

DR/29/19

committee DEVELOPMENT & REGULATION

date 25 October 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Extension to the existing Materials Recovery Facility including the formation of an outside waste transfer area, the construction of a new building and other associated site works, plant and machinery**

Location: **James Waste Management, Purdeys Industrial Estate, Brickfields Way, Rochford, Essex, SS4 1NB**

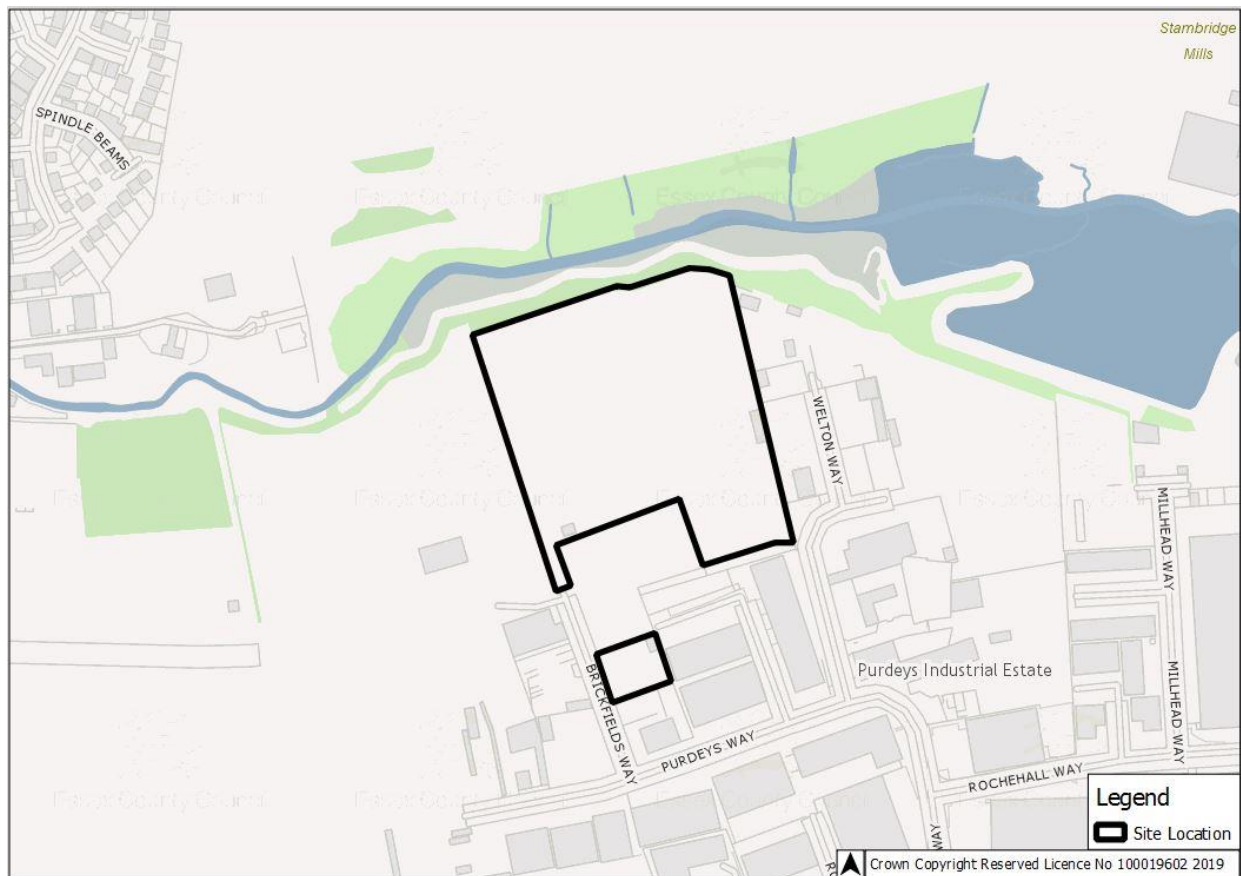
Ref: **ESS/28/18/ROC**

Applicant: **James Waste Management LLP**

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

Enquiries to: Tom McCarthy Tel: 03330 320943

The full application can be viewed at www.essex.gov.uk/viewplanning



1. SITE

This application relates to an area of Purdeys Industrial Estate, located at the end of Brickfields Way, off Purdeys Way. The site measures approximately 3.5ha with the extant planning permission for the site allowing mixed use B2 (general industrial) and vehicle dismantling/recycling (sui generis).

The site is bordered to the north by the River Roach but on all three other aspects by the industrial estate. To the west of the application area is a used and salvage car auction; and to the east is a bus company depot and waste transfer station. To the south of the site is a building used as a Materials Recovery Facility (MRF) and it is this building/use which this application seeks an extension to.

In terms of the locality, Purdeys Industrial Estate is located to the south of Rochford (approximately 1km south-east of Rochford Rail Station) and to the north of Southend (approximately 3.5km north of Southend Victoria Rail Station). Sutton Road to which Purdeys Way is accessed is in-part a residentially lined street. Sutton Road nevertheless provides direct access to the A1159 (in an eastward direction) and connects with Southend Road (in a westward direction) which in turn provides access to the A1159 and A127.

In terms of designations, as alluded, the site is located, at its closest point, approximately 30m from the River Roach. The site is also within 850m of the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA) and Ramsar and Essex Estuaries Special Area of Conservation (SAC). Furthermore, the site is with the Southend Safeguarding Zone, with the north-west corner of the site actually within the Public Safety Zone.

2. PROPOSAL

This application has three main elements:

- An extension to the adjacent Material Recovery Facility (MRF) building;
- Creation of outside waste transfer area including installation of a covered tipping area and picking line; and
- Various other on-site changes/improvements to facilitate the aforementioned and overall site expansion

Before discussing these elements in detail, for context and understanding it is confirmed that the applicant currently owns and operates two sites either side of Brickfields Way – see below annotated aerial photograph (green highlighted areas).

This application is proposed as an extension to the MRF on the eastern side of Brickfields Way which was granted planning permission by Essex County Council in 2015 (refs: ESS/22/14/ROC and ESS/50/14/ROC). Whilst the MRF has not been 'red-lined' (as part of this application), given the intrinsic link proposed the applicant has confirmed, without prejudice, that should planning permission be granted the company is content for the permissions to be linked through suitable planning conditions. For clarity, no change is nevertheless proposed to operations currently undertaken within the MRF building. Albeit this application does seek

permission to use the original car parking area associated with the MRF for additional external storage space (red hatched area on the below aerial).

