

Development and Regulation Committee

10:30	Friday, 26 July 2013	Committee Room 1, County Hall, Chelmsford, Essex
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Quorum: 3

Membership:

Councillor R Boyce	Chairman
Councillor J Abbott	
Councillor K Bobbin	
Councillor A Brown	
Councillor P Channer	
Councillor M Ellis	
Councillor C Guglielmi	
Councillor J Lodge	
Councillor M Mackrory	
Councillor Lady P Newton	
Councillor J Reeves	
Councillor S Walsh	

For information about the meeting please ask for:

Matthew Waldie, Committee Officer

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Email: matthew.waldie@essex.gov.uk



Essex County Council

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Part 1

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

		Pages
1	Apologies and Substitution Notices The Committee Officer to report receipt (if any)	
2	Declarations of Interest To note any declarations of interest to be made by Members	
3	Minutes To approve as a correct record the minutes of the Development & Regulation Committee meeting held on Friday 28 June 2013.	7 - 18
4	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
5	Minerals and Waste	
5a	Cordons Farm Waste Transfer Station Waste management facility for the transfer/bulking of municipal waste. Proposed development includes a waste transfer building; dual weighbridge; weighbridge kiosk; office and staff welfare buildings; firewater holding tank and pump-house; underground surface water retention and pipework; package sewage treatment plant; vehicle wash system; staff parking and associated hard-standing areas; new surface access way; alternative vehicle access; fencing and landscaping; and other associated works. Location: Cordons Farm, Long Green, Cressing, Braintree, Essex, CM77 8DL. Ref: ESS/23/13/BTE. DR2913	19 - 68
6	County Council Development	

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|-----------|---|----------------|
| 6a | Frobisher Primary and Nursery School
Retrospective application for the continued use of 2 classbases for a temporary period until 31 August 2018 and external refurbishment of the classbases.
Location: Frobisher Primary and Nursery School, Frobisher Drive, Jaywick, Clacton-on-Sea CO15 2QH.
Ref: CC/TEN/23/13.
DR3013 | 69 - 80 |
| 6b | Millhouse Infant School and Nursery
Erection of a detached timber-framed building.
Location: Millhouse Infant School & Nursery, Tavistock Road, Laindon, Basildon, Essex SS15 5QF.
Ref: CC/BAS/24/13.
DR3113 | 81 - 90 |
| 7 | Information Items | |
| 7a | Statistics July 2013
To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.
DR3213 | 91 - 94 |
| 8 | Date of Next Meeting
To note that the next meeting will be held on Friday 23 August 2013. | |
| 9 | Urgent Business
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |

Exempt Items

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

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

10 Urgent Exempt Business

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

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

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 28 JUNE 2013

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr M Ellis
Cllr I Grundy
Cllr C Guglielmi

Cllr J Lodge
Cllr M Mackrory
Cllr J Reeves
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Councillors A Brown, P Channer (substituted by Cllr Grundy), and Lady P Newton (substituted by Cllr Seagers).

2. Declarations of Interest

Councillor C Guglielmi declared a personal interest in Agenda Item 5a, A120/Ardleigh Waste Transfer Facility, as a Cabinet Member at Tendring District Council.

3. Minutes

The Minutes and Addendum of the Committee held on 31 May 2013 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

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

Application for a proposed development of a new waste management facility, with associated change of use of land.

Location: Land adjacent to A120, A120 North, Ardleigh, Colchester CO7 7SL.

Ref: ESS/16/13/TEN

Public speaker: Mr Philip Atkinson speaking for

And: Councillor Carlo Guglielmi speaking as local Member.

Application for the use of a 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 CM77 8DL.

Ref: ESS/06/13/BTE

Public speakers: Councillor Stuart Gulliford speaking against

Mr Justin Kingwell speaking for.

Application for the change of use from a residential care home to a combined day centre for Early Years and Family Solutions.

Location: The Limes, 93 New Century Road, Laindon, Basildon SS15 6AQ.

Ref: CC/BAS/14/13

Public speaker: Mr Stan Collins speaking against.

And: Councillor William Archibald speaking as local Member.

Minerals and Waste

6. A120/Ardleigh Waste Transfer Facility

The Committee considered report DR/25/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the development of a new waste management facility, with associated change of use of land. The facility comprises the erection of a building for the transfer/bulking of municipal waste, together with ancillary development including dual weighbridge, weighbridge kiosk, office and staff welfare building, fire water holding tank and pumphouse, electricity substation, infiltration basin to manage surface water and pipework, package sewage treatment plant, vehicle wash system, staff car parking, vehicle hardstanding, fencing, landscaping, formation of accesses to site and associated works.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Policy Framework, Need and Principle
- Policy Considerations
- Landscape and Visual Impact
- Impact on Amenity
- Traffic and Highways
- Water and Flood Impact
- Ecological Impact
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Mr Philip Atkinson, for Lanpro Ltd, on behalf of the Waste Disposal Authority. Mr Atkinson said:

- This site is one of the five Waste Transfer Stations that form part of the Essex Joint Waste Disposal Strategy. Specific criteria were set out when the search for a suitable site was initiated, and this site is considered the most suitable from the 27 initially considered
- It is not near to local residences, is based on an existing site with some similarities in use, and it is well placed to provide a single, efficient facility to provide waste disposal services to both Colchester and Tendring districts
- Care has been taken to minimise the impact on its surroundings, with the proposed use of landscaping and screening
- This route is already used by existing waste disposal lorries en route to

Stanway. No complaints have been received either from the Highways Agency or Essex County Council Highways.

Councillor Carlo Guglielmi, as local Member, then addressed the meeting. He said:

- Tendring District Council have indicated their intention to withdraw the threat of calling for a judicial review, as this had been based on wrong information received
- However, the local authority is still concerned about the traffic flow at the site, especially as this is situated near the busiest roundabout in the district - it is near to where two of the region's trunk roads meet, which is a bottleneck at busy times
- The road also provides main access to the local beaches, which have an economic and recreational importance for the district and the County
- The location itself is certainly convenient for the transporting of rubbish from across the two districts, but Tendring have requested that, if the scheme is approved, a traffic review be carried out after a 12 or 18 month period, to consider the overall impact.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The existing truckstop/haulage depot, which will close if this application succeeds, produces more HGV traffic movement than the WTS will. There are no plans to delineate traffic flow within the site.
- Anticipated vehicle movements are: 210 on Tuesdays to Fridays, 122 on Mondays, 56 on Saturdays and 54 on Sundays. This represents 0.1% of A120 traffic flow, so its impact is neutral
- Waste traffic is already somewhere on the network.
- The Joint Municipal Waste Management Strategy is not a planning document, but is a material planning consideration
- The apparently early start (6.00 am on weekdays) links in with the operating hours of the Courtauld Road site.
- With regard to noise levels measured against background noise, these fall below the required level, and the roller shutters will have been taken into consideration here
- Concerns expressed over on site lighting will be addressed by applying standard condition LGHT1 and amending the proposed condition 7, so that any proposed lighting will require advance approval.

The resolution was moved, seconded and following a vote of nine in favour and one against, it was

Resolved

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

1. COM1 – commencement within 5 years.
2. COM3 - Compliance with submitted details including adherence to the submitted surface water drainage scheme

3. POLL1 – Surface water drainage
4. HIGH2 – Vehicular access from existing A120 slip roads only. No vehicles shall use the private access located between the proposal site and Bromley Road/Slough Lane.
5. NSE1 - Noise limits
6. NSE3 – Monitoring noise levels
7. LGHT1 – Fixed lighting restriction
8. LGHT2- Use of lighting restriction
9. ECO5 - Biodiversity Mitigation and Enhancement Plan
10. ECO3 – Protection of legally protected species (Tree and hedge removal outside of bird-nesting season unless ecologist confirms none present).
11. LAND1 – Landscape Scheme omitting Ash and Aspen, including appropriate pit design, retention of Oak, and post-planting management plan
12. LAND2 – Replacement Landscaping.
13. DET1 – Details of external appearance including fences.
14. WAST1 – Waste type restriction and tonnage of 115,000 tpa
15. WAST7 – Essex and Southend-on-Sea's Waste Only
16. Hours of operation:
06:00 – 19:30 hours Monday to Friday
08:00 – 16:00 hours Saturdays, Sundays and Bank/Public Holidays (except Christmas Day, Boxing Day and New Year's Day when the site shall be closed).
17. GEN1 – Advance submission of details of cabinet power washer and vehicle wash and splash guards prior to beneficial occupation
18. DUST1 – Dust suppression scheme.

7. Cordons Farm ELV Facility

The Committee considered report DR/26/13 by the Head of Planning, Environment and Economic Growth.

The Committee was advised that the proposal was for the use of the site as an end of life vehicles de-pollution and treatment facility with the associated storage of material and plant.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need & Policy Context
- Operations
- Potential Impact on the Environment & Amenity
- Cumulative Impact of Waste Uses.

The Committee noted that, as per the Addendum, further representations had been received, and as a result additional noise conditions had been recommended to be imposed should permission be granted.

In accordance with the protocol on public speaking the Committee was addressed by Councillor Stuart Gulliford, for Cressing Parish Council. Councillor

Gulliford said:

- This application should not be considered in isolation from one for the creation of a Waste Transfer Station on the Cordons Farm site, which is due to come to Committee, as these together will have a significant combined impact
- The County Council will not carry out an Environmental Impact Assessment on these projects; and this contravenes current planning regulations
- The fact that three noise assessments have been carried out suggests there is a problem
- The Galleys Corner roundabout is already a well-known bottleneck; and the access road, Long Green, is inappropriate as such, being in effect a country lane.
- Cressing is a rural parish and should not be treated as an industrial area.

Mr Justin Kingwell, as the operator, then addressed the meeting. He said:

- He has operated his existing business in the area for 15 years, providing employment for local people. This development will contribute to the local economy and will require 8 new staff
- The building is at present vacant and is well suited to the proposed use, having a long history of industrial use
- He is committed to the area, having invested significantly in the project. It will provide a needed service and he will continue to be careful to minimise any impact on the local environment.

Before Members' questions were received, officers responded to two points made:

- The Waste Transfer Station application is still pending determination
- Although the noise issues were revisited, the Council's noise consultant has stated that his original comments remain unchanged.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- Pollution control and fire risk were issues of separate regulation, outside planning; Noise assessment is made on the assumption of the building's doors being closed when activity takes place inside.
- No restriction had been placed on the type of vehicles, although the overall throughput is restricted to 10,000 tonnes per annum (as amended from 25,000 tonnes in the Addendum); however normally the WPA would not restrict tonnage without good reason.
- A scheme for reducing noise levels would have to be approved before Saturday working commences
- This application should be considered on its own merits; if the proposed Waste Transfer Station (to the rear of the Cordons Farm site) is brought to Committee, Members would need to consider the cumulative impact at that time.

A Member proposed an amendment to defer consideration of this item, on the

following grounds:

- Noise issues
- Lack of clarity about whether the building's doors would be closed
- Cumulative impact of this development and the proposed Waste Transfer Station
- Total tonnage

The resolution for the amendment was moved, seconded and following a vote of three in favour and eight against, the amendment was not approved.

The original resolution was moved, seconded and following a vote of eight in favour and three against, it was

Resolved

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

1. COM1 – Commencement within 5 years.
2. COM3 – Compliance with Submitted Details.
3. The throughput of vehicles for de-pollution at the site shall not exceed 10,000 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_Ar,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 (LA90).
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.
11. NSE5 White Noise Alarms
12. Any externally operated forklift shall only operate during the hours permitted under Condition 6 of this planning permission. No externally operated forklift shall be operated at the site unless it has been fitted with and uses an effective silencer to ensure that the A-weighted sound power level, LWA, site does not exceed 78 dB(A). All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

County Council Development

8. The Limes, Laindon

The Committee considered report DR/27/13 by the Head of Planning, Environment and Growth.

The Committee was advised that the proposal was for the change of use from a residential care home to a combined day centre for Early Years and Family Solutions.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Policy considerations
- Design
- Impact on Landscape and Residential Amenity
- Traffic & Highways.

In accordance with the protocol on public speaking the Committee was addressed by Mr Stan Collins, a local resident, who was also speaking primarily on behalf of four local households immediately adjacent to The Limes. Mr Collins said:

- He has submitted a petition, signed by 52 residents living nearby, objecting to the proposal to reopen the facility and run a Family Solutions/Early Years centre at The Limes
- His concerns are centred on safety issues. The Limes is situated opposite the main entrance to Merrylands Primary School; this change of use is likely to increase the volume of traffic and so danger to both children and adults. There is a lot of car parking on the street in this area, made worse by the displacing of commuter parking from neighbouring streets

- Most users of the Centre itself will be likely to choose car travel and the Centre will have just seven parking spaces in total. These are sufficient for the six Centre based staff but in the course of a day other user numbers will be: 18 transient staff, an unspecified number of maintenance and delivery staff, 25 families using the Centre, and 20 Family Solutions users. This will mean more traffic and more on-street parking.
- The application should be refused, or at least a decision deferred until the parking and congestion issues are resolved.

