

DR/26/13

Committee DEVELOPMENT & REGULATION

Date 28 June 2013

MINERALS AND WASTE DEVELOPMENT

Proposal: **Use of the site as an end of life vehicles de-pollution and treatment facility with the associated storage of material and plant.**

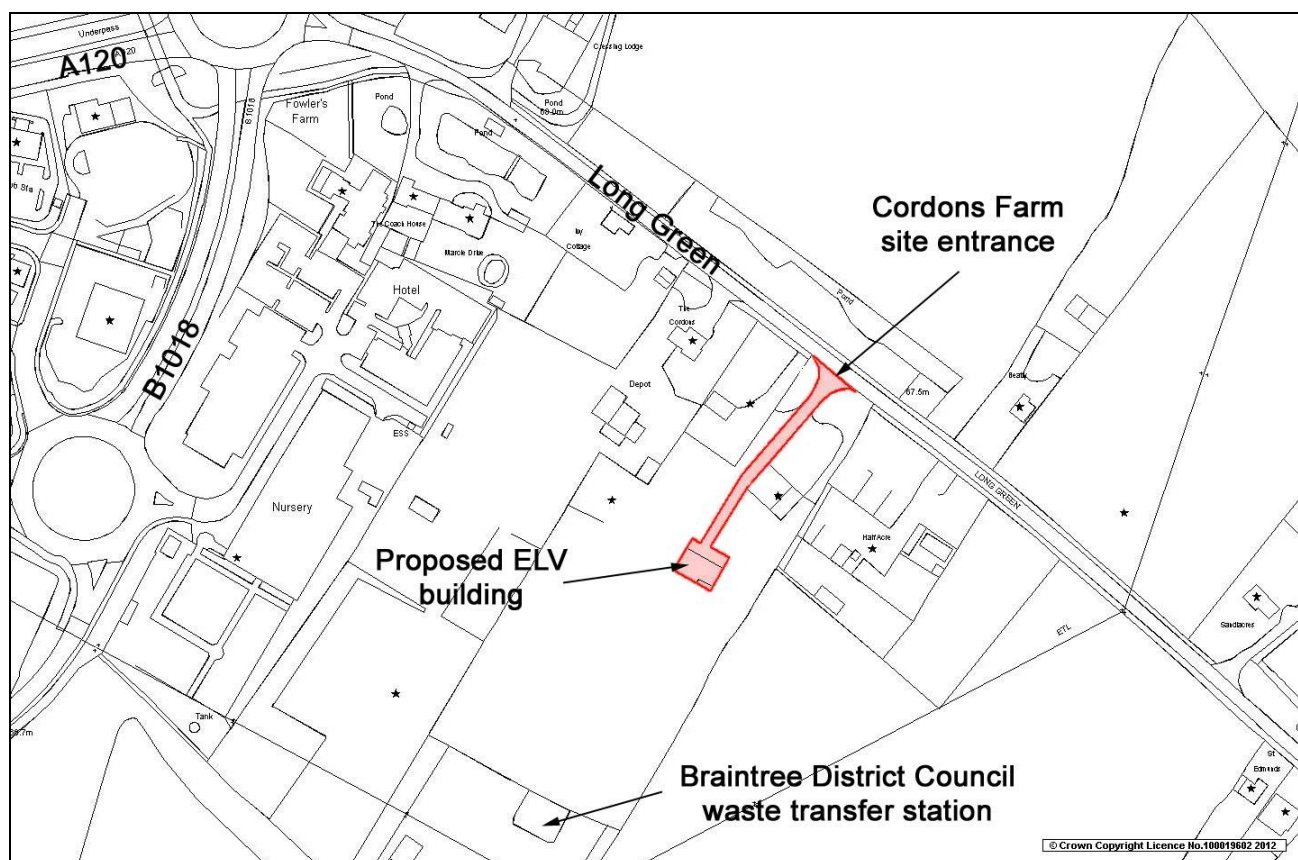
Location: **Cordons Farm, Long Green, Cressing, Braintree, Essex, CM77 8DL**