Annotated Aerial Photograph

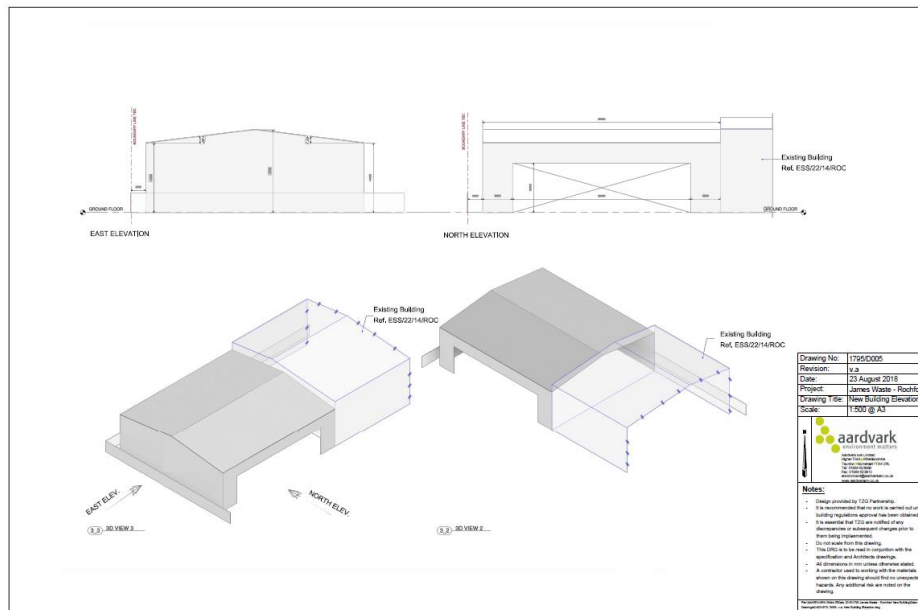


Extension to the MRF

The existing MRF building is proposed to be extended eastwards, towards Welton Way. The extension would be modular steel framed, measuring some 48m by 44m with a pitch roof 14m to eaves and 16.7m to ridge. As shown on the below drawing, the extension would generally replicate the style/design of the MRF but would be 1.8m lower in overall height (ridge of existing MRF compared to extension).

A gap in the existing wall/skin of the MRF would be created to connect the two spaces with it proposed that additional floorspace would provide further baling and storage space for materials recovered from the MRF (before onward transportation). On the elevation facing north would be a series of roller shutter doors opening to the proposed outside waste transfer area. Bailed material stored is proposed to leave the extension via these shutter doors and the new outside waste transfer area (via the weighbridge at the office), rather than exiting via the entrance to the MRF as existing.

'New Building Elevation', drawing no. 1795/D005 (Rev v.a), dated 23 August 2018

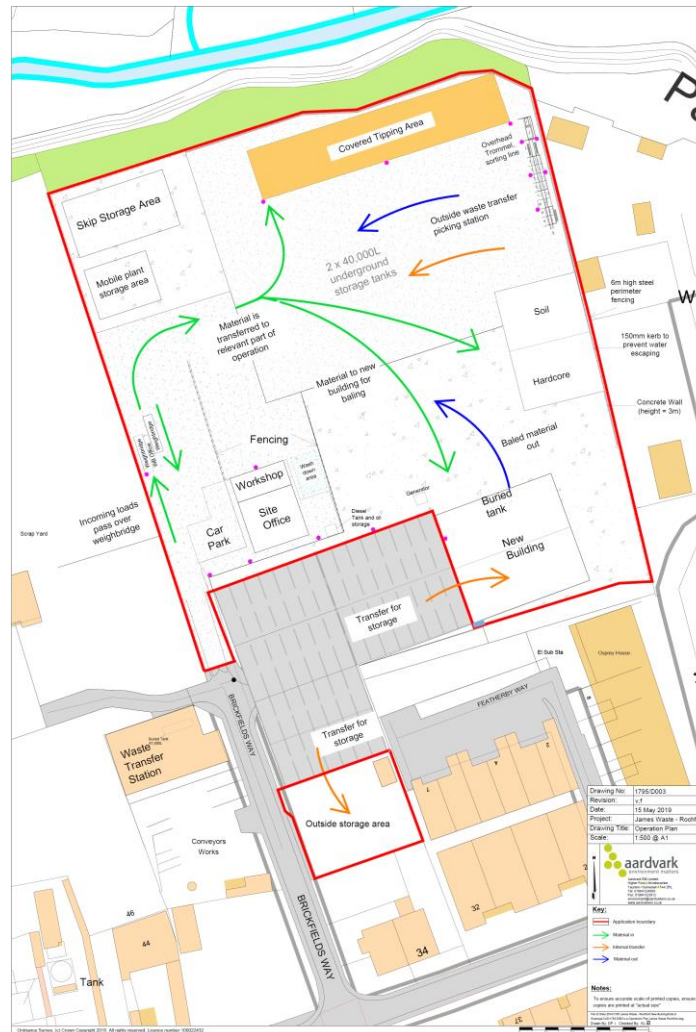


Outside Waste Transfer Area

In addition to the proposed building extension, this application seeks use of the area to the north as an outside waste transfer area. This area would facilitate an expansion/diversification of the applicant's business into skip hire. Given the nature of material imported from skips in comparison to that received from existing commercial and industrial contracts (handled in the MRF) the applicant is intending to keep the two entities separate. In terms of the skips, material from these would be tipped into a three-sided enclosure proposed along the northern boundary of the site. The enclosure which would be split into bays would extend 100m along the northern boundary, to a depth of 22m with a lean-to style roof rising into the site from 9m to 10m.

From here material would be initially screened, with large pieces of hardcore etc.. removed by mechanical grab, before the remaining material is fed into a hopper and trommel and on-to a manual picking conveyor along the eastern boundary where material would sorted for bulk export.

The below operations plan pictorially shows how the site would generally operate. The green lines represent external vehicle movements i.e. the movement of material into the site; with the orange lines representing internal movements around the site; and the blue lines representing the movement of material out of the site.



Other Changes / Points of Clarification

Within the northern (outside waste transfer) area as existing is an (office) building, workshop and car parking area which the applicant is proposing to utilise as a hub for both the outside waste transfer and MRF activities. The existing car parking area to the south of the MRF is subsequently proposed to be used for additional external storage.

Around the site the applicant is also proposing to renew some existing hardstanding and extend this up to the north-eastern corner. In addition, the applicant is also proposing to install a 6m high steel fence, with internal 3m walling. This would be erected around the complete northern and eastern boundary, with the western boundary remaining palisade fencing.

Throughput, Vehicle Movements and Hours of Operation

The planning permission granted for the adjacent MRF allows the importation of up to 250,000tpa of waste. As existing around 175,000t is handled. The 75,000tpa deficit the applicant is proposing to 'transfer' to this additional (outside) area. Accordingly, whilst waste activities would be taking place on a larger area there

would be no overall increase in throughput above that already permitted. Furthermore, no change is proposed to the overall approved number of vehicle movements. Hours of operation proposed are 07:00-17:00 Monday to Friday and 07:00-12:00 Saturdays with no operations on a Sunday or Bank/Public Holiday.

Part Retrospective

This application is part retrospective with the applicant already operating with the northern area. The hardstanding and fencing have been installed and trommel and picking line installed (albeit along the northern rather than eastern boundary as proposed).

The applicant commenced operations under the impression the extant sui generis permission was sufficient to cover that proposed. Following investigations and discussions about the applicant's grander plans for the site (the extension and covered tipping area) it was advised planning permission was required.

