

ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION
COMMITTEE 6 February 2021

**Item 4.1 (DR/01/21) Abaco House, Foxhall Road, Southminster, CM0 7LB
(APPN REF. ESS/119/20/MAL)**

Page 44 – CONSULTATIONS

Following re-consultation regarding the addition of the acoustic fence to the proposal, a late response has been received from Maldon District Council with regards to the fence, summarised as follows:

Policy D1 of the LDP is applicable to the consideration of design. This policy, coupled with the NPPF, aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impact upon.

In regard to the proposed fence, the documents show the fence would be 2.5 metres in height and 60 metres in length and therefore there are significant concerns regarding the impact of the fence on the character and appearance of the countryside. Regard is had to the use of the site however it is located within a rural area and therefore it is considered that a fence of this scale and length would harm the rural character of the countryside, contrary to policies D1 and S8 of the LDP.

Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Similarly, policy D2 of the approved LDP requires all development to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

A consultation response from Environmental Health states that noise barriers are most effective when they are close to the source or the receiver. The eastern boundary of the application site is part way between Hazelville, the neighbouring site, and the storage and handling building and so it may only provide limited

attenuation in this instance. It is considered that it is highly likely that additional attenuation measures will be required to adequately protect the nearest noise sensitive receptor. The barrier should be constructed so that no part of the noise source is visible from Hazelville with no gaps at the base where it touches the ground or at the joints. Post completion testing should be carried out by a competent acoustician to verify its effectiveness.

The Council's Tree Consultant has been consulted and considers that the tree survey and protection method statement correctly identify the trees and show how they will be suitably protected during works. A condition should be imposed to ensure the protection measures provided are followed. It is also suggested that the applicant provides a supervision report when the post holes are excavated and installed so it can be proved that the works were undertaken as they should be in the presence of an arborist.

Overall, there are concerns over the impact of the fence on the character of the rural area. However, it is acknowledged that some form of boundary treatment would be required in order to mitigate the noise impact from the development on the neighbouring sites; it is considered likely that it would be necessary to require additional attenuation measures.

Page 44 – CONSULTATIONS – HIGHWAY AUTHORITY

Following the Development and Regulation Committee Chairman's Briefing on Wednesday 24th February 2021, additional comments have been provided by the Highway Authority, summarised as follows:

The comments of the Highway Authority provided previously in respect of the above planning application were based on the fact that there is an existing access serving the proposed development site which already benefits from lawful uses which involve regular movements of HGVs. Given that the current proposal did not give rise to a material change in the movement of HGVs and on the basis that the Highway Authority have no reports of unbound material being carried out onto the local highway no conditions were sought on this occasion.

A site visit has not been completed due to the current conditions and I have not been able to inspect the access road in detail but from the photographs supplied the private access track appears to have been surfaced in road plainings. From my experience these plainings whilst not as good as a bound material such as asphalt do combine together after exposure to higher summer temperatures thereby preventing the material from being carried out onto the carriageway unlike gravel for example.

If however the applicant were willing and the committee required it a condition could be applied along the following lines:

No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note:

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

With regard to an HGV visiting the site bi-monthly to collect a 40 cu yard skip the visibility at the site access and forward visibility for left turning vehicles is adequate for the HGV driver to take a decision to cross the centre line of the carriageway briefly and for approaching vehicles to observe this. In any event this situation is already likely to occur on occasion at this location in connection with existing lawful uses.

I hope this clarifies the situation.

Page 45 – CONSULTATIONS – COUNTY COUNCIL LANDSCAPE CONSULTANT

2nd paragraph, 2nd line, delete “sider” and replace with “wider”.

Page 48 – APPRAISAL – IMPACT TO CHARACTER AND APPEARANCE OF SURROUNDING AREA

For the aid of Members, an image of the proposed acoustic fence can be seen below.



Page 53 – RECOMMENDED

Add new condition:

No development shall take place until details of vehicle wheel washing facilities have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the location and dimensions of the facilities within the site, as well as maintenance arrangements and how it would be incorporated into the waste water system. The development shall be implemented in accordance with the approved details.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with WLP Policies 10 and 12 and MLDP Policies T1 and T2.*

Page 53 – RECOMMENDED

Add new condition:

No waste shall be stored in external skips permitted onsite except for waste that has been handled, processed and sorted into the appropriate waste stream.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

Page 54 – RECOMMENDED

Condition 8 – “other reflective surface” refers to the western elevation of the Hazelville property that faces the proposal site.

Page 55 – RECOMMENDED

Delete condition 14 and replace with:

No waste other than those inert waste materials defined in the application details shall enter the site.

Reason: *Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP Policies 1, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.*

Page 55 – RECOMMENDED

Delete condition 15 and replace with:

Waste brought onto the site shall be deposited and handled within the approved building only. No handling or transfer of waste shall take place unless the mesh screen roller shutter is down.

Reason: *To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

Item 4.2 (DR/02/21) Pitsea Landfill (APPN REF. ESS/49/14/BAS)

Page 66 – APPRAISAL – A - NEED & WASTE POLICY CONSIDERATIONS

Last paragraph, last line delete “2005” relace with “2015”

Page 68 – APRAISAL – E - GREEN BELT

Delete last line of section E