background sound levels were in the region of 30 to 35 dB LA90,1hr. Should BS4142:2014 be used to assess the site, a Rating Level in the region of 30 to 35 dB(A) would be anticipated. This is considerably lower than that required by the current noise limit conditions on the site.*

*Should the BS4142:2014 recommendations be applied to the current use of the*

site, it is considered that a significant adverse impact is possibly occurring at present. That is, should the site operate at 45 dB LAeq,1hr, and taking a best case scenario that there are no further corrections for feature characteristics of the site sound source, then the rating level from the site could be at least +10 dB above the existing background sound level. It is noted above that BS 4142:2014 considers "A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context".

With regard "context", BS 4142:2014 states "The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.". It is arguable that context should include the current use of the facility

Notwithstanding the above, the NA presents a motion to ensure that noise emanating from the proposed clean material recycling building result in a noise level of 35 dB LAeq,1hr at the boundary of the site. The reasoning is that such a noise level, would ensure that noise from the entire site would theoretically continue to not exceed the current limit of 45 dB LAeq,1hr. Whilst this is theoretically correct, establishing an appropriate noise limit in the first instance is pertinent.

### Summary

The current stipulated noise limit on the site has its foundation in 2002, arguably based on unsuitable guidance. This noise limit has been maintained through subsequent planning permissions. The Appeal Decision in 2012 would appear to have determined that, as the site was historically controlled by a noise limit of 45 dB LAeq,1hr, and that the proposal should have improved the pre-existing situation, then the noise limit can remain. The Appeal Decision does not appear to consider the appropriateness of the noise limit in isolation, i.e. is it suitable to prevent adverse noise impacts?

It shall be noted that compliance noise monitoring undertaken by both AAD and Jacobs over the past year has demonstrated compliance with the noise limit of 45 dB LAeq,1hr. That is the monitoring exercise demonstrated that specific site noise varied between 34 dB LAeq,1hr and 44 dB LAeq,1hr in close proximity to Rees Farm. Therefore, compliance against the existing noise limit is evident. However, I am aware that local residents continue to make complaints with regard to noise and it would be interesting to know if the Local Council Environmental Department have received and/or investigated complaints with regard to statutory nuisance (under the Environmental Protection Act 1990)? From my own observations made on site, noise from certain activities associated with the existing use of the facility is clearly audible at the boundary of the site, adjacent with Rees Farm; however, it would be for a local environmental officer to determine if this would be considered a statutory nuisance.

Guidance and policy that has emerged since 2012 (i.e. NPPF and PPG) looks for

*the planning process to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. BS 4142:2014 provides guidance on determining significant adverse impacts when considering the effect of industrial/ commercial facilities on residential properties.*

*Should this be a new application, our advice would be to consider the potential effects in accordance with BS 4142:2014. In doing so, it is highly likely that we would conclude that the site, when considered in its entirety, would result in a likely significant adverse impact. However, it shall also be noted that the presence of the new building actually has the potential to result in an overall reduction in noise emissions from the site to that currently experienced at the nearest residential premises, i.e. Rees Farm. This is due to the new building providing a 'barrier effect' from existing noise sources on the site. Therefore, a paradox is apparent whereby the proposed new building has the potential to result in noise benefits, to that currently, yet the site would continue to operate at noise levels greater than would be considered acceptable.*

*Please note that the NA does not detail the predicted noise levels with the current operation of the site, versus what would result with the proposals. As noted above, given that the NA looks to demonstrate no increase of the 45 dB LAeq,1hr noise limit, the applicant may consider this a needless exercise. However, at the very least such an assessment would demonstrate any potential benefits, if any, to that currently. Which, may be viewed positively by all parties".*

*In terms of the Good Friday working the CNC responds "The application includes for site operations on Good Friday (Bank Holiday). The existing operating hours allow for working on Saturday and Sundays; therefore, the site already operates during 'sensitive' periods. Therefore, notwithstanding the matters discussed elsewhere in this response, I would not object to proposed Good Friday working of the site".*

*As a result of seeking additional information from the applicant's noise consultant (AAD) the CNC made a further response on the application in May 2019 stating:*

*"My response of 13/8/18 presented the planning history of the site and ruminated on potential noise level criteria that could apply, both in terms of this specific application and the site in its entirety. The AAD response of 9/10/18 provides comments on this, making reference to the Noise PPG and NPPF.*

*Although I would not necessarily agree with the comments provided within the AAD response, I am minded not to pursue this aspect. This follows discussion with the WPA at ECC, where advice was received that the planning history of the site shall be taken into account. In doing so, consideration should be given to the latest application on its own merit, specifically whether its introduction would potentially result in noise emissions from the entire facility exceeding the existing noise level limits imposed through historic planning permission.*

*As such, in considering this application, a determination will be reached on whether noise emanating from the entire site, including the additional building, would exceed a noise level of 45 dB LAeq,1hr at Reese Farm.*



*Notwithstanding the above, it is my opinion that, for those reasons identified in my response of 13/8/2018, that a potential noise nuisance could be arising from the facility on the nearest residential properties. I am not aware that any complaints have been made to Colchester Borough Council, i.e. the relevant authority who would receive and handle complaints of noise nuisance under the Environmental Protection Act 1990. It would therefore be prudent to seek their comments on this matter”.*

Additional noise monitoring points were sought and clarification received concerning various scenarios at the site and these the CNC referenced as

*“A further four noise contour plots are presented (Graphics 6 to 9) representing noise level changes comparing the current scenario versus the proposed scenarios.*

*The following comments are made on this additional information:*

- *The addition of external plant items results in a negligible increase in predicted noise levels previously provided (Noise Assessment dated December 2017) when compared to those without the external plant.*
- *All scenarios show noise levels below the currently permitted limit of 45 dB LAeq,1hr.*
- *Predicted noise levels of approximately 38 dB LAeq,1hr are provided for the existing scenario (Graphic 1) at Reese Farm. This is not too dissimilar to the results of noise compliance monitoring that has been undertaken by both AAD and Jacobs over the past two years.*
- *Noise levels of approximately 34 dB LAeq,1hr are predicted at Reese Farm from the proposed clean material handling building and associated external plant.*
- *A total site noise level of approximately 39 dB LAeq,1hr is provided with the addition of the proposed clean material handling building (e.g. Graphic 5) at Reese Farm.*
- *This results in a theoretical noise increase of approximately 1 dB LAeq,1hr with the new facility operating compared to the existing scenario (e.g. Graphic 9) at Reese Farm. Albeit as noted above, the total site noise levels theoretically remain below the current site noise limit of 45 dB LAeq,1hr.*
- *A noise reduction of between -1 dB and -6 dB LAeq,1hr is presented at Rochfords, which results from the barrier effect of the proposed new building”.*

The upshot of the above CNC considerations has been his acceptance of the extant noise control limits as being appropriate for the present application and that the new building is unlikely to breach noise control limits. That said, the CNC has indicated in his responses an issue between planning control limits and that of nuisance.

One could consider addressing this aspect by seeking to impose more restrictive noise control limits at the site boundary. Seeking to retrospectively impose lower noise limits would likely have implications to the operating ability of the existing business and the need for potentially significant changes to operating practices and/or introduction of mitigation measures that themselves could be detrimental in

landscape; visual and ecological terms. Furthermore, seeking to retrospectively impose on an existing business could be considered unreasonable.

Were this a new application, as the CNC states, then its consideration would be set against the BS4142 guidance. This present application, principally that of a new building and car park extension, within an existing facility has been acknowledged as in itself not to increase site boundary noise limits. As such the new build element is no more likely to increase noise exposure as a result of its presence.

Reference has been made to statutory noise nuisance and the Planning Practice Guidance on Noise states that in respect of this *“When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the ‘character of the locality’.* The factors influencing the ‘character of the locality’ may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent. Local authorities have a duty to take such steps as are reasonably practicable to investigate a statutory nuisance complaint. It is a matter for them whether they take further formal action to remedy a statutory nuisance”.

The local planning authority referred to above would be the Environmental Health Officers (EHO) of the relevant Borough or District council.

From a planning perspective, were planning approval to be forthcoming, it is considered that the control of noise from the waste management facility, so not to impact on local amenity (the new and existing activities), may not be able to be suitably controlled through the extant condition, if carried forward. Nonetheless, should noise complaints arise in the future, and it be demonstrated that the noise limit of 45 dB LAeq,1hr is being achieved, then investigation, and where necessary action, could be taken by both the Environment Agency and/or the local authority EHO. The EHO could investigate under the separate regulatory process within the Environmental Protection Act 1990, whilst the EA would act under the Environmental Permitting Regulations (2016 as amended). Discussions have been held with the EA and EHO and both parties are aware of the limitations of the existing planning permissions in respect of noise as well as any new permission should the proposal herewith be granted.

Accordingly, whilst the noise emissions as a whole are considered not in accordance with the most up to date guidance (BS4142:2014), as the proposed new development will not add to the existing noise climate, the application is not considered to conflict with Policy 10; DP1 and SP1.

## E TRAFFIC -

A large number of the representees to this application have expressed comment concerning the HGV movements associated with the operator's business and to traffic flows on the local highway network especially through Fordham.

Whilst noting the comments, this application is not seeking any changes to the HGV movements associated with the waste management facility other than in

respect of the Good Friday provision. The application is for changes to the internal infrastructure provision to enable better handling and management of the existing plastic waste stream that is already catered for through the existing facility.