Councillor Bill Archibald, as local Member, then addressed the meeting. He said:

- He is in favour of this application, as it is a needed facility that will serve local people
- He is aware of the troubles that local people have suffered in the past, although these stemmed as much from those visiting The Limes as from the residents of the home as it was
- This area experiences much irresponsible parking by parents, which causes traffic problems
- Further congestion is caused as a knock-on effect from the double yellow lines painted in nearby Durham Road, at the insistence of local residents, as it was used for for parking by commuters
- He was concerned at the suggestion that such a facility would be better located in an area of social housing, rather than a private estate.

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The imposition of further double yellow lines in this area may well have an impact on other areas
- There is sufficient space at the Centre to allow cars to drive in and drop off passengers and It may be possible to encourage those using the Centre to adopt this approach
- It was suggested that the local Highways Panel might look into the traffic issues here
- Parking at the Centre will meet Parking Standards requirements; it is not possible to say how the spaces will be used.

The resolution was moved, seconded and following a vote of eight in favour and one against, with two abstentions, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of

commencement shall be sent to the County Planning Authority within 7 days of such commencement

2. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/BAS/14/13 dated 12 February 2013 and validated on 2 April 2013 together with Site Location Plan Sheet 1 of 2 dated 20 May 2009, Site Location Plan Sheet 2 of 2, Drawing Number Mg374.mcd (Proposed Layout) dated October 2012, email from Emma Blewer, Lambert Smith Hampton dated 27 February 2013 13:49, letter from Paul Freer, Lambert Smith Hampton dated 29 May 2013, email from Paul Freer, Lambert Smith Hampton dated 11 June 2013 10:47 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:
3. The development hereby permitted shall only be carried out during the following times
07.30 to 18.00 Mondays, Wednesdays and Fridays
07:30 to 21:00 Tuesdays and Thursdays
09:30 to 18:00 Saturdays
And at no other times or on Sundays, Bank or Public Holidays.
4. No beneficial occupation of the development hereby permitted shall take place until details of powered two wheeler and cycle parking facilities have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for powered two wheeler and cycle parking to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.
5. No development shall take place until details, of the areas to be used within the site for the purpose of loading/unloading/reception and the storage of building materials, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Information Item

9. Statistics May 2013

The Committee considered report DR/28/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

10. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 26 July 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.30pm.

Chairman

ADDENDUM FOR THE MEETING OF DEVELOPMENT & REGULATION COMMITTEE
28 June 2013

Item 5(a) Land adjacent to A120

Page 16

Delete labelling 'firewater holding tank' and replace with 'sprinkler tank and pumphouse'.

Page 28

3rd paragraph: Delete 'the five' and replace with 'four'.

Page 46

5th paragraph: Delete 'necessary' replace with 'necessarily'.

Page 32

2nd paragraph, 2nd sentence: Delete 'when the application'.

.....
Item 5(b) Cordons Farm ELV Facility

Page 70

5. REPRESENTATIONS

1st paragraph, 2nd sentence: Replace '11 letters of representation....' with '13 letters of representation...'

Page 77

Insert after 1st paragraph:

"a further representation has been received claiming that there is uncertainty about the conclusions in the noise assessment. In response, the Council's noise consultant has considered the letter of objection and has confirmed that the consultant's previous comments do not alter. Nonetheless, due to the concern over the noise source contained within the Noise Assessment, measures to control the sound power output of the forklift truck and control of reversing alarms are recommended should permission be granted."

Insert additional conditions

11. NSE5 White Noise Alarms

12. Any externally operated forklift shall only operate during the hours permitted under Condition 6 of this planning permission. No externally operated forklift shall be operated at the site unless it has been fitted with and uses an effective silencer to ensure that the A-weighted sound power level, LWA, site does not exceed 78 dB(A). All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

.....

Item 6(a) The Limes, 93 New Century Road, Laindon

5th paragraph 1st sentence should read "Other representations have stated that as a result of the painting of double yellow lines in Durham Road to the south, commuters park in other local roads to avoid paying car parking fees at Laindon Railway Station."

9th paragraph should read "Laindon Railway Station is within a 15-20 minute walk of The Limes and there are bus stops in Durham Road and High Road, served by regular bus services, again within a short walk of The Limes."

Committee DEVELOPMENT & REGULATION

Date 26 July 2013

MINERALS AND WASTE DEVELOPMENT

Proposal: Waste management facility for the transfer/bulking of municipal waste. Proposed development includes a waste transfer building; dual weighbridge; weighbridge kiosk; office and staff welfare buildings; firewater holding tank and pump-house; underground surface water retention and pipework; package sewage treatment plant; vehicle wash system; staff parking and associated hard-standing areas; new surface access way; alternative vehicle access; fencing and landscaping; and other associated works

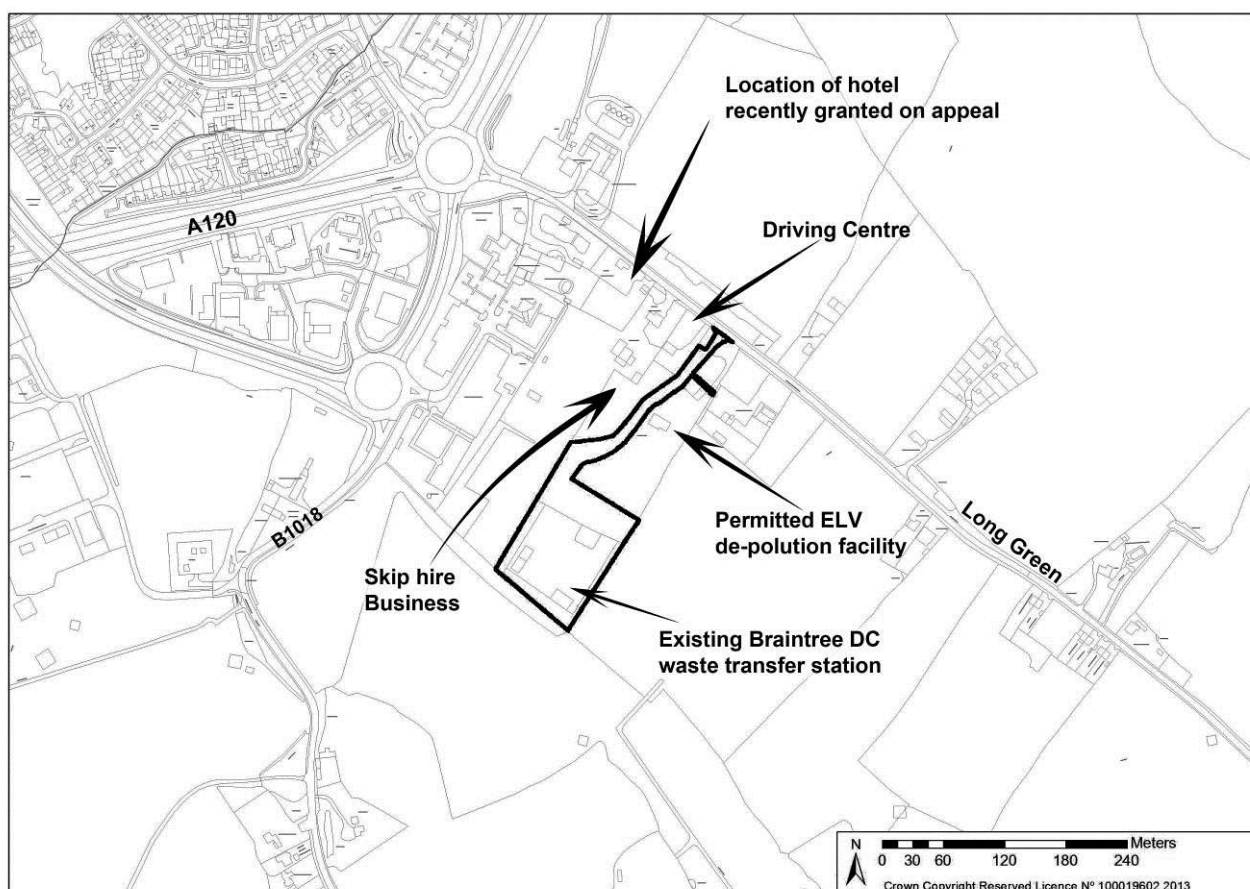
Location: Cordons Farm, Long Green, Cressing, Braintree, Essex, CM77 8DL

Reference: ESS/23/13/BTE

Applicant: Essex County Council

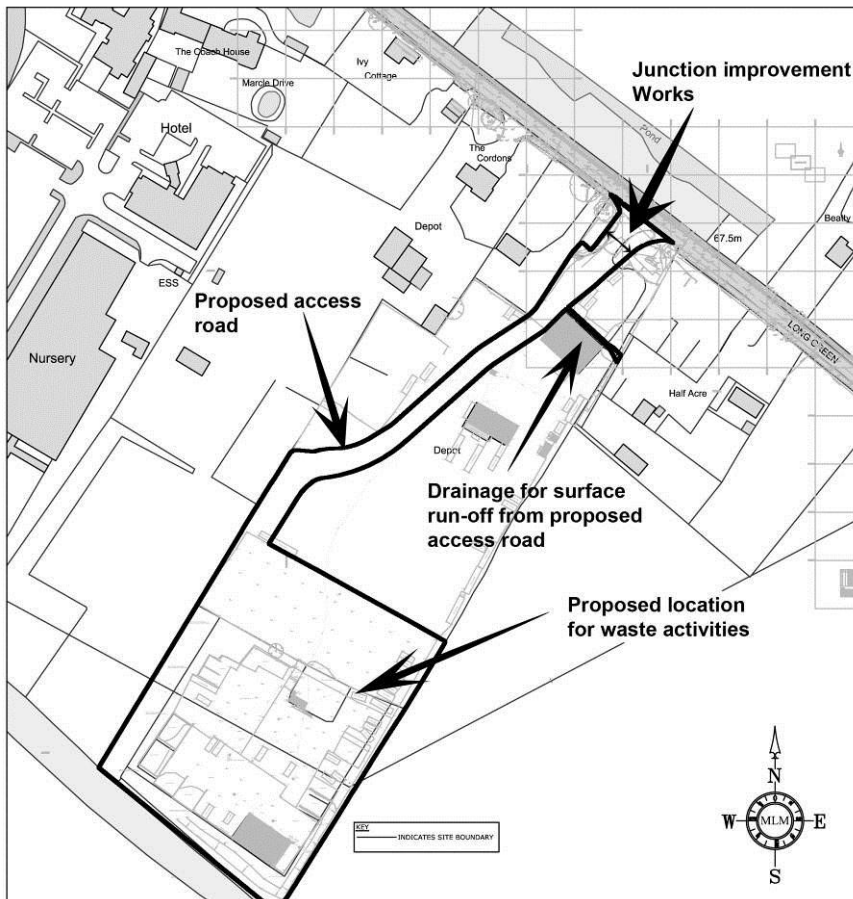
Report by Head of Planning, Environment and Economic Growth