Reference: **ESS/06/13/BTE**

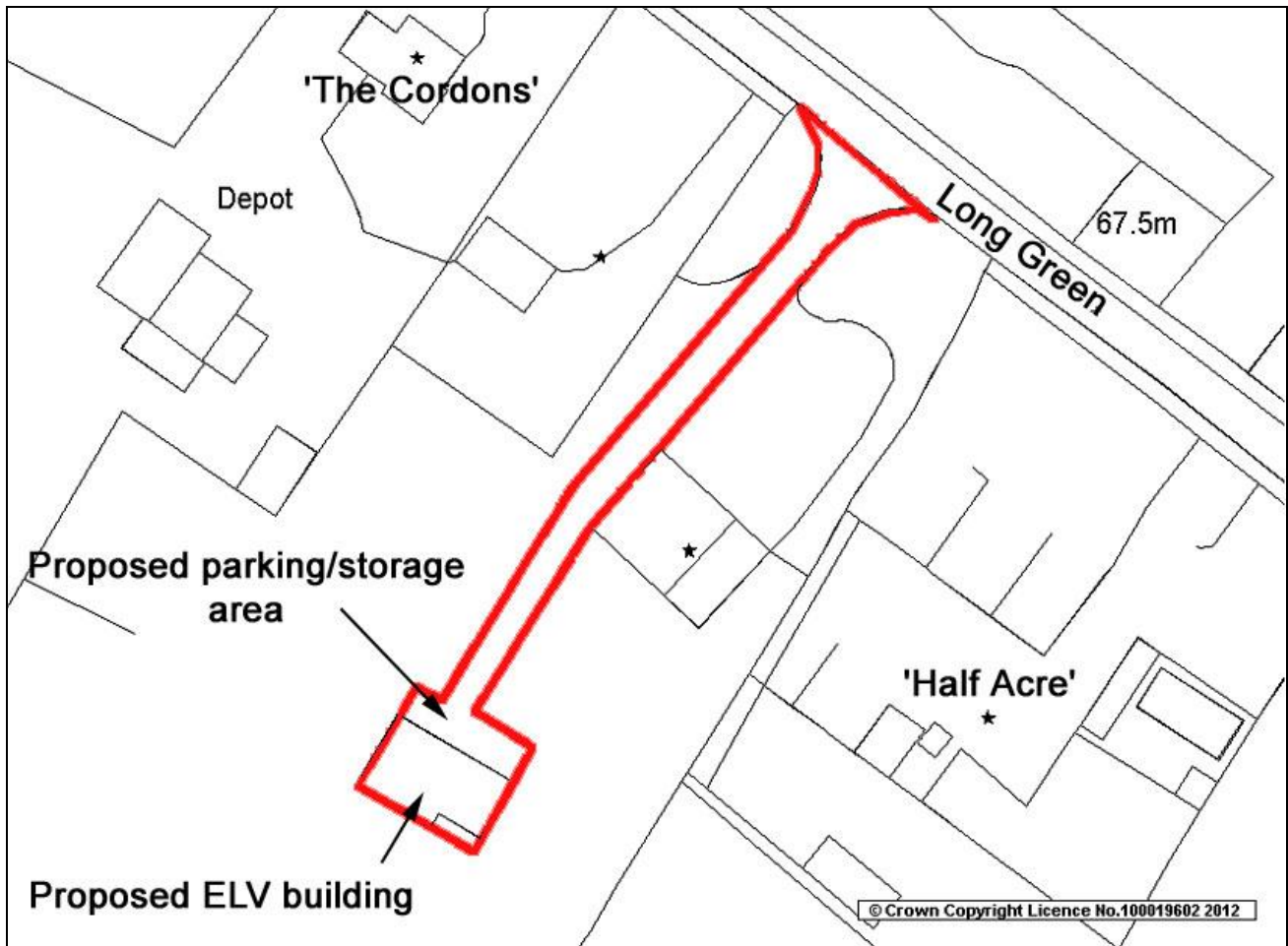
Applicant: **Kingwell Holdings Ltd.**

Report by Head of Planning, Environment and Economic Growth

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1. SITE & BACKGROUND

Cordons Farm is a mixed use site which in the majority, at present, is occupied by haulage and waste related operators. Braintree town centre is approximately 2.5 miles to the north west and the site is accessed via Long Green to the east of the A120.

The area to which this application relates is an existing building to the north of Cordons Farm, as a whole. This building which is currently vacant has previously had a number of uses. Most recently the building was used as a vehicle workshop. The entire northern half of the site is covered by a Certificate of Lawful Development (CLEUD) for a haulage depot. The CLEUD is not restrictive in terms of vehicle movements and, for reference, a few change of use applications which are similarly unrestricted have since been granted by Essex County Council (ECC) and Braintree District Council. One of which is a skip hire business which was granted planning permission to operate, with restrictions, in an area to the west of the building to which this application relates in 1994.

The use of the southern part of Cordons Farm (further south than the building to which this application relates) as a waste transfer station is long established with permission originally being issued by ECC in 1993 (planning application reference: ESX/32/93/BTE). In 2005 permission was issued by Braintree District Council to

make amendments to the site layout and to erect a green waste building onsite (planning application reference: 05/02512/FUL). As existing both ESX/32/93/BTE and 05/02512/FUL have been implemented in full and run concurrently on the site.

In 2011 permission was granted by ECC for a materials recycling centre for sorting and storing waste materials and the storage of up to 14 ISO containers, plant and equipment (planning application reference: ESS/55/11/BTE). The intention was that this application would supersede the previous consents for the use and permit an enlarged facility that would fully cater to the needs of Braintree District Council. Whilst this permission has been granted, the consent has yet to have been implemented with a number of pre-commencement conditions still needing to be discharged.

In terms of background, a similar application, for an end of life vehicle de-pollution and treatment facility on Cordons Farm was submitted by the applicant in June 2012 (application reference: ESS/38/12/BTE). This application was subsequently withdrawn, in December 2012, owing to land ownership issues which ultimately resulted in a change in area to which operations were proposed to be undertaken from.