Were any proposals to arise seeking amendments to the present permitted HGV movements then this would be subject to a separate planning application.

In terms of general HGV movement the operator's fleet of both skip lorries and the dust cart type vehicles travel the public highway as is their right to do, along with other road users, as they serve the various contracts. Given the nature of the skip hire business a number of local residents/businesses avail themselves of this service. Good site management and operating practices whilst these can be set out in any business ultimately it is down to individual considerate driver behaviour including adherence to speed limits that local communities pick up on.

This application also seeks to allow for the movement of a specified number of HGVs between the hours of 07.00 and 16:30 on Good Fridays to which a number of representees have objected on the basis of the nature of the holiday period and need to keep a rest day.

The extant permission has restrictions on the use of the site on Bank Holidays as well as to the generation of HGV movements during the working day. The operator has since 2017 made yearly requests to accommodate Good Friday working.

The format of the operating practices sought by the operator has remained as per the original application in that "12 refuse vehicles will be parked in line on the access road Thursday evening in the area hatched red on the attached plan and on return the vehicles will be parked in the area coloured blue ready for emptying from 07:30 on Saturday morning.

*The parked vehicles will be located well away from local residents and their operation in the manner suggested is unlikely to cause any effects on local amenity. All vehicles leaving the site will exit the site by turning right only, towards the B1508 as per ..... of the planning consent.*

*In commercial and waste management terms it is essential for CSH Environmental to service their customer base on Good Friday in line with other commercial waste operators. The vehicles will leave the site in the morning and not return until the afternoon. No other operations will take place on the site during Easter Friday."*

These previous requests following approval have been undertaken without recorded complaints being received and with the earlier Good Friday activities having been monitored by the Waste Planning Authority.

The 2019 application report made an appraisal of the Good Friday request stating "As previously appraised under ESS/05/18/COL the issue of "catch up" servicing of customers on Good Friday has arisen previously at this site. In 2016 the operator made a verbal request to seek servicing of customers, although given the short notice and likely local objections, the operator was advised to seek alternative arrangements. In the event the operator did park their vehicles off-site although they returned into the site parking up at the end of the day. Local

*residents raised objection noting at the time that any working would set a precedence; that the operator was flouting the planning conditions and that the use of the vehicles even when parked up off site and then used was in breach of the site permission stating no activities on Bank Holidays.*

*A report was subsequently taken to the Development and Regulation Committee 2016 April meeting to clarify the enforcement aspect for what was considered a technical breach of the permission through the return of the vehicles into the site. The recommendation of the report that was subsequently endorsed by the committee was that "It is not considered that the weight of "harm" caused to local amenity from vehicles returning to the site (at the end of the day on 25 March 2016 - Good Friday) had a significant adverse impact to local amenity and accordingly it is not considered expedient, in the wider public interest, to take enforcement action". In addition to this recommendation, Members required that a letter be sent to the operator warning that future infringements would not be dealt with in the same manner.*

*The operator subsequently submitted a formal application, ESS/18/07/COL, so enabling the proposal to be fully considered.*

*The applicant's justification for the application at that time was acknowledged and the report noted that the more frequent opening of businesses during Bank Holiday periods has necessitated a demand for the servicing of these activities which includes the collection of wastes. Such requests for working specific Bank Holiday days is not unusual and experience has been that where activities during such periods are unlikely to give rise to unacceptable environmental impacts on local amenity, such requests can be supported.*

*As with the previous applications, Wormingford Parish Council has expressed concerns over the potential for such activities setting a precedence. A local resident has also made representations, outlined earlier in this report. The concerns of both parties are similar to those previously raised by the parish and a third party concerning the loss of amenity. Such concerns have previously been acknowledged in the two earlier reports in 2017 and 2018 relating to the relaxation of hours requests regarding this potential erosion of local amenities. It being recognised that there is now an ever increasing world of commercial/industrial activity which has the potential, unless safeguards are in place, to erode local amenity. Therefore each application of this nature needs to be properly assessed on its individual merits. It was noted in the previous report in 2018 that a precedence in one area does not necessarily follow for the next site.*

*As reported earlier in this report, at the time of the ESS/18/07/COL application the applicant's agent had indicated that future applications may arise for seeking a relaxation of the Bank Holiday restriction in future years if the issues raised by the application to work the 2017 Good Friday were satisfactorily addressed.*

*Following the grant of permission for both ESS/18/07/COL and ESS/05/18/COL the site was operated during the last two Good Friday periods in line with the conditions and pre-positioning programme, discussed further below, and with the activities generating no local concerns as a result. What is being applied for this year is a repeat of the previous activities which have themselves demonstrated*

*that the activities can take place without disturbance to local amenity.*

*As was reported at the time of the ESS/18/07/COL application the facility operates from a location granted permanent approval through the appeal process and whilst local residents have previously referred to the rural locality in which they co-exist with the site, the applicant's business is not the only one in this locality. There are other industrial businesses, former agribusinesses and food processing industries in the locality and these have developed and grown alongside the rurality of the area.*

*In line with previous requests the applicant is only proposing the movement of 12 refuse vehicles that would already be pre-positioned on the internal site haul road the night before. Returning vehicles would be parked up in a similar location. The location of the parking area would be separated from the more sensitive western site boundary by the intervening recovery building, the existing timber processing stockpile area and the skip storage arrangements.*

*The principal elements of the proposal are that the activities for the Good Friday are primarily for vehicle movements only; that the operators acknowledgement of the sensitivity of the site has been reflected in the proposal for pre-positioning, and that there would be no other site activities taking place. On that basis, and subject to other environmental aspects being acceptable, the proposal would not conflict with policies aspects of maintaining a sustainable and efficient handling of the waste arising set out in the National Planning Policy for Waste and Policies 10 and 12 and DP1”.*

The background to the Good Friday working requests remain valid today and as a result the operator is seeking the permanent relaxation and with the existing arrangements being kept in place.

The case for Good Friday working is acknowledged and in this particular case it is considered that the operator has demonstrated through the past few years Good Friday operating practices of the ability to undertake this activity without unacceptable disturbance to the local amenities.

Given that the application is not seeking changes to the general HGV movement/timings and that restricted Good Friday working has been demonstrated as being acceptable it is considered that the limited movements of HGV during the Good Friday periods would not conflict with Policies 10; 12 DP1 and SP1.

## **7. CONCLUSION**

The report finds that the existing waste management facility operates within a locality that also accommodates other third party extant light industrial activities and food manufacturer/energy infrastructure with a wider rural setting.

Set within an existing waste management complex the siting of the building is considered appropriate and not to present an unacceptable impact on adjacent interests nor to be an overly dominant feature within the landscape. The design and cladding of the building would be in keeping with the existing structures and its

function complimentary to the existing waste management handling activities. The building would provide suitable space to house, handle and enable the recycling and enhanced recovery of the existing plastic waste stream handled through the CSH complex. This ability would provide a better value waste product driving waste up the waste hierarchy and further reducing the potential for the waste stream to go to landfill.

The rearranged car parking facilities are designed such as not to impinge on the perimeter screen planting and their proposed porous surfacing to support the complexes existing sustainable drainage network. Coverage of the swale is not found to interrupt site drainage nor to compromise offsite interests.

Environmentally the proposal would take place within an existing waste management facility complex utilising an already available waste stream; adding value to a waste whilst further reducing the potential for residual waste going to landfill. The proposed development is considered to support the sustainable aspects of waste recovery; providing a societal benefit through enhanced recovery of communities' waste arisings. The proposal would support the aims of the Resources and Waste Strategy that seeks to promote the plastic recycling process that keeps resources in use for longer periods and prevents damage to the ecosystem.

In terms of traffic impacts, the proposed development does not seek alterations to the existing site traffic generation. Movements of a restricted number of HGVs to accommodate Good Friday working have taken place over the last three years with no discernible detriment to the local amenity. The preparation of lining vehicles up on both the night before Good Friday and at the send of the collection round has been considered appropriate and taking account of local sensitivities.

In terms of potential for noise impacts, the existing site activities are subject to noise control limits and monitoring arrangements. The proposed development is primarily to relocate existing handling facilities between the existing and proposed new building. Such activities are proposed to be undertaken within the enclosed structure to which the submitted noise assessment confirms there would be no contributing noise generation such as to increase the noise limits already imposed at the site boundary monitoring points.

The report acknowledges the noise complaints from local residents over specific site activities and that the present application has also elicited noise concerns from other representees. The CNC comments are reported and that overall has not objected to the application. The issue of whether there is separate ground for statutory nuisance is highlighted and that there is a separate legislative process under which this can be investigated and actioned if necessary.

In terms of dust/odour generation the existing site activities are subject to dust management control with the Environment Agency regulating the odour aspects through the separate Environmental Permitting Regime. The proposed building is intended to replicate the design and operation of the existing building and its provision does not represent any intensification of overall site throughput or changes to waste streams already handled through the existing facility.

In terms of potential visual impact, the report finds that the existing waste management activities are to the most part well screened from outside vantage points. The most visible feature being the existing recycling/recovery building; which whilst visible from some aspects has through its design profile and cladding integrated well into the landscape features. The proposed new building would be of a smaller footprint albeit similar height and designed and clad to replicate that of the main building. Its locational aspect is not considered to prejudice the amenities of local adjacent residents. Its siting on the western side of the site keeps the new build located alongside the existing infrastructure in the locality both physically and visually compact avoiding any perceived feel of development spreading into the countryside and diluting the rural aspect of the area.