Enquiries to: Tom McCarthy Tel: 01245 437507

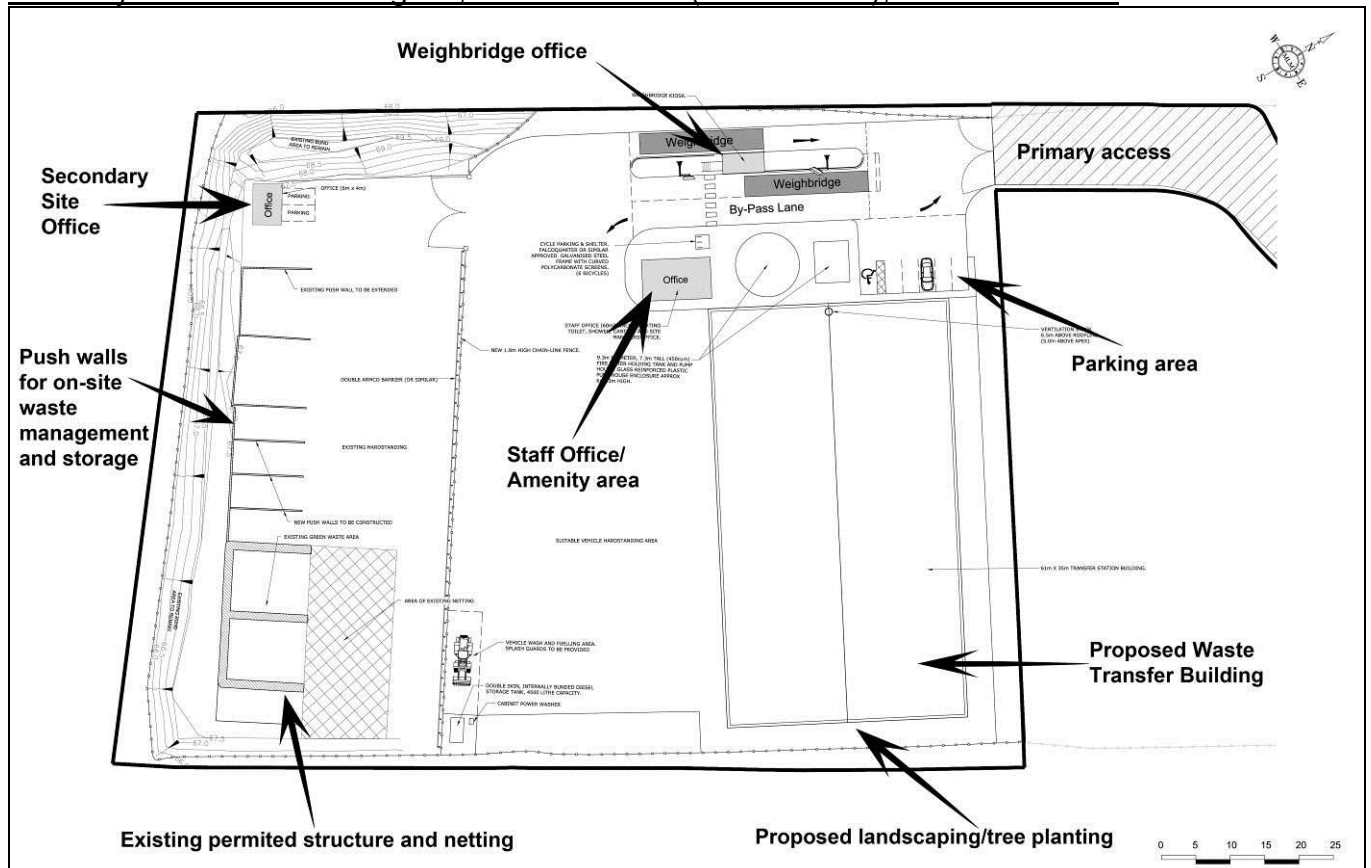


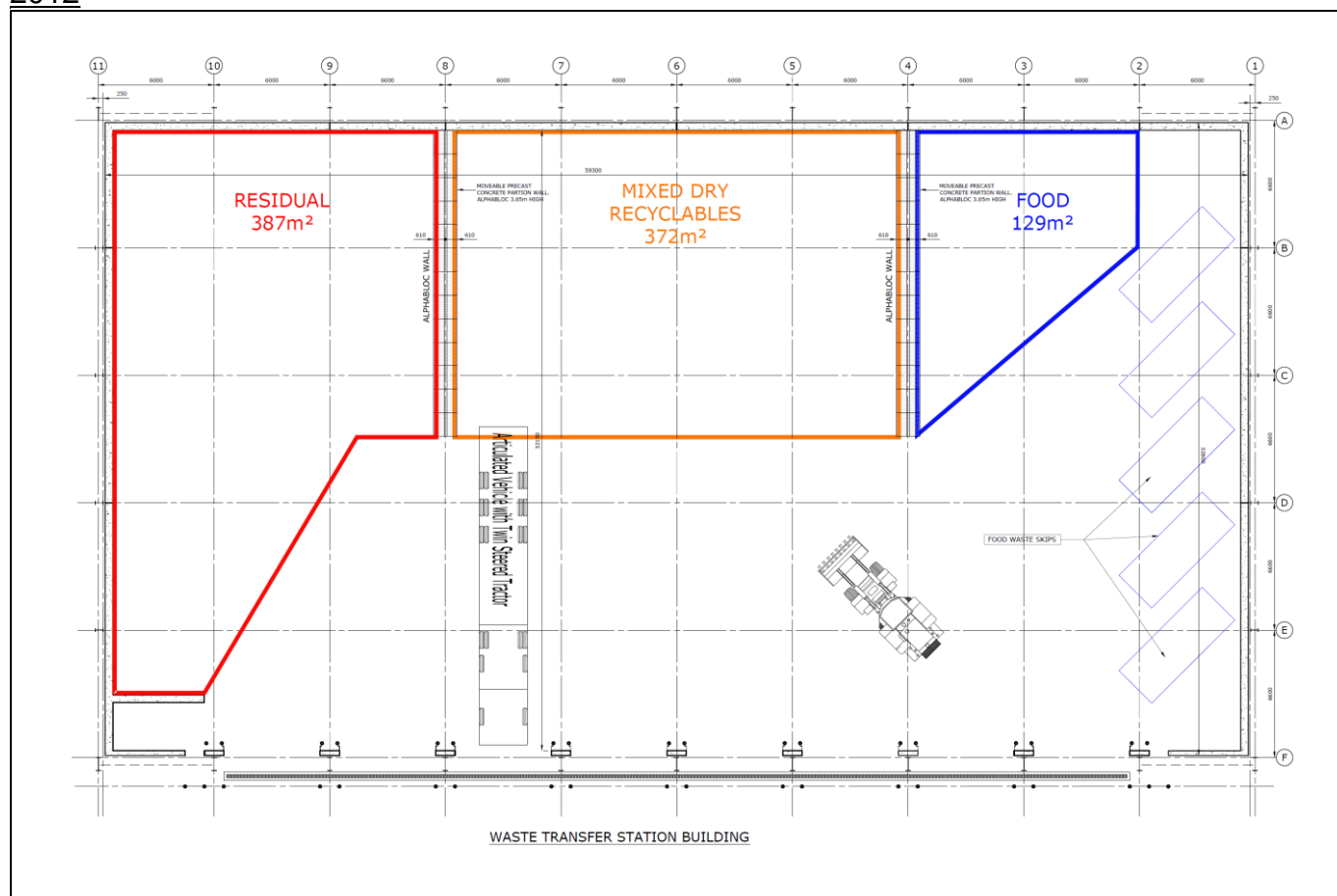
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'Boundary Plan' – Drawing No, 663433/BR/001 (Revision P3), dated Aug 2012



'Site Layout Plan' – Drawing No, 663433/BR/10 (Revision P9), dated Oct 2012





1. SITE & BACKGROUND

Cordons Farm, as a whole is a mixed use site which in the majority, at present, is occupied by haulage and waste related operators. Although not specifically designated within the Braintree Local Plan Review (2005) as an employment/industrial area it has a long history of such use. A Certificate of Lawful Development (CLEUD) exists across the northern half of the site, to the boundary of the area to which this application relates, for operation as a haulage depot with no restriction on vehicle movements. In addition, another CLEUD exists over the extended area of the Braintree District Council (BDC) waste transfer site – the area which is currently fenced but vacant for use as a haulage depot with a restriction on vehicle movements. Further to the CLEUDs, notwithstanding the permission for the existing waste transfer, are separate planning permissions for a skip hire business (to the north-west of the site), a driving school centre (north-west of site entrance) and an end-of-life vehicle dismantling facility (centre of site yet to be implemented).

Waste recycling is an established use on Cordons Farm, particular to the south of this site. Planning permission was first granted for a waste use (centre for sorting/recycling waste materials) in this location in 1993 by Essex County Council (ECC) (planning application reference: ESX/32/93/BTE). In 2005 a permission was issued by BDC to make amendments to the site layout and to erect a green waste building onsite (planning application reference: 05/02512/FUL) to

supplement this permission. Both ESX/32/93/BTE and 05/02512/FUL have been implemented in full and run concurrently on the site.

In 2012 permission was granted for a materials recycling centre for sorting and storing waste materials and the storage of up to 14 ISO containers, plant and equipment. The intention was that this application would supersede the previous consents for the use, permit an increased throughput and allow activities to occur over a larger area (including all the land to which this application relates) to fully cater to the needs of BDC. 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.

The current permitted number of vehicle movements associated with the existing waste transfer is 86 per day Monday to Friday and 42 movements on Saturdays. The permitted but currently unimplemented consent (ESS/55/11/BTE) did nevertheless increase the amount of permitted movements to 220 per day Monday to Friday and 100 movements on Saturdays.

2. PROPOSAL

This application seeks the development of a waste transfer station on land at Cordons Farm, Long Green, Cressing. The facility would provide for the local bulking up of waste for onward transportation to treatment facilities elsewhere in the County.

It is proposed that some of the existing provisions onsite (from the current BDC operated waste transfer station) would be utilised in conjunction with a new purposely developed waste transfer building and other new on-site provisions. The waste transfer building is proposed to be sited to the north of the existing area operated as the Braintree facility, orientated from the eastern boundary across the site. The building is proposed to have a floor area of 2135m² (measuring 61m x 35m) and be of a height of 11.8m (to roof ridge). The ventilation stack, to discharge air from within the building, would project above the roof ridge line and extend to a height of 16.8m. The stack would be approximately 1.2m in diameter and located on the centre of the northern elevation.

The facility is designed to handle a throughput of 71,250 tonnes of household (municipal) waste arising from within the Braintree administrative area per annum.

Access to the facility is proposed to be only from the A120 and Long Green with a routing arrangement involving right-in and left-out movements only. It has been predicted that the facility would generate 220 daily vehicle movements (100 in/110out). During peak time periods (08:00-09:00 and 17:00-18:00) vehicle movements are proposed to be kept to a minimum; 4 and 6 respectively. Once within the site vehicles would access the facility via a newly formed internal access road, entering the facility to the west of the proposed building. Improvement works to the access junction on Long Green are also proposed as part of this application.

Operating hours are proposed as follows:

07:00 – 20:00 hours Monday to Friday

07:00 – 14:00 hours Saturday, Sunday and Bank/Public Holidays.¹

The facility would bring together the requirements of the Waste Disposal Authority (ECC) and the Waste Collection Authority (BDC) but would not be open to the public.

3. POLICIES

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP), Braintree District Council Local Development Framework Core Strategy 2011 (BCS) 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>BCS</u>	<u>BLP</u>
Sustainable Development, National Waste Hierarchy & Proximity Principle	W3A		
Need for Waste Development	W3C		
Flood Control	W4A		
Water Pollution	W4B		
Highways	W4C		
Integrated Waste Management	W6A		
Materials Recovery Facilities	W7E		
Proposed Sites	W8A		
Alternative Sites	W8B		
Planning Conditions and Obligations	W10A		
Material Considerations: Policy Compliance and Effects of the Development	W10E		
Hours of Operation	W10F		
The Countryside		CS5	
Promoting Accessibility for All		CS7	
Natural Environment & Biodiversity		CS8	
Industrial and Environmental Standards			RLP 36
Transport Assessments			RLP 54
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
Contaminated Land			RLP 64
External Lighting			RLP 65
Water Quality			RLP 72
Waste Reprocessing Facilities			RLP 75
Landscape Features and Habitats			RLP 80
Trees, Woodland, Grasslands and Hedgerows			RLP 81
Layout and Design of Development			RLP 90

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

¹ It should be noted that the extraction fan would operate 24 hours a day, although this would be at a reduced rate when the facility is not operational.

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.

The BCS was adopted post 2004, however the grace period offered to such plans (in applying full weight to policies) in accordance with Paragraph 214 of the Framework passed 12 months after adoption of the Framework. As such it is now considered that the BCS together with the BLP and WLP (both adopted pre 2004 and/or not under the Planning and Compulsory Purchase Act 2004) fall within the remit of consideration according to Paragraph 215. Paragraph 215 of the Framework states that 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 is detailed in Appendix 1. The level of consistency of the policies contained within the BCS, WLP and BLP is considered further in this report, as appropriate.

With regard to updates/replacements or additions to the above, the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) should be given little weight having not been 'published' for the purposes of the Framework. The Framework states (Annex 1):

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The RWLP has yet to reach 'submission stage' and as such it is too early in the development of the RWLP for it to hold any significant weight in decision making.

BDC has produced a Site Allocations and Development Management Plan which

together with the BCS will allocate development sites and protect other areas in the District from development over the next fifteen years. The Plan has not been published and public consultations received are currently being reviewed. As a draft of this Plan has not been published it is considered again that little weight can be applied especially as objections are outstanding from consultation. Reference as appropriate will be made within the appraisal section of this report.

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 (BDC) – In view of the location of the site, within a special policy area, where transport-related uses are acceptable, there are not considered grounds to object to the principle of the development. However concern about the consideration given to the range of potential amenity impacts, particularly in relation to noise and odour has been expressed. Conditions in relation to restricting the hours of operation to those proposed within the application; limiting the number of vehicle movements to those detailed in the application; ensuring the recommendations of the arboricultural impact assessment are implemented; and limiting the noise level associated with the air extraction fan at night are recommended

BRAINTREE DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – Comments that in relation to contamination the ground gas assessment is not complete and on current information some gas protection would be required. Furthermore it is commented that the design details, with regard to the polymer pipework, should be chosen as appropriate for construction. As portrayed in the response from BDC recommendations in relation to the air extraction fan; white noise alarms; hours of operation; and vehicle movements are also made.

Applicant's comment

A detailed contamination assessment is in the process of being undertaken. The soil sampling work was undertaken week beginning 01/07/13 and the soil samples are now with the lab for testing. Results are expected shortly at which point a remediation strategy, if required, would be produced. This is considered unlikely by the applicant but a condition requiring this information prior to commencement of the development could be imposed by the Waste Planning Authority (WPA), should planning permission be granted.

In relation to the proposed condition restricting the noise level of the air extraction fan to 10dB(A) below background noise, the applicant feel that such an imposition would be unreasonable. Confidence is maintained in the noise levels predicted and that the site can be managed in accordance with BS 4142:1997.

ENVIRONMENT AGENCY – No objection regarding pollution prevention subject to

a condition in relation to a scheme to dispose of foul drainage, install oil and petrol separators, install trapped gullies, and roof drainage (sealed at ground level). Further information has however been requested in relation to the submitted flood risk assessment (FRA) and confirmation on the appropriateness of this supplied information is awaited from the Agency. The details submitted relate to the storm sewer and confirmation was requested by the Agency that this has been designed to achieve the 360m³ storage capacity to cater for a 1 in 100 year storm.