3. POLICIES

The following policies of the Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; Rochford District Council Core Strategy (RCS), adopted 2011; Rochford District Council Development Management Plan (RDMP), adopted 2014; Rochford District Council Allocations Plan (RDAP), adopted 2014; and London Southend Airport & Environs Joint Area Action Plan (SAAAP), adopted 2014 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities
Policy 2 – Safeguarding Waste Management Sites & Infrastructure
Policy 5 – Enclosed Waste Facilities
Policy 6 – Open Waste Facilities
Policy 10 – Development Management Criteria
Policy 11 – Mitigating and Adapting to Climate Change
Policy 12 – Transport and Access

Rochford District Council Core Strategy

CP1 – Design
ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites
ENV11 – Contaminated Land
T1 – Highways
ED1 – Economic Growth
ED3 – Existing Employment Land

Rochford District Council Development Management Plan

DM1 – Design of New Developments
DM5 – Light Pollution
DM27 – Species and Habitat Protection
DM31 – Traffic Management
DM32 – Employment Land

Rochford District Council Allocations Plan

EEL1 – Existing Employment Land around Rochford

London Southend Airport & Environs Joint Area Action Plan

LS3 – Public Safety Zones

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.

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. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England have been produced. The strategy is framed by natural capital thinking and guided by two overarching objectives:

- To maximise the value of resource value; and
- To minimise waste and its impact on the environment

The strategy furthermore outlines five strategic principles:

- To provide the incentives, through regulatory or economic instruments if necessary and appropriate, and ensure the infrastructure, information and skills are in place, for people to do the right thing;
- To prevent waste from occurring in the first place, and manage it better when it does;
- To ensure that those who place on the market products which become waste to take greater responsibility for the costs of disposal – the 'polluter pays' principle;
- To lead by example, both domestically and internationally; and
- To not allow our ambition to be undermined by criminality.

With the aim of delivering five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable¹⁵ plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity¹⁶ by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

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).

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.

Rochford District Council are in the process of preparing a new Local Plan, which will set the strategy for future development of the District beyond 2025. Once adopted the new Local Plan will replace a number of the adopted policy documents. Rochford District Council held a public consultation in early 2018 on the first stage of its new Local Plan (an Issues and Options Document). Given the early stage at which the new Local Plan is it is not considered that this holds any weight in the determination of planning applications at the current time.

4. CONSULTATIONS

ROCHFORD DISTRICT COUNCIL – In its context it is considered that the design and appearance of the proposed building to the east is acceptable. No objection is raised in principle to the proposed expansion of this existing facility. However, the proposal raises concerns relating to the following, which should all being considered as part of determination:

- Open storage of waste may attract birds which may raise concerns by London Southend Airport and its operations.
- Expansion of the facility may result in increased noise and smell nuisance. The need for appropriate screening (for noise and visual amenity) and conditions to mitigate against unreasonable impacts to nearby residential properties should be considered.
- Increased vehicle movements to and from the site by HGVs and the impact on the local highway network.

ENVIRONMENT AGENCY – No objection subject to conditions covering historic land contamination and the requirement for a site investigation and remediation strategy to be submitted; a restriction on the use infiltration surface water drainage;

and a restriction on piling or any other foundation designs using penetrative methods, unless otherwise agreed in writing.

With regard to the Permitting regime, the Agency note that there would be no increase in permitted throughput. It is nevertheless suggested that consideration has been given to bird scarers but Southend Airport should be consulted directly because of the introduction of more high level roofing. A plan of when and how regular monitoring of roosting birds would nevertheless be required (as part of the Permit). Revised odour monitoring also needs to be considered as the new buildings would create more openings therefore odour could dissipate more freely. Methods of closing the building need to be considered to stop odour leaving the building when it is detected. Extending the building may impact also require an updated Fire Prevention Plan (FPP) to be submitted pursuant to the variation of the Permit.

NATURAL ENGLAND – Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application needs to be considered by your authority. We consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward. We therefore advise your Council to review the application under consideration and apply the following generic advice, as appropriate.

SOUTHEND AIRPORT – No objection subject to conditions ensuring the development being constructed as per the details submitted (ground height no higher than 7.5m); details of the management of material outside; lighting; a bird/wildlife hazard management plan (inclusive of the requirement for a register of bird species/numbers and dispersal methods); and a requirement to lower the building height should the adjacent MRF building be demolished.

With regard to the Airport and safeguarding area, it is noted that the skip storage area and part of the tipping area (along the northern boundary) falls within the Public Safety Zone. This was raised by the Airport for consideration by the WPA, as part of determination, with recommendation made that this area should not be used for any other purpose.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

HIGHWAY AUTHORITY – Any comments received will be reported.

COUNTY COUNCIL'S NOISE CONSULTANT – Concluded that it is unlikely that the site could meet a daytime noise limit of equal to background. However, it is considered that the site could comply with a noise limit of +5dB above background. It is acknowledged that BS4142:2014 classifies a difference of +5dB as 'an indication of an adverse impact, depending on the context.' However, in context of the location, history and existing background levels, no in-principle objection is raised subject to a day time noise limit of 5dB(A) above background; a night time noise limit rating of +0dB(A) above background; and the submission of a noise management plan to include a monitoring plan (including establishment of existing

background level at nearby noise sensitive properties) and a management plan to effectively reduce the noise nuisance across the site whenever and wherever possible.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection.

COUNTY COUNCIL'S URBAN DESIGN & LANDSCAPE CONSULTANT – No objection.

COUNTY COUNCIL'S ARCHAEOLOGY CONSULTANT – No objection.

COUNTY COUNCIL'S ECOLOGY CONSULTANT – The application site is unlikely to support ecologically sensitive features due to current site activity, ground composition and continued disturbance. The site does however lie adjacent to the Crouch & Roach Estuaries SAC, SPA and Ramsar. The WPA will therefore have to be satisfied that the proposal complies with the Habitat Regulations 2017 and there will be no impact on the adjacent site's integrity.

ROCHFORD PARISH COUNCIL – Object on the following grounds:

- There is an increased risk of bird strikes on planes as the area is not covered to deter scavenging birds.
- There would be increased numbers of HGV's using Sutton Road/Purdeys Way which is already heavily congested.
- There are still a number of unresolved complaints about this site in relation to smells and noise.

SUTTON PARISH COUNCIL – Object on the basis of traffic and heavy lorry increase contributing further to the present traffic chaos at the junction to Purdeys Industrial Estate; the accompanying noise pollution, air pollution and the potential for bird/gull increase in close proximity to Southend Airport.

LOCAL MEMBER – ROCHFORD – ROCHFORD SOUTH – Number of concerns/issues including 1/ smell. The wind blows from the south-west across the river to the houses on the north bank of the river Roach. Please also note there are a large number of new homes also being built at the old Rocheway School Site. 2/ Windblown rubbish from the site into the river and homes. 3/ The increase in noise. 4/ Increase in the possibility of bird strikes as the site is just off the end of the runway of Southend Airport.

5. REPRESENTATIONS

110 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. Two letters of representation have been received.

Observation

The building is already larger than it should be as it is so close to the flight path.

Comment

The built elements of this proposal are smaller/lower than the existing building. The extension building would 'shadow' the existing MRF at 14m to eaves and 16.7m to pitch (the existing MRF bring

16.2m to eaves and 18.5m to pitch apex). See appraisal

The nature of the business attracts large amounts of birds and concerns exists about bird strike. See appraisal

Odour and some of the smells that come from the site are nauseating. See appraisal

Purdeys Industrial Estate already suffers from extreme fly infestations and this will only get worse. Noted. Regulation of pollution impacts would be for the Environment Agency through the Environmental Permit.