In landscape terms the report outlines the enhanced landscape management programme that the County Landscape Officer is supportive of. A number of recommended conditions address the landscape management and protection measures for existing site features that in the medium to long term would assist screening and integration of the proposals into the local landscape.

In terms of the local heritage asset, the existing Grade II Listed 'Rochford's' lies in proximity to both the existing waste management activities together with the other neighbouring light industrial units further to the south. The heritage asset is not physically impacted by these activities and its setting was not considered impacted at the time of the appeal determination of the existing waste management facility. The provision of a new building to be sited wholly within the existing waste management site boundary is considered to introduce a scale, design and siting aspect unlikely to introduce, nor add to, a significant presence such as to prejudice significantly the environmental sensitivities of the heritage asset.

## **8. RECOMMENDED**

That planning permission be **granted** subject to:

### **COMMENCEMENT**

1. At least seven days written notice shall be given, to the Waste Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include the ground preparation works of any soil stripping; ground levelling/grading; culverting works of the swale).

### **APPROVED DETAILS**

2. (A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4<sup>th</sup> July 2012 comprising:
  - (a) Drawing Numbers:
    - (i) No 220 entitled "Site Layout Plan" dated January 2011
    - (ii) No. 221 entitled "Floor Plan" dated December 2010

- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013.
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
- (ii) AAD "Acoustic Report" dated 21/12/12.

(e) For Sound Insulation those details set out in:



- (i) Letters of 23rd January 2013
  - (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled "Sound Insulation" (Condition 10) dated January 2013 and revision dated February 2014
  - (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 2013; 9th December 2013 and
  - (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.
- (f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:
- (i) Letter of the 14th January 2013
  - (ii) Application form dated 14th January 2013
  - (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.
- (g) For foul and surface drainage those details as set out in:
- (i) Letters of the 7th November 2012
  - (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 44218 dated November 2012;
  - (iii) Letter of 21st November 2012.
- (h) For Habitat protection scheme those details as set out:
- (i) Letters of the 22nd February 2013
  - (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.
  - (iii) Letter of 12th April 2013
  - (iv) Email of the 3rd May 2013 and 19th March 2013.
- (l) For Habitat Management Scheme those details as set out in:
- (i) Letter of the 22nd February 2013
  - (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012

- (iii) Letter of and 12th April 2013
  - (iv) Emails of the 15th March 2013 and 19th March 2013.
- (j) For Tree and hedgerow Protection Scheme those details as set out in:
- (i) Letter of the 28th January 2013
  - (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012
- (k) For Landscaping Timetable and Management Plan those details as set out in:
- (i) Letter of the 13th September 2012
  - (ii) Application form dated 13th September 2012
  - (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.
- (l) For Archaeology those details set out in:
- (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".
- (m) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:
- (i) Letters of the 14th January 2013
  - (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
  - (iii) Letter of 22nd April 2013
  - (iv) Emails of the 4th February 2013, 20th May 2013.
- (n) For Materials to be used for all hard surfaces those details as set out in:
- (i) Letter of the 7th November 2012

- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
  - (iii) Email of the 18th December 2012,
- (o) For Proposed Bunding or Mounding those details as set out in:
  - (i) Letter of the 7th November 2012
  - (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
  - (iii) Email of the 18th December 2012.
- (p) For Ancillary Works Timetable those details as set out in:
  - (i) Letter of the 14th December 2012,
  - (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
  - (iii) Email of the 21st January 2013
- (q) As amended by the Non-Material Amendment for the Welfare Building as set out in:
  - (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
  - (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
  - (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non-Material Amendment Staff Welfare Facilities" dated May 2016.
- (r) As amended by the planning application ESS/21/16/COL comprising:
  - (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
  - (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
  - (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
  - (iv) Drwg No: 165 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance

- Building/Dry Storage and Containment Walls to Northern Boundary” dated May 2016.
- (v) Drwg No: 166 entitled “Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary” dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3-page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled “Variation of Condition 06 (Waste Handling) “Greenacres” Old Packards Lane, Wormingford” dated May 2016;
- (ii) Drwg No: 155 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” dated Feb 2016
- (iii) Drwg No: 156 entitled “Recycling and Recovery Facility Recycled Timber Storage Bays” (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled “Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound” dated May 2016.
- (v) Letter from AAD Applied Acoustic Design dated 3<sup>rd</sup> October 2016 entitled “Acoustic Survey Note”.
- (vi) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18<sup>th</sup> October 2016.

(E) As amended by the planning application ESS/09/18/COL comprising:

- (i) Letter from The Johnson Dennehy Planning Partnership dated 9<sup>th</sup> April 2018
- (ii) Planning Application form from CSH Environmental dated 9<sup>th</sup> April 2018
- (iii) Planning Statement for the “Clean Materials Recycling Facility, ‘Greenacres’, Old Packards Lane, Wormingford, Essex” dated April 2016.
- (iv) Letter from The Johnson Dennehy Planning Partnership dated 3<sup>rd</sup> October 2018 and accompanying Drwg Nos;
  - 122/A entitled “Proposals” dated Oct 2018
  - 123/A entitled “Acoustic Barrier” dated Oct 2018
- (v) E mail from The Johnson Dennehy Planning Partnership dated 13<sup>th</sup> December 2018 and accompanying report from Adonis Ecology entitled “Preliminary Ecological Appraisal of Land at Greenacres, Wormingford to Support a Planning Application” Project ref 1093 dated 11<sup>th</sup> December 2018.

- (vi) Letter from The Johnson Dennehy Planning Partnership dated 25<sup>th</sup> January 2019 and accompanying Drwg Nos:  
  
 4004/120/C entitled "Site Layout" dated October 2018  
 4004/121/A entitled "Proposals" dated August 2017  
 4004/122/B entitled "Proposals" dated August 2017  
 4004/123/B entitled "Proposals" dated October 2018  
 4004/126 entitled "Drainage Site Layout" dated January 2019.
- (vii) Letter from The Johnson Dennehy Planning Partnership dated 13<sup>th</sup> April 2019 and accompanying Drwg Nos:  
 B17062.PMO4A - Viewpoint 4 Comparison Images.  
 B17062.PMO4A - Viewpoint 4 Existing Situation  
 B17062.PMO4A - Viewpoint 4 Wireframe of Proposed Building  
 B17062.PMO4A - Viewpoint 4 Photomontage  
 B17062.PMO4A - Viewpoint 4 Photomontage Year 15
- (viii) Letter from The Johnson Dennehy Planning Partnership dated 13<sup>th</sup> June 2019 and accompanying report from Adonis Ecology entitled "Great Crested Newt report for Proposed Works at Greenacres, Wormingford to Support a Planning Application" Project Ref: 1144 dated 12<sup>th</sup> June 2019.  
 Email from The Johnson Dennehy Planning Partnership dated 24<sup>th</sup> July 2019 at 15:25 and accompanying Drwg No: 4004/125/C entitled "Site Layout Landscaping 2" dated November 2018.
- (ix) E- mail from The Johnson Dennehy Planning Partnership dated 24<sup>th</sup> July 2019 and accompanying drawing no: 4004/124C entitled "Site Layout Landscaping 1" dated November 2018.

### **Availability of Plans**

- (3) A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available upon request.

### **Ecological Appraisal and Great Crested Newt Report**

- (4) No construction works including ground disturbance clearance and levelling in advance of any new building or car parking extension shall take place until the Waste Planning Authority has been provided in writing with either:
  - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require

a licence.

### **Veteran Oak and Eastern Boundary Hedgerow**

- (5) No construction works including ground disturbance clearance and levelling in advance of any new building or car parking extension shall take place until a scheme for the retention; protection and future management of the veteran oak, identified on Drwg No: 4004/123/B "Proposals" dated October 2018 and the eastern boundary hedgerow, the latter including the listing and identification of boundary trees, has received the written approval of the Waste Planning Authority.

### **Construction Environmental Management Plan (CEMP): Biodiversity**

- (6) No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features including Protected Species and such relevant priority species.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs (If applicable)
  - i) Management and Implementation programme.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details

### **Landscape and Wildlife Sensitive Lighting Design Scheme**

- (7) No additional (to that already in place) external lighting shall be erected or installed until a lighting design scheme for landscape and biodiversity has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and other nocturnally mobile animals and that are likely to cause disturbance along important routes used for foraging. The scheme shall show:

- (i) How and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings (which may include spill light contour lines on to Ordnance Survey mapping) and technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- (ii) The height, tilt, lighting controls (including switching off or dimming after hours), design of lighting columns that may require covering, illuminance levels, uniformities;
- (iii) Design summary to ensure the lighting is designed to an appropriate lighting standard, will minimise the potential nuisance of light spillage on the local environment, adjoining properties and highways.

The materials used on this building will also need to be considered as the reflective properties could have an impact on the amount of light pollution it generates

All external lighting shall be installed in accordance with the specifications including design of lighting columns/bollards to be covered and locations set out in the scheme and maintained thereafter in accordance with the approved scheme.

### **Car Parking**

- (8) No commissioning of the new Clean Materials Recycling Building shall take place until the revised car parking arrangements as depicted on Drwg No: 4004/120/C entitled "Site Layout" dated October 2018 have themselves being provided and available for use.