2. PROPOSAL

This application seeks to use an existing building located in the northern half of Cordons Farm as an end of life vehicle de-pollution and treatment facility. The entire operations are proposed to be undertaken from within the confines of the building and as such no new built development would occur should planning permission be granted.

End of life vehicles would be sourced from various outlets and, upon delivery to the site, stripped in the existing building. Additional storage space and car parking is proposed in front of the building, towards the main Cordons Farm entrance.

It is anticipated that on average 10 vehicles would be de-polluted per day however, it is suggested the site would have capacity to process up to 20 vehicles per day. The overall throughput of the site is proposed to be less than 25,000 tonnes of waste per annum with a maximum of 40 vehicle movements per day resulting from operations undertaken.

The facility is proposed to be open 07:00 – 19:00 Monday to Friday, 07:00 – 16:00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

To clarify, this application/operation is not related to the Braintree District Council permitted waste recycling centre. The applicant currently operates from a facility in the north-east corner of Cordons Farm. This is the depot for the business that provides equipment and services in the fields of: site clearance, forestry mulching, wood waste incineration, waste timber processing, excavator flail clearance and air burners. This proposal would represent a new venture for the applicant.

3. POLICIES

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP) and Braintree District Local Plan Review 2005 (BLP) provide the development framework for this application. The following policies are of relevance to this application:

<u>Policy</u>	<u>WLP</u>	<u>BLP</u>
Sustainable Development, National Waste Hierarchy & Proximity Principle	W3A	
Highways	W4C	
Scrap Yards and Vehicle Dismantling Facilities	W7F	
Alternative Sites	W8B	
Small Scale Alternative Sites	W8C	
Material Considerations: Policy Compliance and Effects of the Development	W10E	
Industrial and Environmental Standards		RLP 36
Galleys Corner Special Policy Area		RLP 58
Panners Roundabout Special Policy Area		RLP 59
Development Likely to Give Rise to Pollution or the Risk of Pollution		RLP 62
Waste Reprocessing Facilities		RLP 75

With regard to the above, it is noted that Braintree District Council adopted its Local Development Framework – Core Strategy (BCS) in 2011. The BSC sets out the overall spatial vision and objectives, spatial strategy and core policies for Braintree which the BLP should assist/help achieve. In view of the scale of the proposal and the relevant policies in this BLP it is not considered that the more strategic policies of the BCS, in context of this application, are materially relevant. The guidance contained and the vision is a determining factor to this application, as expressed in the policies of the BLP, but it is considered little merit/relevance can be found in assessing this application against the strategic policies of this document. No relevant policies within the BLP were replaced by policies within the BCS.

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

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

development should be restricted.

Paragraph 215 of the Framework states that, for policies adopted before 2004, which is considered to apply to the WLP and BLP (given this was not adopted via the Planning and Compulsory Purchase Act 2004), due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The level of consistency of the policies contained within the WLP and BLP, referred to above, is considered further in this report, as appropriate, and also shown in Appendix 1.

As a note to the above the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until such a time the Waste Planning Policy Statement (PPS 10) remains the most up-to-date source of Government guidance for determining waste applications and as such reference to this Statement, in addition to the Framework, will also be provided, as relevant in the body of this report/appraisal.

4. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – No objection subject to foul and surface run-off details being approved; areas of hardstanding being constructed in porous materials laid on a permeable base where possible; the recommendations of the noise impact assessment being carried out; and the hours of operation being limited to those stated within the application form.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

THE COUNCIL'S NOISE CONSULTANT – Indicative calculations show an exceedance of the 0db background noise rating at nearby residential receptors for Saturday working. Conditions in relation to the submission of a noise mitigation strategy and maximum permitted noise levels are recommended.

ECC comment

The above refers to the noise rating at receiver 1 (The Cordons) and receiver 2 (Half Acre), the two closest properties to the facility. The difference above 0db is +2db and +4db for Saturday working only. No such increase is noted from Monday to Friday working.

CRESSING PARISH COUNCIL – Object to the proposal on the basis of non-conformity with local planning policy; the scale of the proposal; proposed hours of operation; on site contamination; potential issues with a recent consent issued for a new hotel at Ivy Cottage along Long Green; and general inaccuracies/inconsistencies in the application form and supporting details. Concern has also been raised by the Parish Council about the screening opinion issued by ECC in relation to if this proposal represented EIA development. In particular it is considered cumulative effect and contamination should have been

more thoroughly considered/assessed prior to adoption of the opinion that EIA was not required.

ECC Comment

Within the consultation response received from the Parish Council it is noted that reference is made to the generic 75,000 tonnes throughput Environmental Permit which the applicant has suggested they would be applying for. The Environment Permit is a separate consent, to planning permission, issued by the Environment Agency. Whilst a site may have a Permit for a 75,000 tonnes throughput, the planning application applies for a 25,000 tonnes per annum throughput that could be restricted should planning permission be granted.