By allowing this business to expand and increase the amount of waste it processes can only have further negative effects on the environment making Purdeys Industrial Estate an extremely unpleasant area to run a business from. General comments are noted. For clarity, it is nevertheless confirmed that this application proposes no increase in the overall throughput of waste at the site. See proposal and appraisal for further commentary.

The Local Member also forwarded three representations received direct to them. Although not formally received/acknowledged by the WPA, pursuant to this application, the contents of these have been considered, as part of determination, and 'additional' points raised are outlined below:

Noise concerns, especially given new residential properties are currently being constructed even closer to this site. See appraisal

Concerns about the suitability of Sutton Road and HGVs leaving mud and debris on the highway. See appraisal

Wind-swept waste See appraisal

Dust concerns See appraisal

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape and Visual Impact
- C. Environmental and Amenity Impact
- D. Airport Safeguarding
- E. Highways

A PRINCIPLE OF DEVELOPMENT

Policy 1 of the WLP states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. Whilst this application seeks planning permission for use of an area as a generic waste transfer station an element of materials managed, from skips imported, would be inert and would therefore contribute to this. Furthermore, a waste transfer station, in general terms, does follow the principles of the waste hierarchy in seeking to recovery and recycle as much material as possible from the waste stream prior to end disposal.

The NPPW at paragraph 7 details that waste planning authorities should only expect applicants to demonstrate a quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.

In respect of the above, this is not a strategic allocation nor is Purdeys Industrial Estate an area of search (as per policy 4 of the WLP). Accordingly, policy 5 of the WLP which relates to enclosed waste facilities on unallocated sites or outside areas of search and policy 6 which relates to open waste facilities are considered to be the key policy considerations in terms of the in-principle acceptability of this development coming forward.

Focussing on policy 6, as the more stringent of the two, this states that for any such application to be supported 1/ the waste site allocations and the areas of search in the WLP must be shown to be unsuitable or unavailable for the proposed development; 2/ although not exclusively, a need for the capacity of the proposed development should be demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and 3/ it is demonstrated that the site is at least as suitable for such development as the site allocations or areas of search, with reference to the overall spatial strategy and site assessment methodology associated. In addition, proposals should be located at or in (only those relevant to this application are detailed): c) existing permitted waste management sites or co-located with other waste management development; f) areas of previously developed land; or g) employment areas that are existing or allocated in a Local Plan for general industry (B2) or storage and distribution (B8).

Purdeys Industrial Estate is defined within the RCS as a fit for purpose industrial estate which is in a good condition. The RCS states the estate should be maintained and, if possible, expanded. A position replication in policy EEL1 of the RDAP.

The industrial estate is characterised by a range of commercial and industrial uses and large warehouse style units (B1, B2 and B8). In recent years it is noted that the Estate has diversified with some more recreational uses being introduced (roller skating and trampolining facilities for example). The area to which this application relates (the western part of the Estate) does however represent the little more 'untidy' bit of the Estate comprising a larger proportion of open yards and more heavy industrial uses (e.g. waste uses and a ready-mix concrete plant).

In context of the WLP, the applicant has not sought to evidence that the site allocations or all the areas of search are unsuitable or unavailable. As an extension to an existing site, it is considered that there are however other factors or justification to be taken into account in this instance. Furthermore, with regard to need or capacity, as no overall increase in throughput is proposed (in comparison to that permitted collectively through the MRF) it is not considered that a need requires to be demonstrated on the basis that the MRF and its permitted capacity is already safeguarded through policy 2 of the WLP.

On this basis and that the site is previously developed (with the extant permission also in-part allowing waste activities) and the site is part of an industrial area generally allocated for industry (B2) or storage and distribution (B8) uses, no in-principle land use objection is raised to this development coming forward in terms of the WLP.

At a local level noting that this would be not a B2/B8 use, policy DM32 of the RDMP states that in employment areas alternative uses will be considered having regard to: (i) the number of jobs likely to be provided; (ii) the viability of retaining B1 and B2 uses; (iii) the compatibility with existing uses; (iv) the impact on the vitality and vibrancy of the District's town centres; (v) the proportion of alternative uses present; and (vi) wider sustainability issues (such as available transport methods). With policy ED1 of the RCS stating that development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity will be supported.

As alluded, the applicant and the existing MRF is well established on this site. Whilst it could be argued that the proposed outside waste transfer area does not necessarily represent a modernisation of the existing business, the WLP acknowledges that construction, demolition and excavation recycling facilities (or inert recycling) are generally undertaken as open air facilities given the machinery involved in the handling of such material and its storage is not overly conducive to be undertaken indoors.

In terms of employment generation, the applicant has not sought to suggest that this proposal would generate 'additional' employment, in comparison to that suggested when the MRF was granted planning permission. That said, as part of the extant permission it was suggested that the site would generate 15 full time and 5 part time jobs and this proposal would obviously support this employment level and offer further job security as the applicant would be able to operate the site to full capacity. Rochford District Council has raised no objection to the extension considering this appropriate to the industrial estate context. Accordingly, it is not considered that the proposal would fundamentally undermine the employment policies, at a local level, relevant to the area.

Due assessment of the proposal from a landscape, environmental, amenity and highway perspective (as raised by Rochford) is however considered necessary and these issues are considered in turn in the below sections of this appraisal.

B LANDSCAPE AND VISUAL IMPACT

Policy 10 of the WLP states that development should not unacceptably impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

Policy CP1 of the RCS states that good, high quality design will be promoted through new development with policy DM1 of the RDMP seeking to ensure that development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative. Expanding on this the policy outlines a range of criteria to be considered in this regard, including (relevant to this application): a positive relationship with existing and nearby buildings; scale and form appropriate to the locality; and boundary treatment and landscaping.

The proposed extension to the MRF would be constructed in materials to match the existing structure. At circa 2m lower than the existing building the extension would however be subservient and not unduly add to the bulk and dominance of this building (as a whole). In context that the design and material palette from the existing building has been mirrored it is furthermore considered that appearance-wise the proposed extension would generally comply with the character of the area and adjacent development. No objection on design grounds has been raised by Rochford District Council or the Council's urban design consultant.

Turning to the outside waste transfer area, it is noted that historically this area has been an open yard. The site represents the northern extreme of the industrial area and is bound by the River Roach and a mature tree belt which screens the site from the north. Whilst visually elements of the proposal (tipping bay structure and picking line) would be visible above the proposed 6m perimeter fence, it is not considered that the scale or appearance of these elements, in context, would substantiate a refusal on landscape grounds.

In respect of the former car parking area associated with the MRF (south of the building) which is now proposed to be used as additional storage space – this is currently enclosed with palisade fencing. Visually and street scene-wise, it is considered that a different type of boundary treatment may be more appropriate. Whilst it is accepted that many of the adjacent units/yards are enclosed with palisade fencing, to improve the aesthetic appeal of Brickfields Way it is considered an enclosed fence or secondary screening barrier behind the palisade fencing would represent a betterment and also assist in terms of preventing litter being blown on to the public highway. Accordingly, it is considered that a scheme of boundary treatment improvement works should be secured by condition should this application be approved. Such a condition is considered justified in this instance give the extant permission originally envisaged car parking in this area which visually is considered different from that now proposed.