### **Business Travel Plan**

- (9) No commissioning of the new Clean Materials Recycling Building shall take place until an updated Business Travel Plan based on the previously approved scheme comprising the letters from the Johnson Dennhey Partnership of the 14th December 2012; application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013 together with the letters of 7th January 2013 and 21st January 2013 has received the written approval of the Waste Planning Authority The scheme shall include:
  - (i) Initial commitments and these being amended and supplemented through a yearly review.
  - (ii) Provision of a Travel Plan coordinator within the site who can give advice.

### **Environmental Protection Operating Hours**

- (10) The development hereby permitted shall only be carried out during the following times:

07:30 – 18:30 Monday to Friday,  
07:30 – 13:30 Saturdays

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

### **HGV Movement times**

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

Mondays to Fridays:	150 (75 in/75 out) movements
Saturdays:	74 (37 in/37 out) movements
Sundays and Bank/Public Holidays:	none

- (ii) Outside the hours specified in Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays:	06.00- 07.00:	6 (3 in/3 out) movements
	07.00- 07.30:	6 (3 in/3 out) movements

Sundays and Bank/Public Holidays: none

For the avoidance of doubt, all movements permitted under Condition 3

- (i) shall count towards the daily limit for that day as set out under Condition 3 (i).

- (iii) All movements before 07.30 on any day, permitted under Condition 3 (ii) above shall be limited to out-bound movements only.

- (iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.

- (v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

### **Noise**

- (12) Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle



movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (A) (i) the pre-existing background level (LA90) plus 5dB; and  
(ii) the average residual level (LAeq 5 min) plus 1dB.
- (B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (LAeq,1hr).
- (C) The frequency of monitoring shall not be less than once every three months.
- (D) The monitoring scheme shall be implemented as approved.
- (E) All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:2014.

#### Noise Monitoring

- (13) Noise levels shall be monitored by the operator within two weeks of the commissioning of the clean materials recycling building at the previously agreed noise monitoring location points to confirm compliance with the site noise limits.

#### Waste Handling

- (14) All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

#### Waste Types

- (15) All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the waste planning authority on request.

## Waste Throughput

- (16) The maximum quantity of waste materials handled at the site within any 12- month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

## Boundary Maintenance

- (17) The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

## Dust Suppression

- (18) Within one month of the date of this permission a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used for dust suppression purposes when required.

## Landscape Implementation

- (19) The landscape planting as provided for on Drawings 4004/125/B entitled "Site Layout Landscaping 2" dated November 2018; 4004/120/C entitled "Site Layout" dated October 2018 and 4004/124B entitled "Site Layout Landscaping 1" dated November 2018 shall be implemented within the first available planting season of the date of this permission. The landscaping shall then be managed in accordance with the Landscape and Ecology Management Plan provided for in Condition 20 of this permission.

## Landscape and Ecology Management Plan

- (20) Within two months of the date of this permission "A Landscape and Ecological Management Plan" (LEMP) shall be submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:
- a) Description and evaluation of features to be managed this shall include boundary hedges, mature trees, the veteran oak identified on Drwg No: 4004/123/B and all new planting areas.
  - b) A review of the schemes as identified in the above Condition 2 (i) - Habitat Management; (j) - Tree and Hedgerow Protection and (k)- Landscaping Timetable and Management Plan submissions.
  - c) Implementation of any outstanding recommendation points of those submissions set out in b) above and the recommendations of the accompanying report from Adonis

Ecology entitled "Preliminary Ecological Appraisal of Land at Greenacres, Wormingford to Support a Planning Application" Project ref 1093 dated 11<sup>th</sup> December 2018.

- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Programming and timetabling for remedial actions.
- j) Timetable for implementation and ongoing monitoring.
- k) Annual site visit and annual report reviewing performance.

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

#### Landscape Management

- (21) All landscaping shall be maintained to the satisfaction of the Waste Planning Authority in accordance with the UK Forestry Standard Guidelines 2011 throughout that period that the applicant or a successor operates in any way on the site. All new tree and shrub planting shall be maintained in a grass and weed free condition. Any trees and shrubs removed, substantially damaged or seriously diseased, dead or dying, shall be replaced in the subsequent planting season with species of a similar size and description.

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## BACKGROUND PAPERS

Consultation replies  
Representations

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## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

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

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of

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The Conservation of Habitats and Species Regulations 2017 is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

### **LOCAL MEMBER NOTIFICATION**

Constable ED

## Noise Comments

<b>Application No:</b>	ESS/09/18/COL	<b>Our Ref:</b>	B3553P06/16/ 22f
<b>Site:</b>	Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH		
<b>Proposal:</b>	Erection of Clean Materials Recycling Facility at Existing Established Recycling/Recovery Facility, Relocation of Existing Staff Welfare Facility, Provision of Additional Staff Parking, Culverting Section of Existing Swale, Additional Landscaping, Rainwater Harvesting together with amendments to site operating hours and HGV movement times to permit 24 HGV Movements between 07:00- 16-30 hours on Good Friday's		
<b>Response to and Date:</b>	Letter from ECC dated 1 <sup>st</sup> June 2018		
<b>FAO:</b>	Terry Burns	<b>From:</b>	Rob Mansfield
		<b>Date:</b>	13/08/2018

The Applicant has employed Applied Acoustic Design (AAD) to produce a Noise Assessment (NA) to support the planning application. I provide comments below on the pertinent aspects of the application making reference to the NA where relevant.

### Policy and Criteria

The history of this site is summarised as follows:

- 1988 – permission for light industrial use. Colchester Skip Hire (CSH) commenced occupation at about this time as a skip hire depot.
- 1993 – planning permission granted for a Waste Transfer Station on site. This consisted largely of external works and plant. Conditions were imposed on CSH but no limits on noise emissions were applied.
- 2002 – a variation in conditions on the 1993 permission was granted. A condition controlling noise emission was set which essentially restricts noise levels from the site to 45 dB L<sub>Aeq,1hr</sub> when measured at the nearest residential property (Rees Farm).
- 2005 – permission granted to permanently retain containment walls, together with a conveyor and hopper for the existing recycling centre. The previously established noise limit of 45 dB L<sub>Aeq,1hr</sub> at nearest residential property was maintained.
- 2012 - permission granted through Planning Appeal for the redevelopment of the recycling/recovery facility. The Planning Inspectorate maintained the 45 dB L<sub>Aeq,1hr</sub> limit. In considering the Appeal Decision, it would appear that the Inspector considered that, as much of the activities will be brought inside, that would be beneficial when compared to the pre-existing situation.

It shall be noted that through review of the planning history, it is apparent that the initial noise limit of 45 dB L<sub>Aeq,1hr</sub> was set with reference to Minerals Planning Guidance 11 (MPG11). By definition, it can be observed that the use of guidance specific to mineral working is perhaps not entirely suitable when considering a waste facility. More relevant is BS 4142 (both the 1997 and 2014 versions), which is specific to determining the potential impact from industrial/commercial noise on residential properties.

Noise emanating from the site is currently controlled through condition 9 from the 2012 Appeal Decision, as follows:

- "9) (9.1) Outside the times specified in Condition 5, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5min):  
(i) the pre-existing background level (LA90) plus 5dB; and  
(ii) the average residual level (LAeq 5 min) plus 1 dB.
- (9.2) During the times specified in Condition 5, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (LAeq, 1 hr).
- (9.3) The development shall not be brought into use until a noise monitoring scheme has been submitted to the waste planning authority and approved in writing. The scheme shall include details of the number, locations, and heights of the monitoring stations, the equipment to be used, and the means by which the results are to be provided to the authority. The frequency of monitoring shall not be less than once every three months.
- (9.4) The monitoring scheme shall thereafter be implemented as approved.
- (9.5) All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:1997."

The NA advises the proposed continued use of the above conditions.

Since 2012, there have been updates to various guidance documents and policy relating to noise. The most relevant being the following:

National Planning Policy Framework (NPPF)

The NPPF, initially published in 2012, and most recently updated in July 2018, sets out the Government's planning policies for England and how these are expected to be applied.

Under paragraph 170, it states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*....e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."*

Whereas para 180 states:

*"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential*

*sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup> ...."*

Reference 60 pertains to the Noise Policy Statement for England (NPSE).

#### Noise Policy Statement for England (NPSE)

Published in 2010, i.e. prior to the Appeal Decision, the NPSE lists three noise policy aims (noted to be similar to the NPPF):

*"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- Avoid significant adverse impacts on health and quality of life;*
- Mitigate and minimise adverse impacts on health and quality of life; and,*
- Where possible, contribute to the improvement of health and quality of life."*

#### National Planning Practice Guidance (PPG)

PPG sets out how planning can manage potential noise impacts in new development. It advises that planning authorities should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

#### BS 4142:2014 – Methods for rating and assessing industrial and commercial sound

BS 4142:2014 updated the 1997 version, i.e. that version available at the time of the 2012 Appeal Decision. The Standard details procedures for rating and assessing sound from commercial or industrial facilities to determine the likelihood of impact that sound emitted from such facilities has upon nearby residential premises.

Using BS 4142:2014 the likelihood of disturbance is determined through comparison of the sound attributable to the existing or future source, defined as the 'specific sound level' (expressed as  $L_{Aeq}$ ), against the typical and representative background sound level (expressed as  $L_{A90}$ ). Where applicable, the specific sound level is adjusted to take into account characteristic features such as tonality, discrete impulses and intermittency. The resulting 'corrected' specific sound level (the correction is 0 dB where no features are present) is defined as the 'rating level'. In respect of the comparison between the rating level and the background sound level, BS 4142:2014 states the following:

- A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.
- A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
- The greater the difference between the rating level and the background level, the greater the magnitude of the impact.
- The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background

sound level, this is an indication of the specific sound source having a low impact, depending on the context.