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

5. REPRESENTATIONS

33 properties were directly notified of the application. The application was also advertised in the local press and on site. 11 letters of representation have been received. These relate to planning issues covering the following matters:

Observation

Any vehicle movements which are permitted for uses on Cordons Farm should also be applied to 'The Cordons' – the adjacent yard.

Concerns about unfair business rates in the area.

When the waste use was originally granted in 1993 it was intended to be small scale with limited vehicle movements in the interest of highway safety and amenity.

Excessive hours of operation.

Congestion on the A120; Panners/Galleys Corner roundabout; and through Cressing village.

The application is contrary to BLP and WLP policies.

Contrary to the application form there is indeed a water course within 20m of the

Comment

All applications are considered on their own merits.

This representation has been forwarded to Braintree District Council for review and action as appropriate. This is not a material planning consideration.

See appraisal.

See appraisal.

See appraisal.

See appraisal for comments in respect of policies considered to represent the 'development framework'.

The applicant has suggested that the nearest watercourse is in fact 20.4m

site.	from the site. To further appease any concerns the Environment Agency has been consulted on the application and as part of their statutory function considers any potential implications with regard to surface run-off and watercourse pollution. Such issues would also be covered in an Environmental Permit.
No flood risk assessment has been undertaken.	The site is not in area of flood risk and does not require a flood risk assessment based on the sequential test.
Noise impact and concerns over the accuracy of the submitted noise assessment.	See appraisal.
Alternative sites which are available in Braintree, Witham and Chelmsford are more appropriate.	As the application is for a facility with a capacity of 25,000 tonnes, in accordance with WLP policy W8B, there is no policy requirement for the applicant to undertake a land review and/or demonstrate that there are no other more suitable sites available (required for large scale waste management development in excess of 50,000tpa).
Conditions in relation to the number of vehicles stored on site and no overnight storage are suggested.	See appraisal.
Odour and dust impact.	See appraisal.
Some representations received expressed concern about a potential future ECC waste management facility (application currently pending determination). The above table attempts to catch concerns expressed about accumulation of uses and impacts however comments which solely related to the proposed waste management facility and the impact of this, in isolation, are not considered relevant to the determination of this application.	

6. APPRAISAL

The key issues for consideration are:

- A Need & Policy Context
- B Operations
- C Potential Impact on the Environment & Amenities

D Cumulative Impact of Waste Uses

A NEED AND POLICY CONTEXT

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

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

Planning Policy Statement 10 (PPS 10) (Planning for Sustainable Waste Management) encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate. Given that the proposal is in essence a recycling operation, it is considered that the proposal is in compliance with the objectives of PPS 10 and WLP policy W3A.

The Essex County Council and Southend-on-Sea Borough Council Waste Development Document Capacity Gap Report Update (May 2013) identifies 83 permitted end of life vehicle (ELV) treatment and metal recycling sites (MRS). Of all the facilities identified in the Report (273) ELV/MRS are the most common type of facility within the plan area. The 2013 Update does not however, unlike the 2011 Update, provide a breakdown of capacity from such facilities in relation to expected demand/need. Nevertheless, for reference, in 2011 47 ELV facilities existed and it was envisaged that there was already a surplus supply of such facilities¹.

As guided by PPS 10, Waste Planning Authorities (WPAs) should not however require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal, subject to the proposal being consistent with the development plan. In relation to unallocated sites, which this site is, PPS 10 at paragraph 24 details new or enhanced waste management facilities should be considered favourably when consistent with (inter-alia):

- i. the policies contained within PPS 10; and
- ii. the waste planning authority's core strategy (local plan);

WLP policy W7F details that scrap yards and vehicle dismantling facilities will only be permitted within industrial locations as defined in policy W8B. In the supporting text to this policy it is suggested that vehicle breakers/dismantling yards have

¹ Given the early stages of the emerging Replacement Waste Local Plan (RWLP), the Waste Capacity Gap Report has not been 'tested' and therefore very little weight, in accordance with the Framework, should be given to this report at this time.

traditionally been unsightly open-air facilities, subject to few environmental controls. More recently, with greater environmental controls being imposed on scrap yards, together with changes in vehicle design which allows for greater recovery of all component parts, more sophisticated vehicle dismantling facilities have been established. The advantages of such facilities are that they allow for the efficient recovery of metals for recycling and bulking up can reduce the overall number of vehicle movements. Conversely, in terms of disadvantages any such facility may locally increase vehicle movements and impacts can be noted on the local amenity (dust, noise and visual amenity, especially if outdoor storage is involved).

WLP policies W8B and W8C identify types of location other than those in Schedule 1 of the WLP at which waste management facilities would be permitted. WLP policy W8B is generally targeted towards facilities with a capacity of 25,000-50,000 tonnes per annum and suggests that areas suitable for such development include employment areas (existing or allocated) or existing waste management sites where the proposed facility would not be detrimental to the amenity of any nearby residential area. In addition WLP policy W8C, which is generally directed towards sites with a capacity below 25,000 tonnes per annum, also suggests such development would be acceptable in more urban locations subject to the development mainly being located within existing buildings not requiring significant adaption, not prejudicing the openness or character of the rural locations and not result in the re-placement of buildings purely for operational reasons/requirements.