Overall however, no objection subject to conditions is raised to the development on design and landscape grounds. With the proposals considered to generally comply with the aforementioned policies.

C ENVIRONMENTAL AND AMENITY IMPACT

Ecology

Policy ENV1 of the RCS outlines a commitment to maintain, restore and enhance sites of international, national and local nature conservation importance. These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs).

Policy DM27 of the RDMP details that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat and/or the priority species or its habitat.

The site is located within 850m of a designated Ramsar, SSSI, SAC and SPA. The citation for these notes that the River Crouch occupies a shallow valley between two ridges of London Clay, whilst the River Roach is set predominantly between areas of brickearth and loams with patches of sand and gravel. The intertidal zone along the rivers Crouch and Roach is 'squeezed' between the sea walls of both banks and the river channel. This leaves a relatively narrow strip of tidal mud in contrast with other estuaries in the county. This however is used by significant numbers of birds, and together with the saltmarsh and grazing marsh which comprise the Crouch and Roach Estuaries SSSI regularly support internationally important numbers of one species, and nationally important numbers of three species of wader and wildfowl. Additional interest is provided by the aquatic and terrestrial invertebrates and by an outstanding assemblage of nationally scarce plants. The citation for the Ramsar and SPA specifically refers to the importance for wintering waterbirds, especially the dark-bellied brent goose.

The applicant in respect of ecological impact has made reference to the designation as an employment area and the historical use of the site in distancing potential connectivity of the site to the nearby ecological designations. The Council's ecological consultant has acknowledged that the application site is unlikely to support ecological sensitivity features and therefore has raised no objection in terms of potential impact on protected and priority species/habitats. Furthermore, mindful of the specific reference to the features/species within the citation it is not considered that the development, subject to suitable pollution control/site management, has the potential to adversely affect the integrity of the European site(s), either individually or in combination with other plans or projects.

Flood Risk & Ground Water Pollution

Policy 11 of the WLP relates to climate change with part two seeking to ensure that there would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow of storage or surface water.

The site is located within Flood Risk Zone 1 (low probability of fluvial or tidal flooding). The area is also not within an area identified as being at risk from

surface water flooding. With regard to surface water drainage and runoff, the building extension is proposed to be fitted with guttering along the eaves. This would connect to the existing 150mm downpipe fitted on the MRF and will be routed into the existing storm water drain located at the entrance to the MRF which runs along Brickfields Way.

A surface water holding tank is proposed to be buried just under the entrance to the extension building, which would collect water generated internally. The water would be classed as trade effluent and periodically emptied by an approved contractor.

With regard to the outside waste transfer area, any rainwater landing on areas used for the treatment or storage of waste is considered trade effluent and must therefore not pass into the surface water drainage system. In respect of this the applicant is proposing the installation of two 40,000 litre tanks, buried centrally in the yard. The hardstanding installed would therefore be laid/constructed to ensure a natural flow (very minor gradient) of surface water towards the tanks. No objection on flood risk or ground water pollution are raised, subject the development being undertaken in accordance with the submitted details.

Contaminated Land

As per policy ENV11 of the RCS, the presence of contamination on a site should not, in itself, be seen as a reason to resist development...relevant remediation and mitigation measures simply would be expected to be built into development proposals to ensure safe, sustainable development of the site.

Given the former site use it is considered that there is the potential for contamination to exist on-site. A Ground Investigation Report has been submitted with this application which seeks to assess the land to which the extension is proposed. However, the investigation does not cover the whole site (i.e. the outside waste transfer area). As excavation works are proposed, to facilitate the installation of the surface water collection tanks, and the ground is in-part to be laid with hardstanding a more comprehensive assessment would be required to be undertaken should planning permission be granted.

The contamination testing undertaken has nevertheless shown that four of the five samples tested were free from elevated concentration of contaminants with respect to the proposed commercial end use, except for an elevated concentration of sulphide within one borehole. However, a high concentration of copper and marginally elevated concentrations of TPH and sulphate were also measured, together with mildly elevated concentrations of some PAH from samples of groundwater. With elevated concentrations of methane also measured during the ground gas monitoring visits.

The investigation undertaken alludes to variations in extent of contamination across the site. The report therefore whilst concluding that the on-site contamination in itself is not a barrier to the development coming forward, subject to appropriate mitigation and construction techniques, does recommend further investigations and a watching brief, during construction, given the variability which may exist across the site.

The Environment Agency has within their consultation response raised no objection to the development coming forward on contamination grounds. Similar to the conclusions formed within the report submitted in support of the application, conditions have however been recommended to cover submission of a scheme to deal with the risks associated with contamination prior to commencement. It is suggested that this should cover results of a site-wide investigation and detailed risk assessment based on the results, an options appraisal, remediation strategy and verification strategy. Acknowledging that any such investigation would likely be borehole based, a condition covering previously unidentified contamination is also recommended. Subject to the imposition of suitable worded conditions, the development is therefore considered to comply with policy ENV11 of the RCS.