Through a noise monitoring exercise undertaken by Jacobs and AAD on November 2017, observed data indicates that the background sound levels were in the region of 30 to 35 dB  $L_{A90,1hr}$ . Should BS4142:2014 be used to assess the site, a Rating Level in the region of 30 to 35 dB(A) would be anticipated. This is considerably lower than that required by the current noise limit conditions on the site.

Should the BS4142:2014 recommendations be applied to the current use of the site, it is considered that a significant adverse impact is possibly occurring at present. That is, should the site operate at 45 dB  $L_{Aeq,1hr}$ , and taking a best case scenario that there are no further corrections for feature characteristics of the site sound source, then the rating level from the site could be at least +10 dB above the existing background sound level. It is noted above that BS 4142:2014 considers *"A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context"*.

With regard "context", BS 4142:2014 states *"The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs. An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context."* It is arguable that context should include the current use of the facility

Notwithstanding the above, the NA presents a motion to ensure that noise emanating from the proposed clean material recycling building result in a noise level of 35 dB  $L_{Aeq,1hr}$  at the boundary of the site. The reasoning is that such a noise level, would ensure that noise from the entire site would theoretically continue to not exceed the current limit of 45 dB  $L_{Aeq,1hr}$ . Whilst this is theoretically correct, establishing an appropriate noise limit in the first instance is pertinent.

### Summary

The current stipulated noise limit on the site has its foundation in 2002, arguably based on unsuitable guidance. This noise limit has been maintained through subsequent planning permissions. The Appeal Decision in 2012 would appear to have determined that, as the site was historically controlled by a noise limit of 45 dB  $L_{Aeq,1hr}$ , and that the proposal should have improved the pre-existing situation, then the noise limit can remain. The Appeal Decision does not appear to consider the appropriateness of the noise limit in isolation, i.e. is it suitable to prevent adverse noise impacts?

It shall be noted that compliance noise monitoring undertaken by both AAD and Jacobs over the past year has demonstrated compliance with the noise limit of 45 dB  $L_{Aeq,1hr}$ . That is the monitoring exercise demonstrated that specific site noise varied between 34 dB  $L_{Aeq,1hr}$  and 44 dB  $L_{Aeq,1hr}$  in close proximity to Rees Farm. Therefore, compliance against the existing noise limit is evident. However, I am aware that local residents continue to make complaints with regard to noise and it would be interesting to know if the Local Council Environmental Department have received and/or investigated complaints with regard to statutory nuisance (under the Environmental Protection Act 1990)? From my own observations made on site, noise from certain activities associated with the existing use of the facility is clearly audible at the boundary of the site, adjacent with Rees Farm; however, it would be for a local environmental officer to determine if this would be considered a statutory nuisance.



Guidance and policy that has emerged since 2012 (i.e. NPPF and PPG) looks for the planning process to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. BS 4142:2014 provides guidance on determining significant adverse impacts when considering the effect of industrial/commercial facilities on residential properties.

Should this be a new application, our advice would be to consider the potential effects in accordance with BS 4142:2014. In doing so, it is highly likely that we would conclude that the site, when considered in its entirety, would result in a likely significant adverse impact. However, it shall also be noted that the presence of the new building actually has the potential to result in an overall reduction in noise emissions from the site to that currently experienced at the nearest residential premises, i.e. Rees Farm. This is due to the new building providing a 'barrier effect' from existing noise sources on the site. Therefore, a paradox is apparent whereby the proposed new building has the potential to result in noise benefits, to that currently, yet the site would continue to operate at noise levels greater than would be considered acceptable.

Please note that the NA does not detail the predicted noise levels with the current operation of the site, versus what would result with the proposals. As noted above, given that the NA looks to demonstrate no increase of the 45 dB  $L_{Aeq,1hr}$  noise limit, the applicant may consider this a needless exercise. However, at the very least such an assessment would demonstrate any potential benefits, if any, to that currently. Which, may be view positively by all parties.

### Noise Level Predictions

Section 5.0 of the NA presents source noise levels used in the further predictions, derived through measurements within existing waste recycling facilities, including that at CSH. The NA advises that worst case reverberant noise levels have been presented (Table 2). Using the measured data, sound power levels are presented of the proposed new building (Table 3) at the facades and at the open door.

Section 6.0 of the NA presents predicted noise levels at the site boundary from the proposed clean material recycling building. The predictions use the information contained from Section 5.0, derived though a SoundPlan noise model. The predicted noise levels shown in Table 4 of Section 6.0 (N.B. for clarity this is separate to Table 4 in Section 5.0) suggest a noise level from the new building of less than 35 dB  $L_{Aeq,1hr}$  at the nearest residential premises, Rees Farm.

It shall be noted that the NA assumes access doors remain open throughout operational hours of the building. It is noted from the consultation response received from Wormingford Parish Council that they are requesting that the doors remain closed during operation. Subject to agreement and clarification on other points raised in these comments, it is apparent that noise shall meet the proposed clean material recycling building 'noise limit' of 35 dB  $L_{Aeq,1hr}$ . Therefore, although closing doors wherever feasible, for example using automatic door closers, would be seen as best practice, all else being resolved and agreed, the matter of the doors remaining open is not apparently an issue in terms of noise impact.

I would request that more information be provided to enable us to verify the predictions provided:

#### *Derived internal reverberation noise levels:*

- The database used to derive the 'worse case' measured noise levels presented in Table 2. This shall include information relating to plant operating within the existing

facilities versus that proposed for the new facility, in order to confirm the veracity of such data.

- For the 'worse case' data presented in Table 2, details of the measurement approach. For example, number of measurements, type of plant, duration of measurements, etc.
- Detailed calculations as to the derivation of the sound power levels contained within Table 3.

#### *Noise Model Layout:*

N.B. We do not hold SoundPlan software; however, we are able to transpose input data into our own software (Cadna) if provided in a suitable format.

- A set of shapefiles for the ground model (either spot points or equal height contours);
- A set of shapefiles for each type of object within the model (e.g. buildings, barriers, calculation area, ground absorption area, receiver points, etc); and
- A confirmation of the ground absorption coefficient and the absorption coefficient used for any building walls.

#### *Noise Model Sources:*

- For each building area source:
  - The size of the source area in m<sup>2</sup>;
  - A description of the location of the sources (either as an annotated drawing or shapefile); and
  - The resulting total sound power level for the source.
- It is assumed that the noise model has been developed such that it does not contain internal noise sources, i.e. the reverberant noise level is the 'noise source'. However, if this is not the case, and the model does contain individual noise sources, other than industrial building façade itself, then we would request the following:
  - A set of shapefiles for each type of source object within the model (e.g. point sources, line sources, area sources). It should be ensured that these shapefiles include the GeoDatabase ID for each source; and
  - The model emissions library in an Excel spreadsheet, identifying the sound power (in octave band or third octave band). Each sound power entry should be linked to the relevant source using its GeoDatabase ID.
- Confirmation is required that there are no external noise sources associated with the proposed facility which are otherwise not in existence.

#### *Other:*

- Demonstration that the acoustic performance of the cladding shown in Table 4 is representative of that proposed for the building;
- Confirmation of any extract or ventilation sources, if necessary, associated with the new building; and
- Confirmation that there are no other acoustic weaknesses within the façade of the building, e.g. passive air vents, windows, doors, etc.

#### **Proposed working on Good Friday**

The application includes for site operations on Good Friday (Bank Holiday). The existing operating hours allow for working on Saturday and Sundays; therefore, the site already operates during 'sensitive' periods. Therefore, notwithstanding the matters discussed elsewhere in this response, I would not object to proposed Good Friday working of the site.

**From:** Mansfield, Robert <[Robert.Mansfield@jacobs.com](mailto:Robert.Mansfield@jacobs.com)>  
**Sent:** 07 May 2019 12:50  
**To:** Terry Burns, Principal Planning Officer <[Terry.Burns@essex.gov.uk](mailto:Terry.Burns@essex.gov.uk)>  
**Cc:** Richard Greaves, Chief Planning Officer (County Planning and Major Development) <[Richard.Greaves@essex.gov.uk](mailto:Richard.Greaves@essex.gov.uk)>  
**Subject:** RE: CSH

Hi Terry,

Firstly, apologies for not coming back to you sooner. I'm clearly out of luck – my son had to be rushed in to have his appendices removed in the early hours of Weds morning; therefore, I was away for a couple of days last week.

I thought I would first provide a response on point 2) below. Having considered this further, I suggest that a minor update to my previous response is the appropriate line. My reasoning is that I can see within the Planning portal that the applicant provided information on 12<sup>th</sup> December, referring to their previous response in "October". This "October" document responded to my original comments dated 13/8/18; thus there is a trail of correspondence (albeit not all is on the portal).

If you prefer, I can amalgamate this response with my 13/8/18 comments; albeit it will take some explaining how we have agreed on a number of points. I would suggest adding all correspondence to the portal (other than my 'draft' comments of 8/1/19) for clarity.

Please note that I am on A/L from 23<sup>rd</sup> May to 10<sup>th</sup> June, should you wish for me to join any meetings with Colchester BC.