In view of this although it is considered WLP policies W8B and W8C conform with the Framework (see below and Appendix 1) reference to PPS 10 and the locational criteria within Appendix E is also considered appropriate.

WLP policy W8B relates to assessing proposed sites that have not been identified within the Plan as preferred sites for waste related development. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third dimension of sustainable development, as defined within the Framework. Additionally, in providing a criterion based assessment it is considered that the policy objectively seeks to appraise sites in context of the considerations detailed within paragraph 17 of the Framework. WLP policy W8C similarly to the above allows for a criterion based assessment of smaller scale sites which again is considered replicates many of the issues within paragraph 17 of the Framework and Annex E of PPS 10.

Waste recycling is an established use on this site (Cordons Farm) even though the area in the BLP is not formally allocated as such or as employment land. The area is designated within the Galleys Corner and Panners Roundabout special policy areas as defined in the BLP. In respect of this BLP policies RLP 58 and RLP 59, respectively, state that very strict control is to be exercised over development in this area, in order to limit the spread of the built up area of Braintree towards Tye Green and Great Notley. BLP policy RLP 58 goes on to state that uses will be restricted to transport related development, existing garden centres and existing haulage depots along Long Green. Further to the above, BLP policy RLP 75 details that, inter-alia, waste reprocessing facilities would be permitted in employment policy areas subject to there being no unacceptable adverse impact

on adjoining uses by reason of noise, dust or other airborne pollutants and there being no adverse impact on the surrounding road network either in terms of road safety or capacity.

Initially looking at land-use and whether this site represents a suitable location for a waste use, BLP policies RLP 58 and RLP 59 are important. These policies, as alluded to above, seek to restrict certain types of development in this area and check urban sprawl towards Tye Green and Great Notley. As a change of use application it is not considered that this application significantly impacts on urban sprawl. Should planning permission be granted there would be no further development on the land/area in question. However, it is accepted that it could be considered that the use would intensify activities on this site. As existing, the CLEUD, issued by Braintree District Council, which covers the entire north of Cordons Farm, details the use as a haulage depot with no restriction on vehicle movements. Braintree District Council have not raised an objection to the proposal on the basis of it being contrary to the designation and in view of the other permitted waste uses on site, the extent and details of the CLEUD it is therefore considered that such a waste use could be considered akin to the existing permitted uses detailed within the policies.

Furthermore at the Framework's heart is the concept of a presumption in favour of sustainable development. At paragraph 14 for plan making it is detailed that this means that local plans should allow '...flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.'

In view of the above it is considered that BLP policies RLP 58 and RLP 59 could be considered over-restrictive and contrary to the presumption if there was not certain flexibility in the permitted uses in this area. Paragraph 19 of the Framework goes on to detail the Government's commitment to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

As a new venture for the applicant it has been suggested that up to eight new full-time positions would be created. In this context it is considered that there would be an economic benefit to the proposal in compliance with the Framework, especially as the existing building is currently vacant.

B OPERATIONS

PPS 10 Annex E details a list of locational criteria to determine if sites are suitable or unsuitable for waste uses. The locational criteria includes: protection of water resources; land instability; visual intrusion; nature conservation; historic environment and built heritage; traffic and access; air emissions, including dust; odours; vermin and birds; noise and vibration; litter; and potential land use conflict – many of which are replicated within WLP policies W8B, W8C and W10E and

BLP policies, RLP 36, RLP 62 and RLP 75. Some of the above have already been appraised in the previous section but specifically looking at operations which would result from the facility, planning permission is sought for a 25,000tpa facility. It has been suggested that upon delivery to the ELV building, the battery and spare wheel would initially be removed with good tyres being stored for onward sale and scrap tyres separated out for baling and further recycling. Following through the process; the catalytic converter and balancing weights would then be removed followed by the draining of all liquids. The remaining car shell would then be recycled at a licensed site as scrap metal. End of life vehicles would be sourced from various outlets; dealership, garages and private citizens (with appropriate V5 documentation) with no more than 10 cars proposed to be stored on site at any one time.

The site would, should permission be granted, be subject to an Environmental Permit issued by the Environment Agency. The Environment Agency has been consulted on the application and has raised no objection in principle to the development. This application is being considered with the suggested maximum 25,000 tonnes per annum throughput and has been assessed in terms of impact on the locality on this basis. Should permission be granted, a condition could be imposed limiting the site throughput to a maximum 25,000 tonnes per annum.

Specifically in relation to highway impact, access to the site is via Long Green from the A120 north of the site. The proposed access from Long Green is not proposed to be amended by this application. The site is directly in front of the access so vehicles would drive straight towards the site and proposed parking area in front of the building. It is proposed that vehicles would be brought into the workshop from the western doors and leave de-polluted through the doors on the eastern elevation. Based on a thirty minute turn-around of time, the maximum quantity of cars de-polluted per day would be less than twenty. On an average scale of activities, it has been suggested that the maximum vehicle movements, from the proposal, would be 20 in and 20 out (40 movements per day in total). Four car and one LGV parking spaces are proposed to be created in front of the facility.