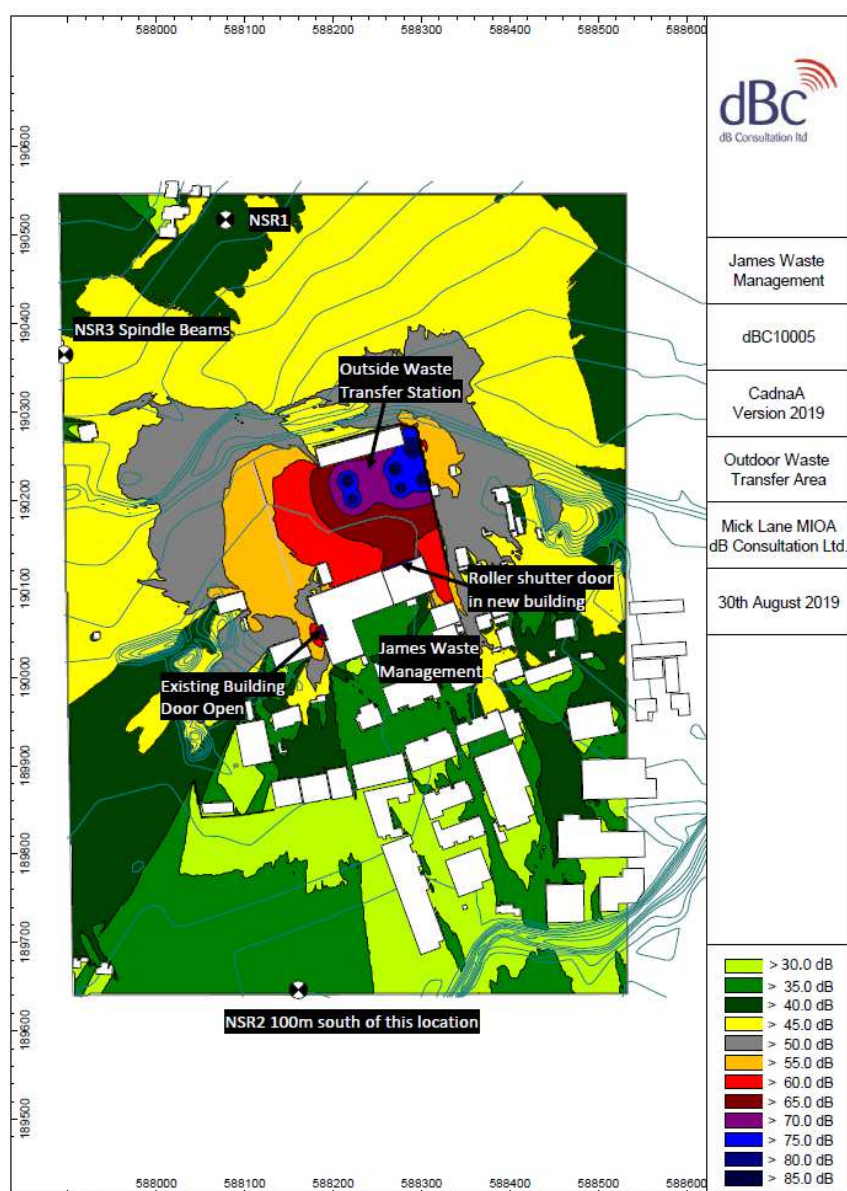
Noise

Policy 10 of the WLP amongst other things seeks to ensure due regard to local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration). Policy DM32 of the RDMP also acknowledges the potential noise pollution which can result employment/industrial uses and as such requires any such development (and impact identified) to be adequately mitigated.

A Noise Impact Assessment has been submitted in support of this application. This sought to assess potential noise impacts resulting from the proposal at a nearby noise sensitive uses/properties, by measuring levels with proposed plant and machinery operational within the yard. This demonstrated that on average noise from the proposed outside waste transfer would be between 68-70dB (LAeq, 5 min). In context of the distance to the nearby sensitive uses/properties and mitigation/attenuation (achieved through for example the fencing) the noise level predicted at the three closest sensitive uses are 41dB(A) (Rocheway – the new residential development referred in the Local Member's consultation response); 34dB(A) (Sutton Road); and 43dB(A) (Spindle Beams) with the background sound level at all considered to be 41dB(A). See below extract from noise model submitted in support of this application and predicted noise levels from proposed activities.

BS4142:2014 seeks to achieve noise levels equal to background. The assessment submitted in support of this application has identified a likely exceedance of background levels but the impact of this is considered to be low in view of context. The Council's noise consultant has not raised an objection to the proposals mindful of the context argument and that the absolute noise level predicted at nearby receptors is below the 50dB LAeq, 16 hrs level considered by the World Health Organisation 1999 Guidelines for Community Noise to represent the onset of moderate annoyance in outdoor living areas. Conditions covering maximum noise levels (+5dB(A) above background for daytime and +0dB(A) at night) and the submission and approval of a noise management plan are nevertheless recommended.

CadnaA Image of Noise Emissions from submitted Noise Impact Assessment, dated 30 August 2019



Odour

A number of representations received in respect of this development have raised concern about odour (as existing) and that this could get worse as a result of this the outside handling of waste.

Paragraph 183 of the NPPF details that planning policies and decisions should focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). This site is regulated by the Environment Agency through the Environmental Permitting regime and the applicant has submitted a copy of their Environmental Management System (inclusive of an odour management plan) which forms part of their Permit. A draft update to this (the odour management plan) has been submitted to account for the building extension and outside waste transfer area. This identifies potential stages when odour may

be released and also a range of control measures including daily monitoring by the site manager (or designated responsible person); routine cleaning of material tipping/stockpile bays; and the closing of roller shutter doors except to permit delivery or exit of a vehicle.

Neither the Environment Agency or the Council's air quality consultant has raised an objection on odour grounds on the basis of the above. Noting specifically in terms of the concerns raised through the third-party representations that the proposed storage of bailed (recyclable) material would not in itself be odorous and the skip waste similarly would not contain large amounts of bio-gradable waste. With any such fractions imported removed and stored appropriately prior to eventual transfer off site.

Dust

With regard to dust, similarly to that suggested for odour, within the applicant's Environmental Management System it is confirmed that there is a water bowser on site which would be used to spray and damp down the yard. Material would also not be accepted unless there is sufficient capacity within the proposed tipping/stockpiling area and crushing and screening are only undertaken on as needed basis. The applicant in this regard has not sought to suggest either a screener or crusher would be on-site permanently with the use of any such plant proposed under temporary permitted development rights (i.e. for no more than 28 days per calendar year).

The Council's air quality consultant considers the mitigation/control measures proposed within the Environmental Management System are sufficient to control potential dust drift, albeit acknowledged that the appropriateness of these measures is for the Environment Agency to consider and assess pursuant to the Permit.

Lighting

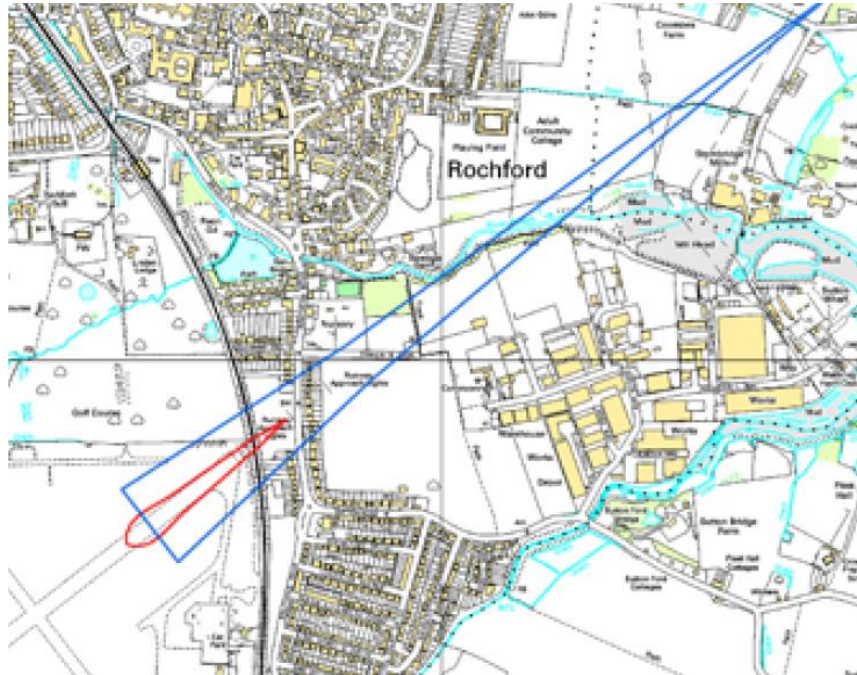
Policy DM5 of the RDMP states that developments must be appropriately designed and installed to minimise the impact of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky through avoiding unnecessary light spillage and trespass.