I will now pull together a response on the noise monitoring (point 1 below).

Thanks

Rob

Rob Mansfield | Jacobs | Divisional Director – Acoustics | Environment, Maritime and Resilience (EMR) | 020 8256 0381 | 07986 647525 | [www.jacobs.com](http://www.jacobs.com)



**DR/25/19**

committee DEVELOPMENT & REGULATION

date 23 August 2019

### COUNTY COUNCIL DEVELOPMENT

Proposal: The construction of two single storey extensions to provide a SEN group room and relocated first aid and storage facilities. The provision of a temporary classbase for a period of eight years until 2027

Location: Dunmow Church of England Junior School, High Stile, Great Dunmow, CM6 1EB

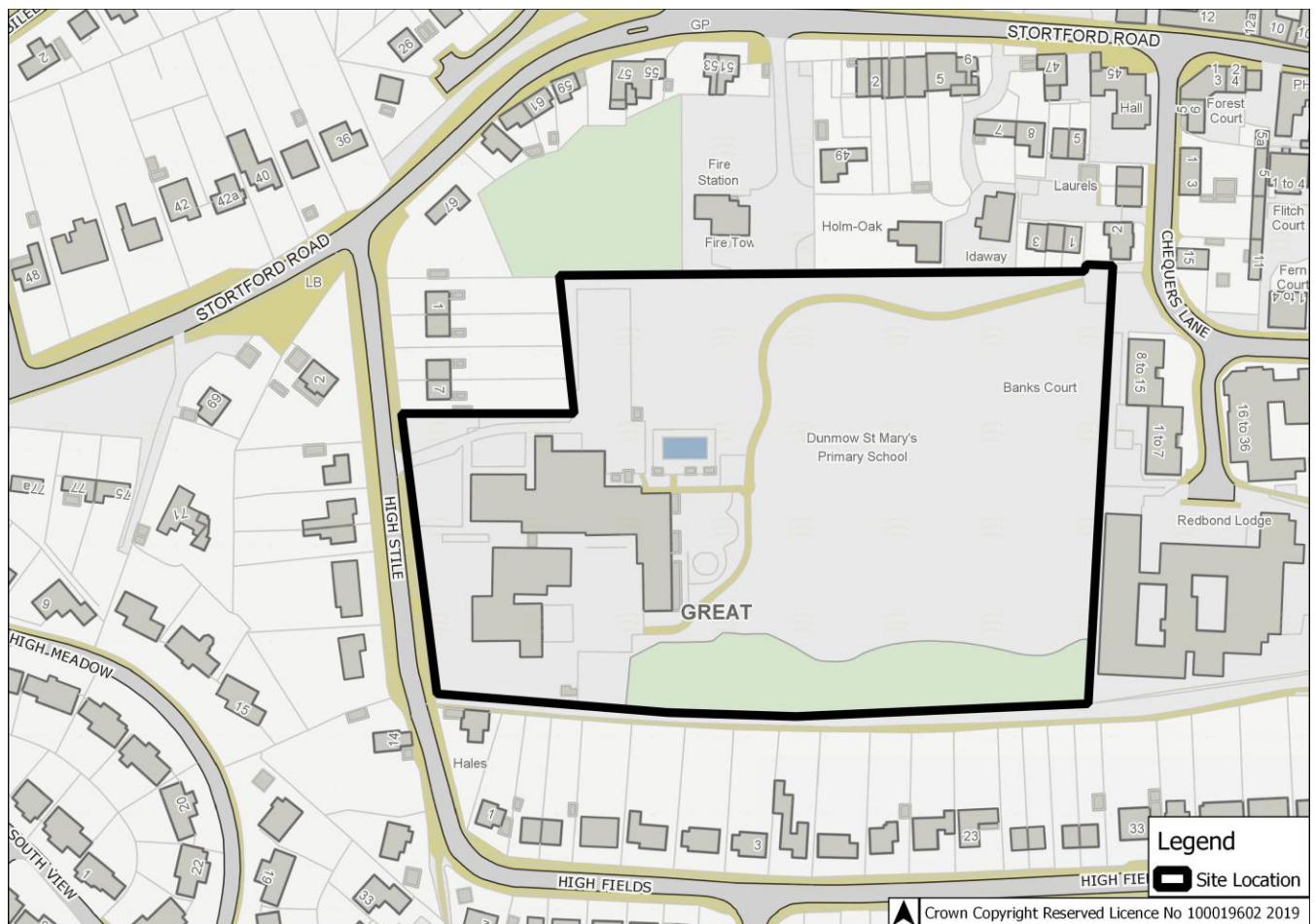
Ref: CC/UTT/38/19

Applicant: Essex County Council

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

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



## **1. BACKGROUND**

There is a fairly short planning history for the school site. The most recent planning permission was granted in June 2008 for the construction of a single storey classbase extension with extended corridor link. The works included the relocation of a soft play area, diversion of a footpath within the school grounds and the formation of a hard-standing area to provide a waiting area for parents (CC/UTT/24/08).

## **2. SITE**

Dunmow St Mary's Primary School is situated on High Stile, Great Dunmow.

The main school buildings are located to the west of the school site with the school playing field to the north and east.

Vehicular and pedestrian access are from High Stile. There is another pedestrian access point from Chequers Lane to the north east.

The school site lies in a predominantly residential area with residential properties adjoining the site boundary to the east, north and west. To the south a public footpath separates the residential properties from the school site boundary.

The school site lies within the Stansted Airport Outer Zone. The northern boundary of the school site adjoins the Great Dunmow Conservation Area within which are located several listed buildings.

## **3. PROPOSAL**

The proposal comprises of 3 elements.

The first would involve the construction of a single storey infill extension adjacent to the main school entrance to provide a SEN group room. The room would measure approximately 24.3m<sup>2</sup>.

The second element involves the construction of a single storey infill extension on an unused courtyard area to provide a first aid room and additional storage. This area would measure approximately 18.5m<sup>2</sup>.

The final element of the proposal would involve the provision of a double temporary classbase to provide additional teaching accommodation to accommodate an immediate bulge in pupil number in September 2019 and September 2020. The classbase would measure approximately 18m x 9m x 3m in height.

## **4. POLICIES**

The following policies of the Uttlesford Local Plan adopted January 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

## Uttlesford Local Plan adopted January 2005 (ULP)

Policy S1 – Development Limits for the Main Urban Areas

Policy GEN2 – Design

Policy GEN8 – Vehicle Parking Standards

Policy ENV4 - Ancient Monuments and Sites of Archaeological Importance

## NEIGHBOURHOOD PLAN

The Great Dunmow Neighbourhood Plan was formally made on 8 December 2016.

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Uttlesford Local Plan adopted 2005 is considered further in the report.

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

objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The emerging Uttlesford Local Plan was submitted for examination on 18 January 2019. Stage 1 hearings concluded on 18 July 2019. The Inspector needs to consider all the evidence heard to date and will write to the Council with his initial findings and advice on the next steps in the examination. This letter is unlikely to be issued before late September. It is considered that a reasonable amount of weight can be given to policies contained within Submission Plan.

#### Uttlesford Pre-Submission Local Plan 2019 (UPS)

Policy SP9 – Development within Development Limits

Policy TA3 – Vehicle Parking Standards

Policy HD1 – High Quality Design

## **5. CONSULTATIONS**

UTTLESFORD DISTRICT COUNCIL – Any comments received will be reported

STANSTED AIRPORT – Any comments received will be reported

PLACE SERVICES (Urban Design) – No objection

PLACE SERVICES (Landscape) – No objection

PLACE SERVICES (Historic Buildings) – No comment

PLACE SERVICES (Historic Environment) – No objection subject to conditions

PLACE SERVICES (Ecology) – No objection subject to conditions

PLACE SERVICES (Trees) – No objection

HIGHWAY AUTHORITY – Any comments received will be reported

GREAT DUNMOW TOWN COUNCIL – - Any comments received will be reported

LOCAL MEMBER – UTTLESFORD – Dunmow - We have considerable problems with parking and bad behaviour with parents dropping off pupils at the site. Does the application propose any mitigation for the increase in the number of pupils who will now be attending? The Highways panel has the location on its list for consideration of additional traffic calming.

## **6. REPRESENTATIONS**

52 properties were directly notified of the application. One letter of representation has been received. This relates to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Unacceptable level of traffic congestion caused by the morning school run which will increase if the proposed development is approved.	See appraisal
Existing road layout comes to a virtual standstill during morning/afternoon collection/delivery periods due to number of inconsiderate parents that park in the road.	Noted, See appraisal



School buses have problems turning round using the Highfields/Springfield junction.	Noted, See appraisal
Following last expansion additional parking restrictions were applied outside the school gates and double yellow lines were provided on the bend at the end of the road but this has not prevented the inconsiderate parents from stopping or parking early and causing problems.	Noted, See appraisal
The double yellow lines on the bend should be extended to allow more space for cars to pass on the bend.	Noted. See appraisal
Erect safety railings along the pavement outside the school (current restricted parking section) with an access gate for the school bus to protect children as they leave the school and prevent cars that stop outside the school entrance from opening their passenger doors.	See appraisal
Impose a 20mph speed limit	See appraisal
These amendments will be more cost effective than employing CCTV or traffic wardens to enforce the parking restrictions	Noted

## 7. APPRAISAL

The key issues for consideration are:

- A. Need & Policy Considerations
- B. Design
- C. Impact on Natural Environment
- D. Impact on Historical Environment
- E. Impact on Residential Amenity
- F. Traffic & Highways

### A NEED & POLICY CONSIDERATIONS

ULP Policy S1 (Development limits for the Main Urban Areas) states inter alia that *“the development limits of the existing main urban areas and proposed urban extensions for Great Dunmow are defined on the Proposals Map. Development within the existing built up areas, if compatible with the character of the settlement will be approved within these boundaries.”*

UPS Policy SP9 (Development within Development Limits) states inter alia that

*“development will be permitted on land within development limits if it is in accordance with any existing allocation and it would be compatible with the character of the settlement.”*

The school site is situated within the development boundary as defined on the Proposals Map. The school site is an established site and the proposed development is considered to be compatible with the existing site allocation and character of the settlement and therefore in accordance with Policy S1 and Policy S9.