ECC Comment

The information submitted demonstrates the above however, as detailed, confirmation from the Environment Agency has not, to date, been received. A response is expected imminently but in the interim a condition requiring such details to be submitted prior to the commencement of any development, should planning permission be granted, could be imposed. Any further comments received will be reported.

HIGHWAYS AGENCY – No objection. Considered the application would not adversely affect the A120 Trunk Road.

HIGHWAY AUTHORITY – No objection subject to conditions in relation to the creation of increased visibility splays at the site entrance; the undertaking of the provisions/improvements to the site access; and no unbound material being used in the surface treatment of the vehicle access within 20 metres of the highway boundary.

HIGHWAY AUTHORITY (Rights of Way) – No comments received.

THE COUNCIL'S NOISE, ODOUR AND LIGHTING CONSULTANT

Noise – An error in the use of the data recorded is noted which is considered would change the presented background noise level in Table 4.1 of the Noise Assessment to 41.4dB instead of 41.5db. This would subsequently mean that the predicted increase would be +4dB not +3dB, as suggested. The study also fails to assess the impact on 'The Cordons'.

In response to the applicant's claim that a +3dB increase is acceptable, it is suggested that an alternative assessment of noise impact may have better displayed the noise impacts associated with this site and effectively demonstrated a noise rating level not above background noise. Ultimately it is considered that noise emanating from the site would not result in unacceptable noise impacts however the information provided does not make this clear. The fundamental issue is demonstrating what noise source is resulting in the exceedance of the existing background noise level. If such an assessment was undertaken it is likely that HGV movements on the access road would be the cause and therefore the use of BS 4142 to determine the impact would not be relevant. In this circumstance, noise emanating directly from the facility would unlikely exceed the background noise level. In context of this it is considered conditions could be set to control noise from the site. That suggested is that the free field noise level (L_{Ar}), calculated in accordance with BS 4142:1997, attributable to the operation of all fixed and mobile plant used at the premises, shall not exceed the existing background noise level (L_{A90,T}) at any noise sensitive property; and the free field

equivalent noise level (LAeq, 1hr) from vehicles associated with the premises, shall not result in an increase in the existing ambient equivalent noise level (LAeq, 1hr) by more than 3dB. An update to the Noise Assessment is recommended in support of this.

Odour – The overall assessment approach seems reasonable. The selection of the dispersion model is appropriate and the buildings module has been included which is necessary given the stack height. The odour benchmark levels used for the assessment are reasonable and consistent with Defra's guidance on odour for composting processes. The monitoring odour concentrations and emission rates from the WTS are within the upper end of the quoted range and appear consistent with relevant guidance. In relation to the green wastes entering the BDC aspect of the facility, although this is an existing/permitted operation, given the lack of submitted information in respect of this process, an initial scheme of monitoring is suggested (post full operation) with remedial action taken should odour levels be recorded above that predicted.

Lighting – The site lighting is a bit higher than expected for the use however, if there is an acceptance of the facility in this location then it would be unreasonable not to expect lighting for operational purposes. Subject to only the lighting proposed on the site being erected, with no additional lighting along the access road, lighting is not considered an issue.

ESSEX FIRE AND RESCUE SERVICE – Awaiting confirmation of whether or not comments will be made.

NATIONAL GRID – No comments received.

WASTE MANAGEMENT (ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS) – The waste transfer station would serve the administrative area of Braintree District Council and would provide one of a network of six strategic transfer facilities required to serve Essex and Southend-on-Sea. The network of transfer stations would enable the efficient bulk transfer of locally collected municipal waste to strategic treatment facilities and are required to deliver the Joint Municipal Waste Management Strategy for Essex.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to a programme of archaeological work in accordance with the submitted written scheme of investigation being approved and undertaken to the satisfaction of the WPA.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to conditions in relation to tree, hedgerow and scrub removal not occurring during the nesting season (March-August) and the submission of a wildlife protection plan detailing how mitigation measures for Legally Protected Species would be implemented prior to and during construction of the development.

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

PLACE SERVICES (Urban Design & Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS

Landscape – No objection.

Urban Design – No objection subject to conditions requiring details of the roof colour; building eaves, fascias and rainwater drainage; and stack diameter and design to be approved in writing by the WPA.

CRESSING PARISH COUNCIL – Object to the proposal as it is believed the proposed development is contrary to BDC and ECC WLP planning policies as well as government issued guidance. Further objection is made on the grounds of the screening opinion which has been made in isolation of the recently permitted ELV de-pollution facility (application reference: ESS/06/13/BTE). No account has been taken of possible cumulative effects on location amenity and determination against Local Plan policies. Concerns are raised that there is the intension to significantly intensify the scale of operation at Cordons Farm, as a whole, and believe that this would bring the effect of the site activities within the definition of EIA development. Furthermore concern about the nature of the public consultation exercise undertaken by ECC (as the applicant and planning authority) is raised.

Increased traffic is raised as a major concern given the existing 'issues' with the roundabout at Galley's corner. Considered that the information contained within the application is flawed and the conclusion that there would be no significant effect unbelievable.

Cordons Farm is known to be contaminated, and there is further concern that leachates already in the ground could permeate the polymer based pipework carrying potable water, threatening drinking supplies.

The visual intrusion caused by the development would be significant and it would be easily seen from the surrounding countryside and parts of the village. Emissions from the site would be substantial both in terms of smells, dust, fumes and noise despite the assertions contained with the application. The noise report takes no account of reversing beepers. Two extracts from letters received from members of the public were included in support of the Parish Council's objection. These have been appraised below in section 5 of this report.

ECC comment

To initially clarify in relation to some of the above concerns about due process, this application and the application for an ELV de-pollution facility are separate applications. Both applications have been submitted to ECC, as the WPA, for determination. They are not proposed by the same applicant and are not interlinked. The only commonality between the two is that they are both waste use proposals on the same 'larger' site and same access. The screening opinions which have been issued for both projects assessed the proposals in context of the EIA Regulations 2011. The guiding criteria within these regulations is proposal centric and whilst an updated opinion has since been issued by ECC with regards to this application, it is considered that the two projects need not be assessed as one. The two applications are separate and development and future operation as such not mutually exclusive. Cumulative impacts have been considered when the

application was screened for EIA and the conclusions reached signalled that the proposal is unlikely to have a significant environmental impact and that EIA was not required.

The consultation that has been carried out by ECC since submission of the application has been done so in accordance with The Town and Country (Development Management Procedure) (England) (Order) 2010 and the Council's adopted Statement of Community Involvement, First Review 2012. Furthermore in respect of the application it is noted that the applicant prior to submission notified all residents and business within a 500m radius of the site of their proposal requesting comments; held a public exhibition; attended and presented the proposal at a Parish Council meeting; and have had numerous informal telephone conversations and meetings with individuals and organisation in respect of concerns. The results of this pre-application engagement has been included within the application and used, as appropriate, to inform the design of the proposals.

MEMBER OF PARLIAMENT – BRAINTREE – Would be grateful if the following issues were taken into consideration in the determination of this application: the number of traffic movements; odour and the management of the building's doors; the length of the consultation period; the screening of the proposal in respect of EIA; the proposed working hours; and cumulative impact. Should the application be permitted would like to put a marker down for s.106 (with use of funds to be determined by Cressing Parish Council).

ECC Comment: S106 legislation places three tests into law on the use of planning obligations. Since 6 April 2010, in determining an application, it has been unlawful to take into account a planning obligation that does not meet all three tests, which are that the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Any 'funds' to be made available under a S106 are unlikely to meet the above tests.

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

5. REPRESENTATIONS

34 properties were directly notified of the application. The application was also advertised in the local press and on site. 18 letters of representation have been received, of which it is noted 6 were received prior to formal submission of the application. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
The local infrastructure is inappropriate for HGVs.	See appraisal.

Noise, odour and dust concerns.	See appraisal.
Concerns over the routeing of vehicles from the site and in-particular turning right from the site and driving through Cressing village. Although assurances have been made how can this be monitored and enforced?	See appraisal.
Concerns with regard to increased waste and pests and rodents.	Braintree District Council's Environmental Health team have consulted on this application.
The proposal does not comply with relevant BLP policy.	See appraisal.
Concern about the proposed hours of working and the increased working in the evening, over the weekend and on Bank Holidays.	See appraisal.
Impact on property prices in the vicinity.	Property value alone is not a planning consideration.
This is an inappropriate location for the development which is better suited for an industrial area.	See appraisal.
The fall-back planning position is not an appropriate justification for justifying new development.	All applications are considered on their own merits.
Any vehicle movements which are permitted for uses on Cordons Farm should also be applied to 'The Cordons' – the adjacent yard.	All applications are considered on their own merits.
Concerns about unfair business rates in the area.	This representation has previously been forwarded to Braintree District Council for review and action as appropriate. This is not a material planning consideration.
There is an established traveller site on Long Green and consequently pedestrians frequently walk adjacent to the roadway. There is no footway or pavement along Long Green and as such this is extremely dangerous.	See appraisal.
The signage for Long Green is poor off Galleys Roundabout.	Road signage is generally a function/responsibility of the Highway

	Authority. The Highway Authority has been consulted on this application.
Concerns over cumulative impact and a number of consents that have recently been issued recently in this locality (ELV de-pollution facility and 42 bed hotel).	See appraisal.
Subject to the recommended conditions and mitigation measures set out in the technical reports being imposed on any consent no objection is raised to this application.	Noted.
Reference is made to S70(2) of the Town & Country Planning Act 1990 and the planning authorities requirement to have regard to the provisions of the development plan. Attention is drawn to the fact this application was advertised as not according the aforementioned.	The Framework at Paragraph 12 does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. See appraisal.
The site has a history of creeping development which has produced results well beyond the originally indented scope.	See appraisal.
Data from the 2012 Highways Agency Area 6 (Essex) Route Report shows that there were 25 collisions between the period 2008-2010 at Galleys Corner and Marks Farm roundabouts. Any improvement works in relation to traffic signing and road markings are expected to result in only an improvement of 1.05 collisions per year.	See appraisal.
There is existing concerns about contamination on site.	See appraisal.
Once a licence (Environmental Permit) and planning permission have been issued there is nothing to prevent the proposed development from increasing in size.	All applications are assessed on their individual merits. Details with regard to the size and scale of the proposal would be controlled via the details submitted or should it be considered appropriate a specific condition restricting throughput to a maximum amount could be imposed should permission be granted.

Concerns as to the level of pre-application advice and involvement of ECC planning prior to submission of this application.	The planning authority is duty bound to work with applicant in a positive and proactive way.
The use of RAE Andrewsfield for the dispersion modelling is unsatisfactory. No evidence is offered as why Andrewsfield can be regarded as a satisfactory model as opposed to the closet suitable which is not considered the same.	See appraisal.
The odour assessment admits that local conditions would have an effect that cannot be modelled using point sources but the production of downwash effects would affect the behaviour of odour.	See appraisal.
The use of five-year annual 98 th percentile hourly mean odour concentrations as a measure of acceptability masks the potential for short-term odour peaks.	See appraisal.
Concerns that the doors to the building would only be kept closed as far as is practicable.	See appraisal.
No consideration as to the noise impact of the extraction fans at night (proposed 24 hour operation). Neither is the consideration of the effect of low-frequency vibration.	See appraisal and noted.
No assessment of the noise associated with the roller doors has been included in the noise assessment.	See appraisal.
Suggest a s.106 is attached to any permission to assist local traffic problem in the area. Recommendations to improve highway safety are made.	This representation was forwarded to the Highway Authority for comment who note that further restricting the speed limit on Long Green would not comply the Council's Speed Management Strategy Policy and traffic signals could not be justified as part of this application as the access can meet the required safety criteria without provision. Furthermore widening the footpath/bend at National Grid and restricting The Street to 7.5t vehicles is not justifiable in

	context of this application. To clarify the above stance it is noted that the proposal would not generate additional vehicle movements on the highway network, the refuse vehicles are already on the highway collecting rubbish. The vehicle movements are being redistributed on the network.
Concerns as the quality of the pre-application public engagement that was undertaken by the applicant.	See ECC comment to representation received from Cressing Parish Council.
Concerns as to the display of information by ECC, as the determining authority, and the consultation period afforded to the public.	See ECC comment to representation received from Cressing Parish Council. Consultation was undertaken in accordance with the SCI (2012) and although currently ECC does not currently have the ability to display all information submitted with an application online alternative provisions are made to supplement this deficit. For reference, ECC have recently procured a new case management system that will allow this and it is anticipated in the near future this facility will be fully functional to consultees and the public alike.
Comparative study of perceived impact from waste development at Cressing with alternative site at Great Notley Garden Village shown.	All applications are considered on their own merits.
Surprised that this development has been discussed internally at ECC since 2009.	Noted
It appears the development is proposed to be located at Cordons Farm primarily as it is the only site available.	See appraisal.
Anomalies in the transport assessment data are not questioned or answered and data presented appears limit of the survey undertaken.	See appraisal.
The fuel consumption figures suggested for vehicles in context of the cost saving analysis to the proposal are considered unrealistic.	Noted.

The information submitted suggests piped drinking water as well as fresh watercourse could be adversely affected.