The applicant has sought to suggest that external lighting is proposed to be used. No details have however been provided other than a statement which seeks to suggest that lighting would be designed to minimise light spillage. Mindful of the area, in principle no objection is raised to an element of external lighting. However, full details of that proposed to ensure that this does not give rise to undue impacts is required. Should planning permission be granted it is therefore recommended that a condition be attached requiring a full lighting design strategy (inclusive of hours of operation and management) before installation of any such lighting is permitted.

D AIRPORT SAFEGUARDING

As previously detailed the area to which this application relates is located within the Southend Airport Safeguarding Zone. Due to the orientation of the runway part of the site is also in the Public Safety Zone. Public Safety Zones are based on the risk to an individual from an aircraft accident over a year. Part of this site falls within the 1:100,000 risk contour.

Extract from 'London Southend Airport Public Safety Zones', dated January 2013



Whilst there is a general presumption against new development within Public Safety Zones, guidance states that it is not necessary to refuse on safety grounds when (a number of exceptions are detailed) an extension or alteration to a property/building or a change of use which not reasonably be expected to increase the number of people working or congregating beyond the current level. The position is reflected in policy LS3 of the London Southend Airport & Environs Joint Area Action Plan.

Given the extant planning permission for the site and the limited development proposed within the Public Safety Zone (storage only) it is not considered that the proposal would significantly increase the number of people working or congregating specifically under the Public Safety Zone. It is therefore not considered that this is a particular barrier to the development, as proposed, coming forward.

Policy 10 of the WLP states that development will not be permitted if it considered that it poses an unacceptable risk on f) aircraft safety due to bird strike and/or building height and position.

A number of amendments have been made through the determination process of this application, mindful of the Airport and the potential for impacts. This has included the proposed provision of the covered tipping area; design tweaks to this

structure; and the undertaken of technical studies in terms of building induced turbulence and airport procedures, as required to comply with policy LS3.

Southend Airport has confirmed, in context of the above and the proposal as now seen, that they have no in-principle objection to the development coming forward. A number of conditions have however been recommended to ensure the development being constructed as per the details submitted including: ground height no higher than 7.5m AOD; further management details are provided for the day to day management of material outside; details of any external lighting; and a bird/wildlife hazard management plan (inclusive of the requirement for a register of bird species/numbers and dispersal methods).

Specifically in terms of bird strike, noting this has been raised in a number of the third party representations received, as existing the MRF has a bird management plan which requires roof spaces to be checked for signs of nesting, roosting and/or loafing with various dispersal techniques outlined. In addition to this a log is kept on-site of dates, times and who has undertaken inspections; bird numbers and species seen; and any dispersal action taken. Without prejudice, should planning permission be granted it would be expected that a similar management plan for the additional outside waste transfer area would be provided. Albeit, as noted by the Environment Agency (given this is also covered by the Permit) this does need to be more detailed in terms of the frequency of monitoring, responsibility and the available of information collected.

Subject to the imposition of suitably worded conditions it is not however considered overall that the Airport, safeguarding area or Public Safety Zone is a reason to refuse this application.

E HIGHWAYS

Policy 10 of the WLP states that development which would have an unacceptable impact on g) the safety and capacity of the road and other transport networks will not be permitted. Expanding on this policy 12 states that proposals for waste management development will be permitted where it is demonstrated that the development 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.

At a local level, largely replicating the above, policies T1 of the RDCS and DM31 of the RDMP seek to reduce the reliance on the private car and ensure appropriate traffic management measures, are incorporated in developments, to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network.

As detailed previously, whilst the applicant has sought to suggest that the outside waste transfer area is capable of handling up to 75,000tpa, no overall increase in throughput and/or vehicle movements is proposed in comparison to that permitted for the MRF.

The extant planning permission for the MRF includes a condition (condition 5) which relates to that the total number of vehicle movements associated with the development. This seeks to limit vehicle movements to 146 movements per day (73 movements in and 73 movement out)¹. Whilst throughput is not explicitly conditioned, the application details and the aforementioned vehicle limit was suggested on the basis of a site throughput of 250,000tpa.

On this basis, subject to suitably worded conditions which seek to ensure that when combined with the adjacent MRF that the number of vehicle movements associated with the outside waste transfer does not exceed this limit it is not considered that this development would give rise to any additional highway impacts from a trip generation perspective.

In terms of dirt and debris on the public highway, as not all of the outside waste transfer area is hardstanding and material is being tipped externally it is considered that there is potential for dirt and debris to be deposited or carried onto the public highway. Accordingly, it is considered appropriate to impose a condition should planning permission be granted requiring all commercial vehicles to have their wheels and underside chassis' cleaned prior to leaving the site.

Lastly, with regard to car parking provision, as existing the MRF was approved with a car park area sufficient for 16 cars inclusive of 1 disabled space. Within the northern area, adjacent to the site office building, an equal number of spaces are provided to replace this provision – with the existing car space area proposed to be used for additional storage. The parking standard within Essex County Council's Parking Standard (2009) for a sui-generis use is a maximum standard and accordingly no objection is raised on the proposed parking provision. Consideration in coming to this opinion has been given to the fact that the applicant has suggested that no new staff would be directly employed as a result of this application.

7. CONCLUSION

Whilst this application seeks to expand the area in which waste activities would be undertaken, in-principle no land use objection is considered to exist in terms of site suitability.

In respect of this the building extension and various other site works are considered in keeping with the local character and industrial estate context. And, subject to the imposition of appropriate conditions which seek a) to control operations undertaken on-site from an environmental, amenity and Airport safeguarding perspective and b) ensure that this site operates solely as an extension to the adjacent/adjoining site rather than as a separate, additional facility it is not considered that the development would likely give rise to impacts to nearby business, properties or the locality in general to warrant refusal.

¹ Condition 5 of ESS/22/14/ROC specifically states 145 vehicle movements per day (which was based on an average calculation). Noting this equates to 72.5 movements in and 72.5 movements out which is not plausible for the sake of clarity it is considered appropriate to round this up to 146 movements (73 in and 73 out) per day.

Accordingly, in consideration of this and the benefits which would be realised from a need and waste management capacity basis, on balance, the development is considered to comply with relevant planning policy and represent sustainable development as per the NPPF definition.

8. RECOMMENDED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application dated 30/08/2018, together with drawings titled 'Location Plan', drawing no. 1795/D001 (Revision v.c), dated 22 August 2018; 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019; 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019; 'New Building Elevation', drawing no. 1795/D005 (revision v.a), dated 23 August 2018; 'Proposed Skip Waste SL', drawing no. 1795/D006 (revision v.a), dated 22 August 2018; and 'Elevation Plan', drawing no. 1795/D007 (Revision v.c), dated 21 May 2019 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions.

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 1, 2, 5, 6, 10, 11 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1, ENV1, ENV11, T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM27, DM31 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

2. Within two months of the date of this permission a site layout plan and protocol for the management and storage of waste within the outside waste transfer station area shall be submitted to the Waste Planning Authority for review and approval in writing. The protocol shall seek to define where waste will be deposited, how it will be managed and stored until such time as the covered tipping area, as labelled on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, is constructed and trommel and sorting line moved. The development shall be temporarily managed in accordance with the details approved.