Essex County Council has a duty to ensure that there are sufficient school places for children living in the County.

A new primary school is proposed for the Great Dunmow area however there is no current planning application under consideration. In the meantime a need to accommodate 2 consecutive bulge classes has arisen in the Great Dunmow area for 2019/20 and 2020/21.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development: economic, social and environmental.

In summary, the social role involves supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Paragraph 94 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It goes on to state that local planning authorities should take a positive, proactive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decision on applications; and
- Work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

It is proposed to locate the temporary classbase on the school site for a period of 8 years in order to accommodate the bulge classes throughout their primary school education.

It is considered that the 2 extensions to provide first aid facilities, SEN group room and storage facilities and the provision of a temporary classbase until 2027 would be in accordance with the provisions of Paragraph 94 of the NPPF as they would provide the school with the necessary accommodation to meet the immediate requirement for school places at the school.

## B DESIGN

ULP Policy GEN2 (Design) states inter alia that *“development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings.”* It goes on to say that *“development should provide an environment, which meets the reasonable needs of all potential users.”*

UPS Policy D1 (Design for Life) states inter alia that *“proposals for new development should seek to optimise the capacity of the site by responding appropriately to the scale, character and grain of the existing built form.”*

The two single storey extensions would be located close to the main entrance of the school, either side of an existing connecting corridor. A SEN group room and first aid room and storage facilities would be provided by these extensions.

The materials for these extensions would consist of blue cladding panels and glazed curtain walling to match the existing main school buildings.

The external walls of the temporary classbase would be finished in a ‘Goosewing Grey’ plastic-coated steel cladding within fascias in ‘Merlin Grey’ and white painted UPVC framed windows. The doors of the classbase would be coloured ‘Colbalt Blue’ to link the temporary building to the main school buildings.

The location of the temporary classbase on an area of ‘soft’ ground was determined by the ease of access to existing services and the fact that services to the classbase could be installed with as little disruption to the school ground as possible. This location would also assist in reducing the remedial works required once the classbase had been removed. The proposed location also avoids the loss of any existing play areas.

Ramped access would be provided to the classbase to ensure ease of access for pupils, staff and visitors with mobility issues. Accessible toilet facilities would be provided within the building

The existing main school buildings are a mix of single and 2 storey flat roofed buildings consisting of glazed curtain walling and blue cladding panels.

Place Services (Urban Design) has no objection to the proposed scheme and has stated it is important to stress that the building materials used for the proposed temporary classbase link back to the original school building, in order to maintain a solid consistency throughout the site in terms of built form.

Whilst the proposed extensions and temporary classbase are not considered to have any great architectural merit it considered they are compatible with the scale, form, layout, appearance and materials of the existing main buildings on the school site and would be in accordance with Policy GEN2 and Policy D1.

## C IMPACT ON NATURAL ENVIRONMENT

As a result of locating the temporary classbase on an existing grassed area it would be necessary to remove 2 silver birch trees.

An Arboricultural Appraisal Report was submitted as part of the application. The two silver birch trees to be removed have been categorised as C2 meaning they have low amenity value.

It is proposed to plant replacement trees elsewhere on the school site in mitigation.

New planting is proposed to the front of the proposed SEN room to help provide a more attractive frontage.

Place Services (Landscape) has no objection to the proposed scheme. It has stated that the two silver birch trees being removed from the southern grass area will be replanted elsewhere on site. It is important to maintain a strong screening boundary of the proposed building through the use of tree planting, in order to restrict views of the building onto the main street scene and views from neighbouring residences.

Place Services (Urban Design) has no objection but has stressed the importance of maintaining a sufficient boundary treatment along the main entrance of the school, as the proposed temporary building will be fronting onto the main boundary.

Place Services (Arboriculture) has no objection and has commented that all Arboricultural surveys conforming with BS 5837:2012 have been undertaken and relevant reports have been provided including the Arboricultural Impact Assessment, Method Statement and Tree Constraints Plan.

Two category C2 Silver Birch trees are to be removed to facilitate this development. The loss of this vegetation should be mitigated with replacement tree planting at a suitable location.

Retained trees have been included in the report and acceptable protective measures are clearly detailed within the Arboricultural Method Statement.

Place Services (Ecology) has no objection to the proposed scheme subject to conditions securing biodiversity mitigation measures.

Ecology has commented that no ecological report was submitted as part of the application. From use of the tree report and photos it has been ascertained that the temporary classbases would be positioned on amenity grass within the existing school grounds. Two trees would require removal and one would need to be cut back but none of these appear likely to have any potential bat roost features. The remaining trees would be protected through details set out within the Tree Method Statement and Protection Fencing Plan.

One tree close to the southern boundary appears to contain potential bat roost features and so a preliminary roost assessment would be required prior to the granting of planning permission if it is to be affected. In any event, there should be no additional lighting near this tree or the boundary hedgerow during the construction phase or for the life of the proposed building. In terms of bat species, if additional lighting is proposed as part of the scheme, it is recommended that s

simple lighting designs cheem should be provided to demonstrate that the boundary features – which could be used by bats for foraging and commuting – would not be impacted by high lighting intensity.

The Lighting Design Scheme should demonstrate that warm spectrum LED lights (less than 3000K) would be used. This is because LED bulbs produce the least amount of UV light possible and the use of Correlated Colour Temperatures in the 'warm' range are considered to have a low relative attractiveness for insects compared to white lights, which overall will likely have a lower impact on light sensitive bat species.

It is also recommended that the brightness of the lamps should also be kept as low as feasibly possible; that the placement of lights should be kept as low a height level as practical and directed away from surrounding hedgerows and tree lines; and that all external lighting should be set on short timers, so that lights are quickly turned off when not in use. More information can be obtained from the Bats and Artificial Lighting in the UK Guidance Note by the Bat Conservation Trust and Institute of Lighting Professional which can be found at:

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>.

It is recommended that a method statement is provided by condition to demonstrate that any effects to bats and nesting birds will be avoided during the construction period during the construction period. The information supplied should be proportionate to the habitats and species on and adjoining the site, the scale of the development and its potential to affect biodiversity. If it is considered the above is not necessary justification should be provided by a competent ecologist, including supporting photographs. This justification must contain an explanation of how all potential impacts on biodiversity will be avoided and/or why protected and priority species will not be affected by the proposed development.

Although there is established boundary vegetation the applicant has proposed some additional planting within the school site to better screen the proposed temporary classbase from views outside the school site.

It is also considered appropriate to attach a condition requiring the area of land where the temporary classbase is to be located to be restored to its former condition once the classbase has been removed.

## D IMPACT ON HERITAGE

The school site lies adjacent to the Conservation Area of Dunmow, within which are located several Listed Buildings, the position of the proposed extensions and location of the temporary classbase are not considered to give rise to any adverse impact and no objections has been raised by Place Services (Listed Buildings). However Place Services (Historic Environment) have highlighted that the school site lies within the area of the Roman Town where remains have been found. A condition has been requested with respect to the location of the proposed double class base that prior to any ground works within the site of the classbase that a scheme of archaeological investigation be approved. The location of the extensions having been likely previously disturbed and investigated as part of construction of the school. It is considered that subject to an appropriate condition,

the proposals would be in accordance with Policy ENV4.

## E IMPACT ON RESIDENTIAL AMENITY

A public on-line consultation process was undertaken by the County Council's Infrastructure Delivery team. Seven responses were received, five supporting the proposed development at the school and further two raising concerns regarding the lack of classrooms/space for additional classes coming through the school over the next few years; the suggestion that new school be built to accommodate growing pupil numbers; the suitability of temporary accommodation in winter/summer conditions and an increase in the volume of cars and adequate parking provision.

ULP Policy GEN2 (Design) states inter alia that *“development should not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.”*

UPS Policy SP9 (Development within Development Limits) states inter alia that *“development will be permitted on land within development limits if it does not result in any material overlooking or overshadowing of neighbouring properties and it would not have an overbearing effect on neighbouring properties.”*

The nearest residential properties adjoin the northern, north western and eastern boundaries of the school site in Chequers Lane, Stortford Road and High Stile. There are further residential properties to the west in High Stile on the opposite side of the road to the school and to the south in High Fields.

The 2 small extensions to the main school building would be screened from view by the existing school buildings and existing vegetation within the school grounds and along the school boundary.

The proposed classbase would be located adjacent to the western boundary of the school site in High Stile. Established boundary vegetation would screen the majority of the classbase from views outside the school site. New landscaping by way of a hornbeam hedge is proposed to the northern and southern boundaries of the classbase to provide additional screening.