Within the Phase II Geo-Environmental Assessment it states the concentrations of PAH compounds (13mg/kg to 340mg/kg) above the threshold value of 2mg/kg listed in the guidance are recorded in all the soil samples test and there is a potential for these organic compounds to permeate polymer-based pipe work and impact on the quality of potable water or cause degradation of the pipe construction. See appraisal for further comment.

The building design is inappropriate and of an industrial not agricultural nature. See appraisal.

6. APPRAISAL

The key issues for consideration are:

- A Need & Policy Context
- B Operations
- C Design and Landscape Impact
- D Impact on Amenity
- E Traffic and Highways
- F Flood Risk and Water Quality
- G Ecological Impact
- H Other Considerations
- I Human Rights

In respect of Environmental Impact Assessment, a Screening Opinion (reference: ESS/23/13/BTE/SO) was issued by the WPA on 13 May 2013, following submission of the application. The Opinion concluded that it was considered that the implementation of the proposal would not have an impact of more than local importance and therefore, on balance, an Environment Impact Assessment (EIA) would not be required.

During the determination process of this application an application for an ELV de-pollution facility on the same site as this application relates (Cordons Farm) was granted planning permission. A further Screening Opinion, taking the implications of this development into account (cumulative impact), was issued in July 2013. The Opinion remained that an EIA would not be required.

In considering the impact of the proposed development, it should be noted that transport, noise, odour, flood risk, ecological, lighting, arboricultural and landscape and visual assessments are among the reports included with the application.

A NEED AND POLICY CONTEXT

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.

PPS 10 at Paragraph 24, in relation to un-allocated sites, details new or enhanced waste management facilities should be considered favourably when consistent with (inter-alia):

- i. the policies contained with PPS 10; and
- ii. the WPA's core strategy;

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.

WLP policy W3C requires waste developments with a capacity of over 25,000tpa to demonstrate a need for the development in the context of waste arising in Essex and Southend. Where the proposal has a capacity of over 50,000tpa conditions may be imposed to restrict the source of waste to that arising within the Plan area.

This development is required as part of the delivery of an integrated network of new waste management facilities for Essex's municipal waste. Essex and Southend Waste Disposal Authorities (WDA) have identified a need for 6 waste transfer facilities to support the delivery of the Joint Municipal Waste Management Strategy for Essex (JMWMS) – this being one of the aforementioned. In context of this it is considered that there is a strategic need for this development in accordance with WLP policy W3C. Furthermore in support of this conclusion WLP policy W6A details, in summary, that the WPA should work with the WDA to support and promote initiatives to reduce, reuse and recycle waste in an environmentally acceptable manner.

The Waste Development Document: Preferred Approach (RWLP) was published for consultation in 2011. The RWLP refers to the 2011 Capacity Gap Report², which shows that under both forecast scenarios, there should be a small surplus of waste transfer capacity at the end of the plan period (the year 2031). However, there are only eight waste transfer stations currently receiving municipal solid waste and having regard to the WDAs requirements there is an identified need for a network of six new waste transfer stations (5 in Essex, 1 in Southend) early in

² Limited weight should be attributed to the Waste Capacity Gap Report as it has not yet been independently tested at Examination in Public.

the Plan period to support the delivery of the JMWMS³. The JMWMS states (under the heading of 'Best Practicable Environmental Option') that '*In order to minimise transport distances and associated environmental impacts, the Partnership envisages a network of transfer stations to which District and Borough Councils would be able to transport waste before it is bulked up and taken to a biotreatment facility.*'

On behalf of the WDA, consultants were engaged in 2007 to undertake 'system modelling' to identify the optimal number and location for the transfer stations. The consultants were specifically engaged to determine what infrastructure would be required to ensure that the collection systems integrate with the supporting disposal and recycling infrastructure. For this initial modelling work district/borough/city boundaries were effectively ignored so that the number and location of the transfer stations would not be constrained. In developing the model three distinct cost drivers were included, namely:

1. the primary journey costs associated with the collection of the waste by the districts/boroughs;
2. the secondary journey costs covering two separate elements of the transfer station costs (including both the capital and operating costs of the facility) and;
3. the cost of the onward transfer of the waste after bulking.

Following an initial search for suitable land, the five transfer stations network (excluding Southend) was distilled into general locations based around an Epping/Harlow, Southend, Great Dunmow, Braintree and Colchester/Tendring configuration

The Essex Waste Management PFI Outline Business Case (July 2009)⁴ follows on from this work and specifies a network of 6 facilities (inclusive of Southend) to meet the municipal waste management demands of the county in the future.

The RWLP identifies 4 specific sites as suitable for use as waste transfer stations. However, no specific sites were identified in the Braintree area although the RWLP notes the requirement for such a provision.

The Waste Capacity Gap Report⁵, since consultation on the Preferred Approach, has been updated (May 2013) and now does not single out transfer capacity for specific consideration. However, the Report concludes that new transfer capacity may be required depending on geographic issues and justification on a local basis. It states:

'The distribution of waste management facilities should also be related to the distribution of waste arisings. Waste arisings reflect density of population and urban areas can therefore be used as a proxy for quantities of waste arisings,

³ Information about the Joint Municipal Waste Management Strategy for Essex and the 6 waste transfer stations can be found at: <http://www.essex.gov.uk/Environment%20Planning/Recycling-Waste/Waste-Strategy/Pages/Waste-transfer-stations.aspx>.

⁴ http://www.essex.gov.uk/Environment%20Planning/Recycling-Waste/Waste-Strategy/Documents/091127_Full_OBC_v3.5.pdf

⁵ Limited weight should be attributed to the Waste Capacity Gap Report as it has not yet been independently tested at Examination in Public.

from both households and businesses. Conversely, it is undesirable to locate waste management facilities in areas of open countryside, especially where there are specific environmental designations.

The balance therefore needs to be struck by understanding the optimum size of facilities in order that they are economic, in terms of the quantity of material that they can process combined with the impact and cost of transporting feedstock.

This approach also applies to transfer stations similarly, since if treatment and disposal facilities are nearby transfer facilities may not be required. The need for transfer facilities is related to the economic viability of the overall operation as well as environmental considerations such as transport distances. New transfer capacity may be required depending on geographic issues, and justified on a local basis.'

This approach fits with one of the key planning objectives of PPS 10, which is 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'. Furthermore guidance within PPS 10 details WPAs should not 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 consideration that the WDA has chosen to put forward this site for the bulking up of Braintree's municipal waste in line with the JMWMS and the proposed benefits to this Strategy it is considered in principle that the proposal complies with WLP policy W3A.

Looking in more detail at the locational criteria of the WLP, policy W7E states that proposals for material recovery facilities will be supported at the following locations:

- the waste management locations identified in Schedule 1 (subject to policy W8A);
- other locations (subject to policies W8B and W8C);
- in association with other waste management development;
- small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).

Provided the development complies with other relevant policies of this plan.

The supporting text to WLP policy W7E suggests that material recycling facilities (MRF), by virtue of their design and function, are industrial in nature. They range in size from small scale facilities sorting a limited scope of materials, to purpose built facilities handling 100,000 tonnes of waste per annum and sorting in excess of 30 different types of materials. Furthermore it suggests that MRFs need to have a degree of flexibility built into their design, such that different ranges of materials can be sorted at different times, as required. As more local authorities seek to increase recycling to meet Government targets there will be an increasing

requirement for a network of MRFs and waste capacity to ensure that collected materials are sorted and supplied to the reprocessing industry.

In respect of the above policies referred WLP policy W8A relates to locations where waste management facilities will be permitted. The policy details that the locations shown in Schedule 1 will be permitted subject to the following criteria, where relevant, being complied with:

- there is a need for the facility to manage waste arising in Essex and Southend (subject to policy W4C);
- the proposal represents the Best Practical Environmental Option (BPEO)⁶ for the particular waste stream, having regard to any alternative options further up the waste hierarchy;
- the development complies with other relevant policies of the Plan, including the policy/ies in Chapter 7 (W7E) for the type of facility proposed;
- adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practical;
- buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and
- integrated scheme for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.

The locations identified in Schedule 1 are preferred locations for waste management. Cordons Farm is not included within this Schedule. The supporting text of the WLP identifies that there may however be a need for additional sites and an assessment of the suitability should such an application be made should be undertaken in accordance with WLP policy W8B. This states that subject to all of the criteria of W8A being complied, the following locations could also be considered appropriate:

- 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.

Large-scale waste management development (of the order of 50,000tpa 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 in Schedule 1 are less suitable or not available for the particular waste stream which the proposal would serve.

In respect of the above Cordons Farm, and the area to which this application

⁶ PPS 10 supersedes BPEO. PPS 10 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. 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.

relates, is considered a 'brownfield' previously developed site. Whilst not formally adopted as an industrial area, it is considered that the application area could be classified as degraded and the assessments submitted with the application suggest possible contamination. Furthermore, as previously detailed, waste recycling is an established use on the site. With regard to the Schedule 1 locations, the applicant has detailed that the only site within Braintree District, in context of the JMWMS, is Site WM1 at Rivenhall Airfield, Silver End. The Rivenhall site has planning permission for an 'Integrated Waste Management Facility' with an access point proposed on to the A120. In terms of appropriateness of this site to accommodate this proposal, given that the Rivenhall site has planning permission (albeit unimplemented) the availability of this site it is not deliverable, especially within the required timescale. Cordons Farm in view of the site's characteristics and permitted and operational waste transfer use is therefore put forward as a suitable alternative in the Braintree area.

The Companion Guide to PPS 10 states that '...planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a DPD (a Development Plan Document adopted in accordance with the Planning and Compulsory Purchase Act 2004) as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The key test is their consistency with PPS 10 and the WPA's core strategy. Where they are consistent they should be considered favourably.'

This requirement for consistency with the core strategy becomes a circular argument since the RWLP has already been established as being at too early a stage to carry any significant weight; the reference to the 'core strategy' could therefore be the WLP; however the Framework and PPS 10 contain more up to date guidance. The Framework and PPS 10 will therefore be considered, in context of the WLP, further in the report.

Paragraph 16 of PPS 10 requires inter-alia that the core strategy should both inform and in turn be informed by any relevant waste management strategy. In the absence of an adopted core-strategy, weight should therefore be applied to the requirements of the JMWMS. Furthermore, Paragraph 17 of the Framework lists 12 core planning principles that under-pin decision making. One core land-use planning principle is that planning should:

'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.'

Again, in the absence of an adopted RWLP, significant weight should be attached to the Framework. As the proposed development would meet the waste management infrastructure needs of Braintree - the JMWMS and Waste Capacity

Gap providing the background evidence and objective assessment of need, it is considered the proposed development would be compliant with the aforementioned core planning principle.

Within the BLP the area to which this application relates is designated within the Galleys Corner and Panners Roundabout special policy areas. 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 will only 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, in context of the BLP and the Framework, policies RLP 58 and RLP 59 are relevant. These policies seek to restrict certain types of development in this area and check urban sprawl towards Tye Green and Great Notley. However as alluded to the area to which this application does benefit from an existing planning permission as a waste management facility.

Nonetheless, Section 38(6) of the Planning and Compensation Act 2004 requires that *'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

Accordingly it is considered that the proposal does not comply with development plan policy. Whether this conflict with development plan policy is outweighed by any material considerations will be considered further.

BDC have not raised an objection to the proposal on the basis of it being contrary to the designation. Indeed in their opinion it there is not considered grounds to object to the development in context of the special policy area designation. 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 construed over-restrictive and contrary to the presumption if there was not certain flexibility in the permitted uses in this area. It is also noted that the Site Allocations and Development Management Plan issued by BDC for consultation in

January 2013 actually proposes to reduce the area covered by the special policies to that directly adjacent to Galleys Corner and Panners roundabout thus excluding Cordons Farm in its entirety, although as stated little weight should be given to this emerging plan..

Paragraph 19 of the Framework details 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. Whilst further detailed assessment of specific policies and potential impacts from the proposed operations are considered further in this report principally, in view of the above, it is considered that sufficient demonstration has been shown to conclude compliance with WLP policies W7E, W8A and W8B in terms of the location of the proposed development.

B OPERATIONS

The main waste transfer station building has been designed to receive incoming municipal waste and transfer the waste to larger articulated HGVs in an enclosed space. The building has a floor area of 2,135m² (61m x 35m) and is 11.8m high to the roof ridge to accommodate activities. The building would contain 3 sorting bays for collection/segregation of food wastes, mixed dry recyclables (MDR) and residual wastes. The bays vary in size with a 15m by 17.5m bay for food waste, 20m by 17.5 for MDR and 30m by 17.5m for residual wastes. The main building has been designed to handle an annual throughput of 71,250 tonnes of household waste. The floor of the waste transfer station building is designed for the use of a large loading shovel to move and load waste. The loading shovel would move and stack waste materials in the appropriate bays and load sealed food waste containers all within the building.

Access to the proposed facility would be only from the A120 and Long Green with a routeing agreement requiring the majority of vehicles right-in and left-out movements only. Vehicles would be weighed on entry and exit from the facility. The proposed dual in/out weighbridges are located to the north-west of the main building with an additional bypass lane. The position of the weighbridges ensures that there is sufficient queuing space on the site for both incoming and outgoing traffic. The proposed external yard serving the building comprises a reinforced concrete area, 2m wide, to accommodate the turning circle of the largest vehicles proposed. All vehicles accessing the main building would reverse into dedicated bays and would be directed and controlled by 'informal' traffic lights. The high speed doors would ensure that all waste handling is undertaken within the building confines with the doors closed.