Reason: In view that operations are currently taking place from the site, that all elements of the planning permission may not be implemented, to ensure operations are undertaken safely with minimum disturbance and nuisance to local amenity and nearby business (including the Airport) and to comply with policies 5, 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford

District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

3. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total amount of material imported and processed shall not exceed 250,000 tonnes per annum. Without prejudice to the foregoing, the maximum amount of material handled as part of the outside waste transfer station shall be no more than 75,000 tonnes per annum. The operator shall maintain records of their monthly input and make them available to the Waste Planning Authority within seven days upon request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with policies 1, 5, 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

4. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total number of vehicle movements associated shall not exceed 146 movements per day (73 vehicle movements in and 73 vehicle movements out).

Reason: In the interests of highway safety and local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

5. The ground level of the site, and the level to which operations are permitted to be undertaken and the development hereby permitted is to be constructed, is to be 7.5m AOD, as confirmed by email from Aardvark EM Limited, dated 22/10/2019 (17:36).

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 submitted details, in the interests of the adjacent Airport and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

6. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to the Waste Planning Authority for review and approval in writing:

- A site investigation and detailed risk assessment (based on the

results of the investigation); an options appraisal; and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority for review and approval in writing detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it must be demonstrated that any proposed piling will not result in contamination of groundwater to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

10. Waste brought onto the site shall only be deposited; processed/sorted; and/or stockpiled within the areas identified for such activities on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019. For the sake of clarity, the outside storage area, to the south of the Materials Recovery Facility, shall solely be used for the storage of baled recyclables.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

11. Only soil and hardcore is to be permanently stockpiled outside of the covered tipping area; or within the bays below the overhead sorting line. The aforementioned soil and hardcore stockpiles shall be located as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019 and shall be no higher than 5 metres when measured from adjacent ground level.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and avoid nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

12. The north-west corner of the site shall only be used for empty skip and mobile plant storage, as per drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019.

Reason: This corner of the site is located within Southend Airport's Public Safety Zone. Any different or alternative use of this area has not been considered as part of this application and may not comply with policy 10 of

the Essex and Southend-on-Sea Waste Local Plan (2017); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

13. Except for temporary operations* no crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

*As permitted by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision amending, replacing or re-enacting that Order under new title.

Reason: To protect nearby amenity from adverse impacts from such operations, to control waste processing operations and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); and policy DM32 of the Rochford District Council Development Management Plan (2014).

14. The car parking area as shown on drawing titled 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019 shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and T1 of the Rochford District Council Core Strategy (2011); and policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014).

15. No loaded HGVs shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council Development Management Plan.

16. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council Development Management Plan.

17. 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 Waste 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 shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To ensure any such lighting proposed is fit for purpose and does not pose an issue for the nearby Airport, to minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM5 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

18. Within six months of the date of this permission details of a revised boundary treatment for the outside storage area, to the south of the Materials Recovery Facility, shall be submitted to the Waste Planning Authority for review and approval in writing. For the sake of clarity, it is expected that the details will define a boarded fence of a similar scale as that as existing or a screen to sit inside the existing palisade fencing. The details subsequently approved shall be installed within three months and thereafter maintained in perpetuity.

Reason: To improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan.

19. Operations associated with the outside waste transfer station area, including vehicles entering or leaving the site, with the exception of the personnel visiting the site office building, shall be restricted to the following durations:
07:00 to 17:00 hours Monday to Friday; and
07:00 to 12:00 hours Saturday
No operations shall take place on Sundays or Bank 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 policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

20. Operations hereby permitted shall not cumulatively exceed a noise rating level of 5dB(A) above background. Any operations undertaken, when the outside waste transfer area is closed, between 17:00 and 07:00 within the building extension hereby permitted or within the site office shall not exceed (+0dB(A)) background.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

21. Within two months of the date of this permission a noise management and monitoring plan shall be submitted to the Waste Planning Authority for review and approval in writing. The plan shall detail:
- Survey locations and how robust daytime and night-time background noise levels at nearby sensitive uses will be established;
 - An updated model for on-site plant, once the proposed layout changes have been adopted;
 - Monitoring methodology, including details of proposed frequency, equipment set up and calibration, experience and qualifications of survey staff; parameters to be recorded and commentary on weather conditions appropriate for monitoring;
 - Procedures for characterising extraneous versus site attributable noise;
 - Complaint response protocols; and
 - Actions/measures proposed to generally reduce noise levels from the site (e.g. keeping roller shutter doors closed and the use of broadband reversing alarms, not tonal alarms) and actions/measures to be taken in the event of a temporary and/or prolonged exceedance of noise limits.

Reason: In the interests of limiting the effects on local amenity, to monitor and mitigate the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

22. Within two months of the date of this permission a wildlife hazard management plan shall be submitted to the Waste Planning Authority for review and approval in writing. The management plan shall include full details of measures proposed to limit bird attraction and the potential of (aircraft) bird strike but also cover over animals and pests. Measures proposed shall be based on that suggested in sections 6.8 and 6.9 of the 'Planning, Design and Access Statement', dated August 2018, submitted in support of the application. For the proposed monitoring of bird activity the plan shall include a template to show how a log will be kept of all inspections/monitoring undertaken and details of frequency and who will be responsible for undertaking such monitoring. The results of proposed inspections/monitoring shall be provided to both the Waste Planning Authority and Southend Airport on at least a quarterly basis and also be made available to the Waste Planning Authority at any time upon request. The development shall subsequently be undertaken in accordance with the approved wildlife hazard management plan.

Reason: To ensure bird activity is appropriately monitored and measures are in place to limit and manage bird attraction, in the interests of the nearby Airport, and to ensure appropriate consideration and prevention of other animal and pest attraction at the site, in the interests of the amenity and general health and safety and to comply with policy 10 of the Essex and

Southend-on-Sea Waste Local Plan (2017); policies CP1 and ED1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

23. Notwithstanding any requirement for express planning permission, in the event that the building comprising the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) is permanently removed/demolished, and the extant permission either superseded or revoked, then the extension hereby granted (assuming this remains in-situ) is to also be demolished and removed from the site within twelve months*.

*For the sake of clarity this is twelve months from the date the extant planning permission for the MRF building is either superseded or revoked.

Reason: The adjacent/adjoining Materials Recovery Facility building has been a key consideration with regard to the acceptability of the size of the building extension, included as part of this application, from an Airport safeguarding perspective. Should this be removed, this application would no longer represent an extension but a standalone building. Furthermore, in isolation, the extension may pose a hazard to the Airport and as such may no longer comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

24. In the event that the outside waste transfer station area is subsequently sub-divided, leased or sold with the effect that the site is no longer operated in complete association with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC or any variation subsequently agreed to these permissions) then the use as permitted by this permission shall cease to exist.

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 submitted details and that any alternative (waste or other) use of the site can be appropriately considered from a land use and policy perspective in the future.

Informative

1. Given the close proximity to Southend Airport, the applicant is advised to fully co-operate with the Airport and in the event of issue unhindered access to the site should be provided for auditing purposes.

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

Following consultation with Natural England and the County Council's Ecologist, in view of the distance of the site from the designations, the planning history (and that this is a designated employment area) and the operations proposed as part of this application it is not considered that the development would adversely affect the integrity of these designated areas, either individually or in combination with other plans or projects.

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.

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

ROCHFORD - Rochford South