In respect of the above WLP policy W4C details that access for waste management sites will normally be by short length of existing road to the main highway network. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the Waste Planning Authority having regard to the scale of the development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment. The Highway Authority has raised no objection to the development on the basis of the vehicle movements stated in the supporting information. In view of the existing CLEUD, other consents on site and that there would be limited use by large HGV it is further considered it would be unreasonable to require improvement works to the access purely because of a change of use. It is therefore considered that the proposal complies with WLP policy W4C.

C POTENTIAL IMPACT ON THE ENVIRONMENT AND AMENITY

WLP policy W10E states that, inter-alia, developments would only be permitted

where satisfactory provision is made in respect of the amenity of neighbouring occupiers, particularly from noise, smell and dust. Similarly BLP policy RLP 36 details that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area as a result of noise, smell, dust, health and safety, visual impact, traffic generation, contamination to air, land or water, nature conservation or light pollution. The issues considered by these policies are factors to which a number of the letters of objection received raised in respect of the proposal.

As a change of use application there would be no physical change in appearance of the site. No additional lighting and/or landscaping is proposed as part of this application. Works have already been undertaken internally to the building, in readiness for operations, however that done has been done so under permitted development rights. The building to which operations would be undertaken from is a single pitch brick built warehouse. Of limited design quality the building is rendered and painted white with large steel front opening doors on either sides and three windows on the south elevation and one window on the north elevation. Internally the building has been bunded to secure all contaminate and the concrete floor sealed. There is no foul sewer on site, all liquids resulting from the ELV process would be decanted into bunded tanks within the building and stored as per the Regulations. Concern has been expressed about drainage and surface run off. The submitted details demonstrate that the ELV process would be kept completely separate from the existing drainage provision on site. Should an accident/spillage occur onsite this would be isolated within the facility and cleaned appropriately preventing any potential discharge to the main sewer. Rain and surface water are piped, as appropriate, to soak-aways adjacent to the building. The consultation response received from Braintree District Council specifically requests a condition requiring details of the foul and surface water run off details to be approved. This has been suggested to ensure all contaminates are separated from main drainage. The Environment Agency has been consulted on the submitted details and has confirmed it is satisfied with the details/information submitted. In consideration of this and that such controls would further be controlled through any Environmental Permit issued it is considered an additional condition on the planning permission is unnecessary.

The entire de-pollution process would take place within the confines of the building and, whilst there would be some outdoor storage of material, it is not considered that this impact would be significant enough to warrant a refusal of permission purely on landscape grounds. In terms of the outdoor storage of waste (including cars awaiting de-pollution), to prevent any adverse additional landscape impact, conditions could nevertheless be imposed, should permission be granted, restricting the height of stockpiled material to help mitigate any visual impact

BLP policy RLP 62 states that planning permission will not be granted for development which could give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences unless adequate preventative measures have been taken to ensure there would be no harm caused to land use. A noise assessment has been submitted as part of the application. The conclusions of this report are that external noise levels are between the regions specified as 'unlikely to cause

complaints' and 'of marginal significance' at all times. In order to reduce noise impact it is proposed that workshop doors would be kept closed, forklift trucks would be fitted with white noise sirens as opposed to tonal beeps; and generally all staff and visitors would be made aware of the noise sensitivity of the site. The Council's noise consultant has noted that on Saturday's at two sensitive receptors, should planning permission be granted and operations undertaken, an increase in background noise level would result. No objection has been raised by Braintree District Council with regard to noise however it is noted that such concerns have been raised in numerous representations received from the public in respect of the proposal.

The Framework does not contain specific noise guidance, other than in relation to mineral development, but does in general terms aim to prevent development causing any undue noise impact. Whilst the proposal would result in a noise increase above background levels it is nevertheless noted that any increase around 5db, within British Standard 4142, is considered only of marginal significance. A scheme to mitigate noise nuisance on a Saturday, when levels are predicted to be above background noise levels (LA90), and limit noise impact, could nevertheless be imposed should planning permission be granted.

Dust and odour are not likely bi-products of ELV de-pollution and particularly in relation to dust there would be no shearing or defragmentation undertaken on site. The Environment Agency has concurred with this view.

The proposed scale of the facility is relatively small and it is not considered that the any potential subsequent impacts, namely; noise and an increase in vehicle movements (traffic) would be of more than local significance. Furthermore, it is noted that the site would also be subject to an Environmental Permit, issued by the Environment Agency, which would stipulate conditions to prevent harm to the environment or human health from the actual site operations/practice. As such it is considered the proposal complies with WLP W10E and BLP policies RLP 36, RLP 62 and RLP 75.

D CUMULATIVE IMPACT OF WASTE USES

A number of representations received raised concern over an accumulation of waste uses on this site which together it is believed would change the character of the area. All proposals have to be considered on their own merits however given the number of representation which have raised it is felt in the interests of clarity that this should be appraised.