Suggested Benefits

The development of a transfer station in this proposed location would reduce the numbers of journeys undertaken by smaller refuse collections vehicles on the highway network. Information included within the application suggests that this proposal in its implementation would result in a saving of approximately 320,000 miles and 101,000 gallons of diesel per annum. The Framework in defining

sustainable development details in an environmental role, Paragraph 7, the need to use of natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. The results presented above whilst demonstrating the economic viability of the project for the applicant also shows the added benefit within the broader environmental role of planning. Furthermore it has been suggested that operations from the site would directly result in the employment of eight staff (five full time and three part time). This in turn is also considered to represent a benefit within the economic and social roles of planning in contributing to the building of a strong, responsive and competitive economy and supporting as strong, vibrant and health community.

Cumulative Impact

As a number of waste related uses are already permitted on this site it is considered that the existing environment has already been affected by waste and industrial uses. The site (Cordons Farm overall) is therefore already established and as such represents a less environmentally sensitive area than other non-industrial sites. Since submission of this application a planning permission has been issued for an ELV de-pollution facility. Whilst yet to be implemented, this facility is a further waste use on the site the assessments submitted to support this application demonstrated only a minor impact on amenity and a condition was attached to this consent preventing any activities which would result in a noise level above the existing background noise rating. In terms of cumulative impact it is therefore considered that all existing and proposed uses at the Cordons Farm site have been considered.

It is proposed that the site would be operated by ECC and BDC under separate waste management licences (Environmental Permits). The majority of the waste handling would be undertaken by ECC operators and would be fully enclosed within the main WTS building. This part of the site would comprise ancillary development to include a dual weighbridge and associated office, single storey office and welfare building, staff and visitor parking, turning area for articulated vehicles, a vehicle wash facility and fuelling, sprinkler tanks and pump house and soft landscaping. The remaining smaller part of the site would continue to be operated by BDC and would handle smaller volumes of horticultural waste, dry recyclables, time, road/gully sweepings and limited quantities of recycled white goods and encapsulated asbestos from domestic sources. These materials would continue to be stored within existing structures on-site. The Environmental Permitting regime, managed by the Environment Agency, would further stipulate conditions to prevent/control harms resulting to the environment or human health from the actual site operations/practice.

As stated the combined impacts of the existing and proposed uses from the Cordons Farm site have been taken into account. The main point of consideration relates to noise and traffic impacts. Noise, in relation to background noise levels, is discussed further in the report. The main 'cumulative impact' is the potential for large numbers of vehicles (restricted and unrestricted) using the same access point onto Long Green. It is therefore not possible to quantify the precise number of movements to and from the Cordons Farm site, however subject to access improvements (which would benefit the Cordons Farm site and other uses) the Highway Authority has no objection.

C DESIGN AND LANDSCAPE IMPACT

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. Attempting to appraise each of these criteria in turn, in context of the application details, firstly looking at design the Framework details, at Paragraph 56, that good design is a key aspect of sustainable development; is indivisible from good planning and should contribute positively to making places better for people. Whilst planning policies and decisions should not attempt to impose architectural styles or particular tastes, stifle innovation, originality or initiative it is proper to reinforce local distinctiveness. Paragraph 61 of the Framework goes on to detail that although visual appearance and architecture of building are very important factors, security high quality and inclusive design goes beyond aesthetic considerations.

Replicating many of the design principles of the Framework, BLP policy RLP 90, which relates to layout and design of development, seeks to ensure a high standard of layout and design in all developments. Included in a list of criteria to be met is that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; buildings, open areas, circulation spaces and other townscape and landscape areas shall be of a high standard of design and materials; designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance; the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; measures to ensure maximum practical environmental sustainability throughout the construction, occupation and demolition of development to be incorporated; the promotion of safe and secure environments; the promotion in landscape design of local biodiversity and that any lighting proposals will need to be shown to be in context with the local area.

The design evolution of this project, it has been suggested, has been influenced by a combination of environmental constraints, adjoining uses, engineering, operational requirements and environmental design. The intention being to provide an appropriate overall design that is both operationally efficient and effective, but also protects the residential amenities of neighbouring properties and enhances the local environment. A number of site layout and design options were considered by the applicant, and consulted on, before that proposed was agreed. The option, put forward within this application, was considered to represent the most efficient use of space within the yard; allow the BDC aspect of the operation to remain in its current position, thus providing flexibility for phasing of construction works whilst allowing segregation of the two operations (ECC and BDC). In terms of visual impact, the proposals seek to utilise the existing bunding and boundary planting on site together with proposed additional landscape screening along the eastern boundary. A pre-assessment of the proposed construction, design and operation indicated the WTS could achieve a BREEAM 'Very Good' status.

As a non-allocated employment or industrial area it is considered that Cordons Farm could be defined as countryside (albeit brownfield land), outside the Cressing village envelope. In respect of this BCS policy CS5 defines that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Whilst a discussion and assessment of the appropriateness of this use in this location will continue to be discussed throughout this appraisal, the wording of BCS policy CS5 has been detailed here given the discussion in respect of landscape impact.

The Landscape and Visual Impact Assessment submitted in support of the application suggests the development would not be uncharacteristic of the area, making mention to the existing structure on site, in use for waste operations, and a building of a similar style and height in agricultural use at Wrights Farm to support this conclusion. Although the building proposed is 11.8m high with a stack of an additional 5m the landscape sensitivity of the site from this change is therefore concluded only to be 'medium' and able to be appropriately mitigated. The impact on long distance views are considered 'negligible' although views from nearby roads, footpaths and residential properties would notice a moderate to substantial change in visual significance. Primary mitigation has been provided by orientating the building along a north-west / south-east axis so that the gable end elevation is most visible when viewed from the most affected viewpoint (the public footpath from Braintree Road). It is proposed that the walls of the building would be clad in 'Juniper Green' with 'Dark Grey' doors and a 'Goosewing Grey' roof. Secondary mitigation would be provided by tree and shrub planting to the north-east, south-east and part south-west and north-west boundaries. The planting scheme proposed comprises trees and shrubs selected from the Natural History Museum postcode database (of native species).

BLP policy RLP 80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Furthermore BLP policy RLP 81 details encouragement to retain, maintain and plant locally native trees, woodlands, grasslands and hedgerows.

The submitted Arboricultural Impact Assessment identifies that the sole category B (Oak) tree would be retained and protected throughout the development to the British Standard. In order to construct the new yard and carry out the removal of the existing bund around the site it is proposed to removal four category C trees. These would be replaced by four native trees to replace any lost visual amenity or biomass on the site. A tree protection plan, arboricultural method statement and timetable for implementation of tree protection works has been submitted to accompany that proposed.

BLP policy RLP 65 states that proposals for external lighting will only be permitted if the lighting is an integral element of the development; low energy lighting is used; the alignment of lamps and provision of shielding minimises spillage and glow; the lighting intensity is no greater than that required to provide adequate illumination; there is no significant loss of privacy or amenity and there is no

unacceptable harm to natural ecosystems.

The External Lighting Report, submitted with the application, details that the lighting designs seek to achieve an optimum lighting solution for the safe and proper use of the site whilst seeking to avoid light spill and nuisance to off-site receptors. Key aspects of the design are to minimise the number of luminaires so that illumination is provided only where required. All external site lighting would be controlled by photocell and time clock arrangement to ensure operation only when required. The lighting to the access road and car park within the site boundary has been design to BS EN 13201-2 in accordance with the guidelines given in BS5489-9 Table B Category E2., which recommends a minimum average illuminance of 15 lux and a minimum of 5 lux. Lighting to the weighbridge, lorry bay area and allocated BDC operational area have been designed to provide an average illuminance of 50 lux in accordance with the guidelines set out in The Code For Lighting by The Society of Light and Lighting. CDM-T (Metal Halide) lamps are proposed for the column lanterns and the building mounted floodlights. The column floodlights proposed are a mixture of 6m and 8m with the lights proposed on the building at a height of 6m. All lanterns would be mounted at a zero degree inclination and incorporate a flat glass protector to prevent upward light spill. The light spill from the external light installation is concluded to be minimal.

BDC in its consultation response raised no objection to the design of the WTS stating that in relation to the impact of the development upon the character of the locality and its wider setting, it is recommended that all the recommendations of the arboricultural impact assessment are implemented. The Council's urban design consultant acknowledges the application endeavours to reduce the impact on the rural/settlement edge setting. In context of the proposals however considers that the roof colouring appears too light, industrial and conflicting with the colours of the wall. Further concerns relate to the building detailing and the stack diameter and design and conditions requiring the submission of further details on these elements could be required by condition should permission be granted. In consideration of the assessments which have been undertaken by the applicant, the evolution of the design and the mitigation proposed it is considered that with suitably worded conditions the design of the proposal is compliant in principle with BLP policies RLP 65, RLP 80, RLP 81 and RLP 90.

D IMPACT ON AMENITY

WLP policy W10E states that, inter-alia, developments will 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.

BLP policy RLP 62 furthermore 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. Specifically in relation to waste

reprocessing facilities BLP policy RLP 75 goes on detailing that proposals involving waste recovery will be permitted in employment areas, subject to:

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

Noise

The Noise Assessment and Survey which has been submitted to support the application focusses on the noise impact from fixed and mobile sound sources. The results include figures/levels with and without mitigation provided to fixed plant. Potential sound sources identified from operations are:

- vehicles entering the site;
- vehicles moving around site;
- vehicles leaving the site;
- stationary vehicles which are idling; and
- fixed plant including the wash down bay and transfer station ventilation stack.

Noise break-out from the proposed waste transfer building and existing BDC open site waste management operation have been predicted and the findings indicate that the proposed operations would not cause any significant noise impact at the nearest residential dwelling (Half Acre). This is based on the activity levels advised for the whole site, in full operation, and the site and composite Sound Reduction Index potential of a profiled metal building.

The survey undertaken established that the existing noise climate within the vicinity of the development site was significantly influenced by road traffic noise. For receptors closest to the facility, adjacent on Long Green, the assessment has predicted a worst case noise rating level of 3dB above background noise level at one property and a 1db increase at another from weekday working. A 1db increase above the background noise level is noted at one property in respect of weekend working. 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.

The predictions show that the principal noise sources affecting the closest residential receptors arise from mobile vehicles entering and leaving the site and site activity in and around the waste transfer building. Mitigation has been applied to the ventilation stack however further mitigation to items of fixed plant would be largely ineffective in comparison to the noise arising from vehicular movements.

The Council's noise consultant considers that noise emanating from the site is unlikely to result in noise impacts. However the information provided does not make this clear. The fundamental issue, as considered, is determining what noise source is resulting in the exceedance of the existing background noise level identified. From the information presented it is considered that noise emanating

directly from the facility would unlikely exceed the background noise level and the exceedance a likely result of vehicle movements on the access road. In consideration of this it is recommended that to prevent undue impact, in view of the outstanding concerns, noise conditions be imposed should planning permission be granted. That suggested is that the free field noise level (L_{Ar}), calculated in accordance with BS 4142:1997, attributable to the operation of all fixed and mobile plant used at the premises, shall not exceed the existing background noise level (L_{A90,T}) at any noise sensitive property; and the free field equivalent noise level (L_{Aeq}, 1hr) from vehicles associated with the premises, shall not result in an increase in the existing ambient equivalent noise level (L_{Aeq}, 1hr) by more than 3dB. An update to the Noise Assessment is recommended in support of this and to demonstrate that these levels are achievable.

Braintree District Council in relation to noise and odour impacts recommend that in relation to the intensity of the activity conditions are imposed, should planning permission be granted, limiting the hours of operation to those proposed; restricting the number of vehicle movements to those indicated in the application; and that the noise level associated with the air extraction fan should be limited. In view of six texts for conditions as detailed in Circular 11/95: Use of conditions in planning permission, Paragraph 123 of the Framework and WLP policies W10E and W10F it is considered that such conditions, in principle, could be imposed, should planning permission be granted. However concern is raised about the reasonableness of a condition requiring a noise level below background noise, contrary to the British Standard. A condition, as the Council's noise consultant has advised, controlling the overall noise level of operations from the site, to the background noise level (L_{A90}), is considered more appropriate in offering protection to nearby residential properties whilst not being overly onerous on the applicant, in accordance with Circular 11/95.

Odour

The Odour Assessment submitted with the application used estimates based on odour concentrations and emissions measured from a similar site to create a picture of likely impact. These estimated emission rates from the facility have been inputted into an atmospheric dispersion model to show the likely off-site impact of odour emissions in the around the proposed facility. The dispersion modelling predicts that the five year average annual 98th percentile hourly mean odour concentrations would be below the Environment Agency's 3.0 ouE/m³⁷ benchmark, at all modelled residential and commercial premises around the site. At the nearest residential and commercially sensitive properties the five year average annual 98th percentile hourly mean odour concentration would be 1.67 ouE/m³ and 2.21 ouE/m³, respectively. From the results of the modelling study, it has therefore been concluded that odour emissions would have only a minimal impact on the locality and cause no significant loss of amenity.