It is not considered that the construction of 2 small extensions or the provision of a temporary classbase for a period of 8 years would have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing and would be in accordance with Policy GEN2 and Policy SP9.

## F TRAFFIC & HIGHWAYS

ULP Policy GEN8 (Vehicle Parking Standards) states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Essex County Council Parking Standards Design and Good Practice Document September 2009.

UPS Policy TA3 (Vehicle Parking Standards) states that development will be permitted where the number, design, location, size and layout of vehicle parking spaces proposed is appropriate for the use and location as set out in relevant parking standards approved by the Council.

There are currently 2 separate car parking areas within the school site providing a total of 45 car parking spaces.

The ECC Parking Standards Document states that a maximum of 1 car parking space per 15 pupils should be provided. The School Travel Plan states there are currently 412 pupils at the school. On this basis a maximum of 28 car parking spaces should be provided. With an additional 60 pupils at the school the level of car parking spaces provided would still be in excess of that suggested in the Parking Standards document.

It is considered that the current level of car parking spaces at the school complies with the recommendations set out in the Parking Standards guidance and is in accordance with Policy GEN8 and Policy TA3.

The school does not currently have any cycle or scooter parking facilities, although the School Travel Plan states that the school is looking into the provision of cycle and scooter parking facilities.

UPS Policy SP9 (Development within Development Limits) states inter alia that *“development will be permitted if it would not result in unreasonable noise and/or disturbance to the occupiers of neighbouring properties by reason of vehicles or any other cause.”*

The Local Member has stated that there are problems with parking and bad behaviour by parents dropping off pupils at the school. She has asked whether the application proposes any mitigation for the increase in pupil numbers at the school and has stated that the Highways panel has the location on its list for consideration of additional traffic calming measures.

One representation has been received regarding the unacceptable level of traffic congestion around the school during peak times due to the inconsiderate parking by some parents. Although there are double yellow lines and parking restrictions directly outside the school these are ignored by parents. It has been suggested that the double lines are extended to the bend in the road to stop cars parking and causing a safety hazard for other road users. It is also suggested that safety railings are erected along the pavement directly outside the school to protect children as they leave school but also prevent car passengers opening their doors. The final suggestion is that a 20mph speed limit is put in place around the school. It is considered by the representee that these options would prove more cost effective than employing CCTV or traffic wardens to enforce the parking restrictions.

Whilst extending the double yellow lines may appear to be a solution unless some form of enforcement is also in place there would be nothing to discourage inconsiderate parking by parents.

It is understood that the Local Highways Panel is looking into a scheme for the area which is likely to comprise of a 20mph zone. However, it is unlikely such a scheme would be introduced until the 2020 financial year as the budget for the 2019 financial year is already fully committed.

Other schools in Essex have benefitted from the introduction of the 3PR scheme. This scheme is not designed to prevent every instance of bad or inconsiderate parking but aims to help schools by identifying and providing resources to help tackle the problem.

An advisory no parking zone is created outside the school based upon an assessment which identifies the zone. Tailored maps are created for the school which highlight the 3PR zone and include pictures of the common parking problems that occur outside the school (e.g. parking on pavements, parking on the zig zag lines etc).

3PR schools would receive extra parking enforcement at peak times to help encourage considerate parking.

3PR patrols made up of pupils, teachers, parents and other volunteers stand at each end of the 3PR zone and hand out tokens to any pupil who walks, scoots or cycles into the zone. The tokens collected by each class are then counted at the end of each term and a small prize awarded to the class with the most tokens.

The 3PR scheme also promotes national campaigns such as Walk to School week, Walk to School month, Be Bright Be Seen and Road Safety Week by running competitions for pupils to be in with a chance of winning prizes for their school.

It is considered that existing parking problems outside the school could be significantly improved by the introduction of the 3PR scheme and the applicant has been requested to strongly encourage the school to participate in the scheme.

## **8. CONCLUSION**

Given the NPPF's emphasis on the provision of sufficient school places to meet the needs of existing and new communities it is considered appropriate to grant planning permission for the provision of a double classbase for a temporary period of 8 years as it would allow the school to provide additional teaching accommodation to help meet an immediate need for school places in the area.

It is not considered that there would be significant detrimental impact on the landscape, visual or residential amenity as a result of this application.

It is considered that the school, via the applicant should be strongly encouraged to participate in the 3PR scheme which has proved successful in other schools around the County in alleviating existing parking problems and inconsiderate parking by parents.

It is considered that the introduction of the 3PR scheme at the school would help alleviate some of the existing traffic congestion at peak times and inconsiderate parking by parents.



It is considered that the proposals would, subject to the conditions suggested, be in accordance with Policy S1 (Development Limits for the Main Urban Areas), Policy GEN2 (Design), Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance) and Policy GEN8 (Vehicle Parking Standards) of the Uttlesford Local Plan adopted January 2005 and Policy SP9 (Development within Development Limits), Policy TA3 (Vehicle Parking Standards), Policy HD1 (High Quality Design) and Policy EN 1 (Protecting the Historic Environment) of the Uttlesford Pre-Submission Local Plan 2019.

## 9. RECOMMENDED

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

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/UTT/38/19 dated 19 June 2019 and validated on 10 July 2019 together with Drawing numbers:

- 1648/05 Rev A – Proposed Relocatable Classroom Layout – 07/19
- 1648/04 Rev A – Proposed Block Plan – 07/19
- 1648/07 – Proposed Elevations – June 2019
- 1648/06 – Proposed Layout – June 2019
- 1648/03 Rev A – Existing Elevations – May 2019
- 1648/02 – Existing Layout – May 2019
- 1648/01 – Existing Site Location & Block Plans – May 2019

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

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out in accordance with the minimum harm to the local environment and in accordance with Policy S1 (Development Limits for the Main Urban Areas), Policy GEN2 (Design) and Policy GEN8 (Vehicle Parking Standards) of the Uttlesford Local Plan adopted January 2005 and Policy SP9 (Development within Development Limits), Policy TA3 (Vehicle Parking Standards) and Policy HD1 (High Quality Design) of the Uttlesford Pre-Submission Local Plan 2019.*

3. The use of the temporary classbase hereby permitted shall cease on the 31 August 2027 and within 3 months of that date the unit shall be removed from site and the land restored to its former condition within a further 28 days.

Reason: *To ensure the temporary nature of the permitted use and to comply with Policy GEN2 (Design) of the Uttlesford Local Plan adopted January 2005 and Policy HD1 (High Quality Design) of the Uttlesford Pre-Submission Local Plan 2019.*

4. A bats and nesting birds Method Statement shall be submitted to and approved in writing by the County Planning Authority. The Statement should contain precautionary mitigation measures and/or works to reduce potential impacts to bats and nesting birds during the construction phase.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: *To conserve Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats & species) and on accordance with Policy GEN2 (Design) of the Uttlesford Local Plan adopted January 2005 and Policy HD1 (High Quality Design) of the Uttlesford Pre-Submission Local Plan 2019.*

5. Prior to the first beneficial occupation of the classbase hereby permitted a lighting design scheme for biodiversity shall be submitted to and approved in writing by the County Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the County Planning Authority.

Reason: *To conserve Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority Habitats & species) and on accordance with Policy GEN2 (Design) of the Uttlesford Local Plan adopted January 2005 and Policy HD1 (High Quality Design) of the Uttlesford Pre-Submission Local Plan 2019.*

6. No development or preliminary groundworks shall commence with respect to the installation of the temporary double classbase as show on drawing 1648/05 until a programme of archaeological work has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the County Planning Authority. The programme of archaeological work shall be carried out in accordance with the approved scheme.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy ENV4 (Ancient Monuments and Sites of Archaeological Importance) of the Uttlesford Local Plan adopted January 2005 and Policy EN 1 (Protecting the Historic Environment) of the Uttlesford Pre-Submission Local Plan 2019*

## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

## **LOCAL MEMBER NOTIFICATION**

UTTLESFORD – Dunmow

Committee DEVELOPMENT &amp; REGULATION

Date 23 August 2019

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

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

**1. PURPOSE OF THE ITEM**

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

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

**Major Planning Applications****SCHEDULE**

Nº. Pending at the end of June

**26**

Nº. Decisions issued in July

**1**

Nº. Decisions issued this financial year

**10**

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

**100%**

Nº. Delegated Decisions issued in July

**0**

Nº. applications where Section 106 Agreements pending at the end of July

**3**

**Minor Applications**

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

100%

Nº. Pending at the end of June

6

Nº. Decisions issued in July

2

Nº. Decisions issued this financial year

7

Nº. Delegated Decisions issued in July

2

**All Applications**

Nº. Delegated Decisions issued in July

2

Nº. Committee determined applications issued in July

1

Nº. of Submission of Details dealt with this financial year

43

Nº. of Submission of Details pending at the end of July

47

Nº. of referrals to Secretary of State under delegated powers in July

0

**Appeals**

Nº. of outstanding planning and enforcement appeals at end of July

0

Nº. of appeals allowed in the financial year

0

Nº. of appeals dismissed in the financial year

0

**Enforcement**

Nº. of active cases at end of last quarter

30

Nº. of cases cleared last quarter

8

Nº. of enforcement notices issued in July

0

Nº. of breach of condition notices issued in June

0

Nº. of planning contravention notices issued in July

0

Nº. of Temporary Stop Notices issued in July

0

Nº. of Stop Notices issued in July

0