Applications are assessed in context of their impact and if it is deemed that there would be a significant direct or indirect impact as a result of the proposal, which cannot be mitigated, the application may be refused.

Planning policy interpretation has to remain consistent to allow the public and industry alike to have confidence in the system. The Framework is a key guiding document for the determination of planning policies. Planning authorities are being directed to approve sustainable development, when it meets the objectives of the Framework, without delay. Whilst the concerns raised about the cumulative impact

are appreciated without due reason the planning authority cannot recommend refusal of an application on the basis of what might happen/or different scenarios. Each application should be determined on its own merits with any future uses being determined on their own merits at that time.

7. CONCLUSION

It is acknowledged there is a clear need to reduce the amount of waste going to landfill through recycling. However, planning policy aims to ensure that proposals are nevertheless appropriate to their surrounding area in the context of the potential associated impacts.

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

This is a change of use application and should planning permission be granted, no permanent structures/development would result. The proposed maximum throughput of the facility is relatively small (25,000 tonnes per annum) and subject to the imposition of suitable conditions it is considered the physical landscape impact is likely to be quite small. All de-pollution activities would be undertaken within the building and therefore it is further considered that any increase in noise and dust are unlikely to be significant. Given the expressed concerns however it is recommended that a condition be attached to any permission limiting the throughput and hours of operation to that applied for. The Highway Authority has also not raised any objection on highway safety or capacity grounds.

It is considered that the proposal would directly benefit the economic dimension of sustainable development, as defined in the Framework, in job creation and indirectly in its environmental capacity through recycling. In respect of this and that the change of use would not significantly impact on local amenity it is considered that the proposal complies with WLP policies: W3A, W4C, W7F, W8B, W8C and W10E and BLP policies RLP 36, RLP 40, RLP 62 and RLP 75.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. COM1 – Commencement within 5 years.
2. COM3 – Compliance with Submitted Details.
3. The throughput of material at the site shall not exceed 25,000 tonnes per annum. The operator shall maintain records of their monthly and annual throughput which shall be made available to the Waste Planning Authority within 14 days of a written request.
4. Prior to any operations being undertaken on a Saturday a scheme to reduce the predicted noise level, from activities undertaken, shall be submitted to and

approved by the Waste Planning Authority. The scheme shall include measures, practices and/or any mitigation proposed to reduce noise impact on a Saturday. The development shall be implemented in accordance with the approved scheme.

5. Except for temporary operations, the noise rating level, L_A,T (free field) at nearby residential properties, derived in accordance with BS 4142: 1997, attributable to the operation of all fixed and mobile plant and machinery installed or otherwise used at the premises shall not exceed the background noise level (L_A90).
6. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations:

07:00-19:00 hours Monday to Friday
07:00-16:00 hours Saturday

and shall not take place on Sundays or Bank or Public Holidays.

7. ELV1 – Processing in Storage Bays (Building)
8. Any vehicles and/or materials stored within the ‘Operational Area’ of the Parking Plan, plan number KH/01, submitted as additional information on 17/05/2013, shall not exceed a height of 2 metres when measured from ground level.
9. ELV3 – Restriction of Sale of Vehicle Parts
10. No baling, shearing and/or fragmenting of metals shall take place on site.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

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

EQUALITIES IMPACT ASSESSMENT

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

body of the report.

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

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

LOCAL MEMBER NOTIFICATION

BRAINTREE – Braintree Eastern

APPENDIX 1

POLICY	POLICY WORDING	CONFORMITY WITH THE FRAMEWORK
Essex and Southend Waste Local Plan 2001		
W3A	<p>The WPAs will:</p> <ol style="list-style-type: none"> 1. In determining planning applications and in all consideration of waste management, proposals have regard to the following principles: <ul style="list-style-type: none"> • Consistency with the goals and principles of sustainable development; • Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location; • Whether the proposal would conflict with other options further up the waste hierarchy; • Conformity with the proximity principle. 2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority. 3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C. 	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p> <p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS10</p>
W4C	<ol style="list-style-type: none"> 1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if 	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use</p>

	<p>required, to the satisfaction of the highway authority.</p> <p>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</p> <p>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	<p>modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the Framework states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS10.</p>
W7F	Scrap yards and vehicle dismantling facilities will only be permitted within industrial locations as defined in policy W8B.	See explanation notes for Policy W8B as this is relevant in demonstrating conformity with the Framework and PPS10.
W8B	<p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> • Existing general industrial areas; • Areas allocated for general industrial use in an adopted local plan; • Employment areas (existing or allocated) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area. <p>Large-scale waste management development (of the order of 50,000</p>	<p>Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development. Additionally, in conformity with paragraph 17 of the Framework, the policy contributes to the conservation and enhancement of the natural environment. The Framework goes on to state that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p>