In terms of on-site operations a number of design and management factors have been proposed to control odour emissions and impact. Including that waste would be delivered to site in enclosed refuse collection vehicles and bulked-up waste would be transported from the site in enclosed/sheeted vehicles; handling and

⁷ Odour concentration is calculated/modelled in European odour units and the measurement ouE/m³ details the amount of odour present per cubic metre of sample air.

bulking of residual municipal waste, source segregated food waste and mixed dry recyclables would all take place within the building; food waste would be transferred to sealed containers immediately on delivery; vehicle entry and exit to the building would be controlled by high speed roller shutter doors which would be kept closed at all times other than at times when vehicles are entering and exiting the building; the building would be equipped with a fan based air extraction system, with extracted air and odour exhausted to the atmosphere through a 16.8m high discharge stack; negative air pressure would be maintained within the building; and a misting system installed to suppress air borne dust and spray odour suppression solutions, if required.

The Council's odour consultant has not raised any concerns about the methodology of the odour assessment submitted, including the use of five year average annual 98th percentile hourly mean concentrations and/or the use of data from RAE Andrewsfield for the purposes of modelling. In relation to the green wastes entering the BDC aspect of the facility, although this is an existing/permitted operation, concern is nevertheless raised about the lack of submitted information in respect of this process. To address this, an initial scheme of monitoring is suggested (post full operation), as a condition, should planning permission be granted, with remedial action taken should odour levels be recorded above that predicted is recommended.

Hours of Operation

WLP policy W10F suggests that where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation. Braintree District Council has recommended a condition restricting the hours of operation to that applied for. For reference, as previously detailed, the hours of operation proposed are:

07:00 – 20:00 hours Monday to Friday
07:00 – 14:00 hours Saturday, Sunday and Bank/Public Holidays.

The existing permitted hours of operation of ESX/32/93/BTE (replicated in ESS/55/11/BTE) are:

07:00 – 18:00 hours Monday to Friday
07:00 – 14:00 hours Saturday

No operations are permitted to occur on Sundays or Bank Holidays.

The proposed extension to the hours of operation has been put forward on the basis of the operational requirements of the applicant. Within the submitted Planning Statement it is however noted that the Waste Collection Authority (BDC) only operate until 17:00 hours Monday to Friday so the extended hours would attract little activity but provide sufficient operational flexibility, if required. The supporting assessments and studies to this application have addressed the implications of these increased hours of operation and in view of the conclusions of these it is considered further restricting these could be considered unreasonable when demonstration has been shown indicating a negligible impact. In context of the assessments submitted in support of the proposal and to comply with WLP

policy W10F a condition as recommended by BDC could nevertheless be considered appropriate.

With the imposition of suitable worded conditions to restrict the potential impact on local amenity and control and monitor on-site operations it is overall considered that the application complies, as appropriate, with WLP policy W10E and BLP policies RLP 36, RLP 62 and RLP 75.

E TRAFFIC AND HIGHWAYS

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 WPA 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.

BCS policy CS7 aims to promote accessibility for all and details an intention to work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change. Furthermore BLP policy RLP 54, replicated in the Framework at Paragraph 32, requires all proposals for major new development to be accompanied by a Transport Assessment in order to determine the effect of the proposal on traffic congestion, public transport, cycling and walking.

A Transport Assessment (TA) has been submitted with this application that notes that travel to the WTS from the Braintree catchment area is more sustainable than routing vehicles directly to the strategic facility as it would reduce travel times, the number of journeys undertaken and fuel used.

The site (Cordons Farm), as previously stated, is accessed from Long Green. Improvement works to this junction are proposed to be undertaken, as part of this application, and include works to the existing drainage, surface treatment, kerbing, road markings and signage. Internally site arrangements have largely been dictated by the required access arrangements. This has as such seen the weighbridge and vehicle parking area proposed to be located to the north-west of the site where the primary access to the facility would be created.

The TA details that there are no records of personal injury accidents along Long Green within the last 5 years and it is considered the proposals to improve the existing access would only help maintain this record. Cordons Farm is an established site and a traffic survey carried out to ascertain the existing level of usage of the site recorded 274 vehicle movements a day, with a high percentage being HGVs. Long Green is a classified 'C' road and subject to a 50mph speed limit. It has a carriageway width of approximately 6m which is in excess of the minimum 5.5m width necessary to allow two HGVs to pass simultaneously. Previous studies along Long Green have recorded traffic queuing back from Galley Corner Roundabout however such congestion did not reach the entrance of Cordons Farm. The current achievable visibility splays from the access at Cordons Farm, at a 2m set back, are approximately 82m to the south-east and 113m to the north-west.

It is proposed that on an average working day, 220 vehicle movements would result. The below table shows an indicative breakdown of movements during the various time periods to which the facility is proposed to be open:

Time period	Predicted number of vehicle movements
08:00-09:00	4
09:00-10:00	26
10:00-11:00	28
11:00-12:00	12
12:00-13:00	30
13:00-14:00	32
14:00-15:00	28
15:00-16:00	24
16:00-17:00	16
17:00-18:00	6
18:00-19:00	2
Daily Total	220

The Framework at Paragraph 34 details that plans and decision 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. During the peak morning period (08:00-09:00) two LGVs are predicted to arrive and depart from the site (4 movements in total). Furthermore during the peak evening period (17:00-18:00) only three LGV movements are predicted during this period. During peak operational times, between 13:00-14:00, on average one vehicle movement would result every two minutes. Background traffic flows on local roads during this period are considerably lower than at peak times and it is considered, by the applicant, that the movements can effectively be accommodated on the highway network.

In addition to the above, the predicted vehicle movement data from the development suggests 84 vehicle movements during weekend operation. These would be spread over the duration of opening times.

Visibility for the type of vehicles using the site is, as existing, considered by the applicant as adequate and safe. Within the confines of the adopted highway, it is noted that it would be possible to achieve visibility distances of 155m to the south-east and in excess of 160m to the north-west at a 2.4m set back and in excess of 160m in both directions from a 2m set back – the requirements for new junctions. However, the applicant through discussions with the Highway Authority, and in view of the historic accident data for the junction, are proposing a more limited improvement programme (trimming of existing vegetation) to improve visibility to 144m at a 2m set back in both directions. To address this, a condition could be imposed, in line with WLP policy W10A, requiring the visibility splays to be improved prior to occupation of the development should planning permission be granted.

In terms of routeing, within the application details it is stated that all vehicles would be required to turn left (on exiting the facility) towards Galley Corner Roundabout.

Although it is noted that this excludes vehicles carrying out operations within the surrounding villages, thus requiring the ability to depart right from Cordons Farm. Routeing plans are generally outside of planning control. As such, whilst this suggestion can form part of the approved details enforcement of this practice would likely be difficult and unreasonable for the WPA. Eight car parking spaces inclusive of one disabled space are proposed in accordance with the Council's Parking Standards (2009).

The Highways Agency has raised no objection to the proposal. The Highway Authority has similarly raised no objection subject to conditions requiring a visibility splay to 144m, at a 2m set back, to the north-west and south-east be provided; the provision of the site access as proposed; and that unbound material is used for the surface treatment of the vehicular access within 20m of the highway boundary.

In consideration of the above consultation responses received, the site history and the fall-back planning position it is considered that sufficient information has been produced to demonstrate that the development, either alone or cumulatively, would not have an undue impact of highway safety or efficiency. Accordingly it is deemed that the proposal complies with WLP policy W4C, BLP policy RLP 54 and in the improvement works proposed BCS policy CS7.

F FLOOD RISK AND WATER QUALITY

WLP Policy W4A, in summary, permits waste management only where there would not be an unacceptable risk of flooding on site or elsewhere as a result of effect on surface water; where there would not be adverse effect on the water environment as a result of surface water runoff; and where existing and proposed flood defences are protected. WLP Policy W4B adds that such development will also only be permitted where there would not be unacceptable risk to the quality or flow of surface and groundwaters. This policy stance within the WLP is replicated within BLP policy RLP 72.

No objection has been raised by the Environment Agency regarding pollution prevention subject to a condition requiring the submission of a scheme to dispose of foul drainage; install oil and petrol separators; install trapped gullies and roof drainage. However, further information has been requested with regard to the submitted Flood Risk Assessment (FRA) and Drainage Strategy. This information has been submitted and clarifies the concern initially raised by the Agency however subsequent confirmation by the Agency has at the time of writing not been received. Given this, an interim condition could be included, should planning permission be granted, to ensure that the submitted details in respect of the storage capacity of the piped drainage are adequate and to the satisfaction of the EA with regard to flood risk, prior to the commencement of the development.

The submitted FRA and Drainage Strategy detail that the site is categorised as being within Flood Zone 1 (low risk) and according to the Framework, all forms of development are appropriate in this zone. There are no known surface water features on the site with only field ditches flowing away from the site on the south and east boundaries. The nearest main river to the site is over 1km south of the site although there are numerous water bodies in the vicinity. A flood management plan has not been prepared given the assessed low flood risk.

The current ground surface within the proposed site is a combination of concrete paving, gravel and unmade ground. There are a number of containers, a weighbridge and some small modular office buildings on site but no positive drainage systems have been identified. The existing BDC operated WTS contains a number of drainage gullies which discharge to a separator and then to the adjacent ditch via a 150mm diameter outfall. The surface water drainage proposed for the new WTS building is a new surface water outfall with restricted discharge and attenuation. The proposed restricted rate of 5 l/s is detailed as the closest approximation to the greenfield run-off rate.

Surface water run-off from the external hard paved areas of the site is proposed to be collected using channel drains and gullies, with trapped sumps, to retain particulate and floating matters before it enters the downstream water drainage system. Run-off captured in this way would then pass through a separator before discharging to the outfall. Shut off valves would be installed to enable outfall to be sealed in the event of a potentially polluting spillage. There are no public foul sewers in the vicinity. Foul drainage from the existing buildings is via drain to a septic tank/cess pit. The proposed development includes provision to discharge foul drainage to a new package treatment plant with discharge of treated effluent via the proposed surface water drainage system.

In view of the above it is considered that the proposed development would comply with WLP Policies W4A and W4B and BLP policy RLP 72 as there would be no adverse impacts on water or flooding that would outweigh the benefits of the development. The improvement proposed to the existing drainage arrangements are also considered to contribute to the environmental role of sustainable development as required by the Framework.

G ECOLOGICAL IMPACT

BCS policy CS8 relates to the natural environment and details that all development must take account of potential impacts of climate change and ensure the protections and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. The policy, inter-alia, further details in respect of ecology that the natural environment of the District will be protected from adverse effects. The Framework at Paragraph 109 re-affirms the above position stating that the planning system should contribute to and enhance the natural and local environment by;

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The application is supported by an Ecological Assessment which identifies that there no statutory designated site within 1km of the development. One non-statutory site is identified (Lanham Wood Local Wildlife Site) however due to the lack of local ecological connectivity and the distance to this it is concluded within this Assessment that there would be no impact as a result of this development.

Furthermore the Assessment concludes that as the site mainly consists of bare ground and hardstanding with dense scrub and tall ruderal vegetation around the site boundary with some scattered trees, the site is not suitable for any protected species providing only tree and scrub habitat suitable for nesting birds. To prevent any offence a recommendation as part of the Assessment, in view of the above, is made that any proposed vegetation clearance is undertaken outside of the bird nesting season. A condition to this effect, or specific reference to this recommendation within any approved details, could be made in accordance with WLP policy W10A should planning permission be granted.

The Council's ecological consultant notes the tree, scrub and tall ruderal vegetation which would have to be removed to implement this consent. In view of this the recommendations proposed in the form of preventing such clearance during the bird nesting season should be followed during construction and for the life of operations. Reference in the consultation response received is made to Paragraph 118 of the Framework and in terms of enhancing biodiversity a condition is recommended requiring the submission of a Wildlife Protection Plan to include how mitigation measures for Legally Protected Species would be implemented, and should pre-construction inspections identify the presence of such Species, what remediation measures would be implemented (post an immediate stop of all construction operations). With suitably worded conditions applied to any recommendation granting planning permission it is considered the proposal appropriately demonstrates compliance with the considerations of BCS policy CS8 and the environmental dimension of planning as defined within the Framework.

H OTHER CONSIDERATIONS

Contaminated Land

BLP policy RLP 64 details that an applicant proposing development on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of contamination. Development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination so as not to:

- expose the occupiers of the development and neighbouring land uses, including in the case of housing, the users of gardens, to unacceptable risk;
- threaten the structural integrity of any building built, or to be built, on or adjoining the site;
- lead to the contamination of any watercourse, water body or aquifer;
- cause the contamination of adjoining land or allow such contamination to continue;
- have an adverse effect upon natural habitats and ecosystems.

The Phase II Geo-environmental Assessment Report, submitted with the application, identifies that the site is underlain by made ground, over soils of Lowestoft Formation, which in turn overlies soils identified as London Clay Formation. Existing construction including foundations, services, tanks and interceptors are identified as likely to be present as a result of historical development of the site. It has been proposed that 5m wide spread foundations for the waste transfer building at between 1m and 3m below ground level (bgl) would be appropriate. Strip/trench fill foundations are recommended for the office and weighbridge at 1m bgl and a spread foundation for water tanks at 1m bgl.