	tonnes per annum capacity or more, combined in the case of an integrated facility) will not be permitted at such non- identified locations unless it is shown that the locations identified in Schedule 1 are less suitable or not available for the particular waste stream(s) which the proposal would serve.	
W8C	<p>Notwithstanding policy W8B proposals for smaller-scale waste management facilities (generally with a capacity below 25,000 tonnes per annum) and except landfill to which policies W9A and W9B apply, will also be permitted at other locations provided all the criteria of policy W8A are complied with, where relevant, at urban locations where they serve the local community, subject to protection of residential amenity and in rural locations where they would:</p> <ul style="list-style-type: none"> • Be mainly located within existing buildings not requiring significant adaptation or extension or, in the case of green waste composting, at the types of location listed in policy W7B; • Not prejudice the openness or character of the rural location; and • Not, in the case of farm buildings or hardstandings, result in a need to be replaced with other buildings or hardstandings. <p>In addition, temporary waste recycling and composting facilities may be permitted at current mineral working and landfill sites, subject to policies W7B and W7D.</p> <p>Development required for the provision of sewage and sludge treatment processes will be considered on its merits and expected to conform to this policy as far as is practicable.</p>	<p>Paragraph 17 of the Framework seeks the conservation and enhancement of the natural environment. The Framework states that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p> <p>Paragraph 29 of PPS10 states that 'In considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity (see Annex E). Annex E of PPS10 sets out a number of locational criteria in summary similar to Policy W8C.</p> <p>Therefore, as Policy W8C sets out locational criteria for sites in accordance with PPS10 and prefers to develop land of lesser environmental value as required by the Framework the policy is consistent with National Planning Policy.</p>
W10E	Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:	Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the

	<ol style="list-style-type: none"> 1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account); 2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations; 3. The impact of road traffic generated by the development on the highway network (see also policy W4C); 4. The availability of different transport modes; 5. The loss of land of agricultural grades 1, 2 or 3a; 6. The effect of the development on historic and archaeological sites; 7. The availability of adequate water supplies and the effect of the development on land drainage; 8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and 9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt. 	<p>natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
Braintree District Local Plan Review 2005		
RLP 36	<p>Planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of:</p> <ul style="list-style-type: none"> • noise • smells • dust • grit or other pollution • health and safety • visual impact and • traffic generation • contamination to air, land or water • impact on nature conservation interests • unacceptable light pollution 	<p>RLP 36 is in conformity with the Framework in that the policy is concerned with the protection of the environment and ensuring the protection and enhancement of the natural, built and historic environment. The policy details a number of criterion for consideration linked to the third dimension of sustainable development, as defined within the Framework. Furthermore the Framework at paragraph 110 states that in preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.</p>

	The Council will refuse proposals where access roads would not be adequate to cope with consequential traffic.	
RLP 58	<p>An area at Galleys Corner between Braintree and Tye Green is shown as a special policy area on the Proposals Map. Very strict control will be exercised over development in this area, in order to limit the spread of the built up area of Braintree and to prevent the coalescence of Braintree and Tye Green. Within this area development will be restricted to the following categories of uses:</p> <ol style="list-style-type: none"> 1. Transport related development - motorists' cafe/restaurant, overnight accommodation, petrol filling station. 2. The existing garden centre and ancillary uses. 3. The existing established haulage depots at Long Green. <p>Buildings will not be permitted to cover more than 20% of the site area. The improvement of this area by substantial planting and landscaping will be a requirement of any permission that is granted.</p>	<p>The Framework acknowledges at paragraph 68 that special protection orders/areas can be justified on the grounds of amenity. However the Framework at paragraph 14 details inter-alia that local plans should have sufficient flexibility to adapt to change unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.</p> <p>The Framework has no specific policies/guidance restricting uses in certain areas.</p>
RLP 59	<p>Land to the east of Panners Roundabout between Braintree and Great Notley is shown as a Special Policy Area on Inset Map 1. Within this area, development will be restricted to transport related uses such as a petrol filling station, motel and restaurant. This land makes a particularly important contribution to the physical separation of Braintree and Great Notley and in allocating it as Special Policy Area, development will not be permitted to cover more than 20% of the site area. Substantial planting and landscaping will be required of any permission, with particular attention to be paid to the eastern half of the site and the frontages with the B1256, London Road and A120.</p>	<p>See above discussion.</p> <p>Section 11 and in particular paragraph 109 of the Framework, for reference, does however seek the protection and enhancement of valued landscapes.</p>
RLP 62	Planning permission will not be granted for development including changes of	See discussion with regard to RLP 36 and in particular compliance with

	<p>use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless:</p> <p>i) adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment;</p> <p>and ii) adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.</p>	<p>paragraph 110 of the Framework.</p>
RLP 75	<p>Development proposals involving waste recovery (such as recycling, waste transfer stations and composting) will be permitted in employment policy areas, subject to:</p> <p>i) there being no unacceptable adverse impact on adjoining uses by reason of noise, smell, dust or other airborne pollutants</p> <p>ii) there being no adverse impact on the surrounding road network either in terms of road safety or capacity.</p>	<p>See above comment and discussions in relation to Essex and Southend Waste Local Plan 2001 policies W4C, W7F and W10E. It is considered that the principles of this policy are in compliance with the Framework and PPS 10.</p>