Ground bearing floor slabs are identified as a suitable foundation following removal of the made ground although it may also be necessary to thicken the sub-floor granular layer to allow for tree influence. Soakage drainage, as previously referred in section F of this appraisal, has not been proposed as the sole source of drainage for the facility. This is because of the clay content of the coarse underlying soils which will reduce infiltration rates. No significant contamination Source Pathway Receptor linkages were identified through the Assessment and on this basis it is concluded in the report that there would be no significant risk to human health, groundwater, water supply pipes or the environment.

Within the Assessment, as referred to by BDC – Environmental Health, further gas monitoring is required in respect of the CIRIA Characteristic Situation for methane and carbon dioxide gas concentrations identified. The screening assessment undertaken characterised the site as Situation 1 but the highest recorded level from the actual monitoring falls within Situation 2. The applicant has sought to undertake additional soil sampling and this is now being tested. Should the results suggest a change in characterisation from Situation 1 to 2 the applicant has suggested that a remediation strategy would be prepared. This is not considered to be a fundamental issue and something which if remediation is required would not result in significant changes to the proposal and as such it is considered that a condition could be attached, should planning permission be granted, requiring the submission of the results from the additional testing and any subsequent remediation works required.

Further concern has been expressed about the use of polymer pipework and statements within the submitted Assessment that the use of this type of piping may impact on the quality of potable water or cause degradation of the pipe construction. These impacts may result as concentrations of PAH compounds above 2mg/kg have been recorded in the sample analysis undertaken. As these compounds can permeate polymer compounds the aforementioned are identified as possible impacts. To overcome this issue and prevent any impact, as a design issue, it is considered a condition could be attached to any permission issued requiring the submission of details of all sub-surface utilities and an assessment of their suitability in context of the ground conditions. Such an imposition is considered appropriate with regard to BLP policy RLP 64.

Archaeology

The Council's archaeology consultant has suggested that there is evidence of historic activity in this area as evidenced by crop mark features seen on aerial

photographs. The potential survival of archaeological horizons can be determined through a trial trenching exercise in areas where they would be impacted upon by the groundworks associated with the development. A condition is therefore recommended, should planning permission be granted, restricting development or any preliminary groundworks until a programme of archaeological works in accordance with a scheme of investigation has been submitted to and approved by the WPA.

Utilities

Gas – It has been suggested by the applicant that mapping information indicates the site and direct vicinity to the site is void from any gas services. The initial design strategy has indicated a gas supply would not be required to serve the site.

Water – It has been suggested that record drawings indicate distribution water mains are installed within close vicinity to the site. Initial discussions have taken place with Anglia Water with regard to providing a new water connection for the development.

Electricity – Low and high voltage electricity services enter and cross the site (overhead). Discussions with UK Power Networks have been initiated by the applicant in an attempt to provide a schedule of works to support the development. It is anticipated modification to the nearby sub-station would be required should the development be implemented.

Telecommunication – Telecommunications are present on site and within the neighbouring highways. Similarly to the above discussions have been initiated with the provider and a scheme of works would be finalised should planning permission be granted.

I HUMAN RIGHTS

Article 8 of the European Convention on Human Rights (as incorporated by Human Rights Act 1998), provides that everyone is entitled to respect for his private and family life, his home and correspondence.

Article 1 of Protocol 1 of the European Convention on Human Rights provides that everyone is entitled to peaceful enjoyment of his possessions.

In light of the absence of any significant impacts in terms of noise, odour, dust, lighting, traffic or other amenities, it is considered there is no interference with either Article 8 or Article 1 of Protocol 1. Even if there were such interference, It is considered that the interference would be of such a level as to be clearly justified and proportionate in the public interest.

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.

The facility proposed has been put forward as part of the delivery of a series of new waste management facilities to handle Essex's municipal waste. Essex and Southend Waste Disposal Authorities have identified a need for 6 new waste transfer facilities to support this delivery (through the Joint Municipal Waste Management Strategy for Essex) and this represents the proposed facility for the Braintree area. In consideration of this and guidance within PPS 10 and the Framework it is considered an identified need for such a development has been demonstrated.

However, policies in the BLP do not allocate the site as 'industrial land'. Even though industrial and waste uses have been present on the Cordons Farm site for some time, the proposed development does assist in 'restricting development in the area' and is considered to be contrary to RLP 58 and 59 in terms of location.

In accordance with the Planning Acts, planning permission should be refused for development not in accordance with the development plan unless material considerations indicate otherwise.

The details submitted in support of the application show how the proposal has developed and evolved in context of stakeholder engagement and the existing site environment. That proposed has been done so to ensure the efficient reception, bulking and onward transportation of waste with minimal impact. This location has been chosen (Cordons Farm) given the existing presence of a waste use, its close proximity to the strategic road hierarchy and its central location within the collection area. The assessments submitted with the application and the mitigation proposed it is considered demonstrate that the impact of this development is unlikely to be significant and with the imposition of conditions restricting the overall intensity of the site and to control the impact of the physical development it is considered that the proposal complies with WLP policies W3A, W3C, W4A, W4B, W4C, W6A, E7E, W8A, W8B, W10E and W10F, BCS policies CS7 and CS8 and BLP policies RLP 36, RLP 54, RLP 62, RLP 64, RLP 65, RLP 72, RLP 75, RLP 80, RLP 81 and RLP 90. The overall benefits to the proposal, in job creation, providing a purposefully designed and functional facility and minimising future waste production and pollution, furthermore it is considered span all three dimensions of planning consideration (economic, social and environmental) as defined within the Framework and as such effectively render this development as sustainable within this location.

On balance therefore, applying the presumption in favour of sustainable development and in particular sustainable waste management development, in this case it is considered that there are material considerations to justify a departure against development plan policy.

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. HOUR1 – Hours of Operation:
07:00 – 20:00 hours Monday to Friday
07:00 – 14:00 hours Saturday, Sunday and Bank/Public Holidays (except Christmas Day, Boxing Day and New Year's Day when the site shall be closed)
4. DET2 – Design Detail (Variant):
No development shall take place until details of eaves, fascias and rainwater drainage have been submitted to and approved in writing by the Waste Planning Authority. The submitted details shall include scaled drawing by section and elevation at scales between 1:20 and 1:1, as appropriate. The development shall be implemented in accordance with the approved details.
5. DET5 – Waste Building Design and Construction (Variant):
No development shall take place until details of the roof colour of the building hereby permitted have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
6. DET5 – Waste Building Design and Construction (Variant):
No development shall take place until details of the stack diameter and design have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
7. HIGH1 – Site Access Road (constructed first)
8. HIGH5 – Vehicle Movement Limits:
The total number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:
220 movements (110 in and 110 out) per day Monday to Friday
84 movements (42 in and 42 out) on Saturday, Sunday and Bank/Public Holidays
9. HIGH11 – Visibility Splays
10. HIGH14 – Surface Material
11. NSE1 – Noise Limits (Variant):
The free field Rating Noise Level (L_{Ar}) attributable to the operation of all fixed and mobile plant used at the facility hereby permitted shall not exceed the existing background noise level L_{A90,T} at any noise sensitive property adjoining the site. Measurements shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
12. NSE1 – Noise Limits (Variant):
The free field Equivalent Continuous Noise Level (L_{Aeq}, 1hr) from vehicles associated with the facility shall not result in an increase in the existing ambient equivalent noise level (L_{Aeq}, 1hr) by more than 3dB from any adjoin noise sensitive property. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
13. NSE3 – Monitoring Noise Levels (Alternative)
14. NSE5 – White Noise Alarms
15. LIGHT1 – Fixed Lighting Restriction - other than that submitted
16. LGHT2- Use of lighting restriction.
17. LAND2 – Replacement Landscaping
18. ECO1 – Acceptable Survey, Mitigation and Management Plan – Implementation of Scheme

19. ECO4 – Wildlife Protection Plan
20. ARC1 – Advance Archaeological Investigation
21. POLL1 – Surface and Foul Water Drainage & POLL2 – Interception Facilities (Variant):
No development shall take place until a detailed scheme to accommodate/dispose of all surface and foul water drainage, install oil and petrol separators and install trapped gullies and roof drainage – sealed at roof level has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved scheme/details and maintained for the life of the development hereby permitted.
22. WAST1 – Waste Type Restriction and Tonnage to 71,250 tonnes per annum
23. WAST7 – Essex and Southend-on-Sea's Waste Only
24. Odour levels shall be monitored within 1 month of the date of the commencement of waste transfer operations at the site. The results of the monitoring shall be submitted to the Waste Planning Authority within 2 weeks of the date of the monitoring unless otherwise agreed in writing. Monitoring shall be carried out at (and beyond if necessary) the site and the results shall include a remediation strategy should levels be higher than set out in the predictions contained within the Odour Assessment, reference: 663433/BR/R08 Revision 3, dated May 2013. Any required remediation shall be carried out following the written request of the Waste Planning Authority. Odour monitoring shall continue on an annual basis for the life of the development hereby permitted unless otherwise agreed in writing by the Waste Planning Authority.
25. GEN1 – Advance Submission of Details:
No development shall take place until details of the materials to be used for sub-surface utility pipework have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the type of material proposed as well as an assessment of suitability in context of the existing ground conditions. The development shall be implemented in accordance with the approved details.
26. GEN1 – Advance Submission of Details:
No development shall take place until an update to the contamination survey submitted with the application (Phase II Geo-environmental Assessment, reference: 663433/BR/R17 – Revision 3, dated May 2013) has been submitted and approved in writing by the Waste Planning Authority. The update shall include details of the results of the additional soil sampling, which has been undertaken, and provide clarification of the identified levels of methane and carbon dioxide on site providing a remediation strategy if required. The development shall be implemented in accordance with the approved details.
27. GEN1 – Advance Submission of Details:
No development shall take place until details to demonstrate that the piped drainage storage capacity is above 360m³ have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

BACKGROUND PAPERS

ESS/23/13/BTE Application File (Part 1 and Part 2)
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 Waste 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. The Waste Planning Authority also participated in pre-application engagement programme with the developer and other consultees prior to the submission of the planning application, offering advice where appropriate to assist in the application process. The community engagement process, undertaken by the applicant, was overseen in accordance with Essex County Council's Adopted Statement of Community Involvement. 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

POLICY	POLICY WORDING	CONFORMITY WITH THE FRAMEWORK
Essex and Southend Waste Local Plan 2001		
W3A	<p>The WPA 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>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 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 PPS 10</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with</p>

	<p>waste arising in Essex and Southend. In the case of non-landfill proposals with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> • Where the proposal would achieve other benefits that would outweigh any harm caused; • Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5; • In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration. 	<p>obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> • There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water; • There would not be an adverse effect on the water environment as a result of surface water run-off; • Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance. 	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS 10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would</p>

		not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS 10 and the Framework.
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
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 required, to the satisfaction of the highway authority. 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. 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. 4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan. 	<p>Paragraph 21 (i) of PPS 10 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 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 PPS 10.</p>
W6A	The WPAs will seek to work with WDAS/WCAS to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle waste arising's in an environmentally acceptable manner in accordance with the policies within this Plan.	<p>PPS 10 at Paragraph 3 highlights the key planning objectives for waste management development. Two of the objectives are as follows;</p> <ul style="list-style-type: none"> • Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a

		<p>resource and looking to disposal as the last option, but one which must be adequately catered for;</p> <ul style="list-style-type: none"> • Provide a Framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities. <p>Therefore, policy W6A is in conformity with the requirements of PPS 10.</p>
W7E	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> • Development associated with the source separation of wastes; • Material recovery facilities (MRF's); • Waste recycling centres; • Civic amenity sites; • Bulking-up facilities and waste transfer stations. <p>Proposals for such development will be supported at the following locations:</p> <ul style="list-style-type: none"> • The waste management locations identified in Schedule 1 (subject to policy W8A); • Other locations (subject to policies W8B and W8C); • In association with other waste management development; • Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted). <p>Provided the development complies with other relevant policies of this plan.</p>	<p>See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p>	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management</p>

	<ul style="list-style-type: none"> • There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C); • The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy; • The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed; • Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable; • Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and • Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained. 	<p>facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> – allocate sites to support the pattern of waste management facilities set out in the RSS <p>in accordance with the broad locations identified in the RSS; and,</p> <ul style="list-style-type: none"> – allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS. <p>The WPA has identified strategic sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.</p> <p>See also W8B.</p>
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 	<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</p>

	<p>land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area.</p> <p>Large-scale waste management development (of the order of 50,000 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.</p>	<p>should prefer land of lesser environmental value, where consistent with other policies in this Framework'. Nonetheless, Paragraph 17 of the Framework requires objectively assessed needs to be met and whilst the environmental protection approach W8B is consistent with the Framework/PPS 10, the policy also relies solely on the Schedule 1 sites identified in W8A and is therefore out of date in this respect.</p>
W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS 10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction'.</p> <p>Furthermore, Paragraph 203 of the Framework states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the</p>

		policy is in accordance with the requirements of the Framework and PPS 10.
W10E	<p>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:</p> <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>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 natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, Paragraph 203 states that local planning authorities should consider</p>

		<p>whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS 10 and conditions.</p>
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DR/30/13

committee DEVELOPMENT & REGULATION

date 26 July 2013

COUNTY COUNCIL DEVELOPMENT

Proposal: **Retrospective application for the continued use of 2 classbases for a temporary period until 31 August 2018 and external refurbishment of the classbases**

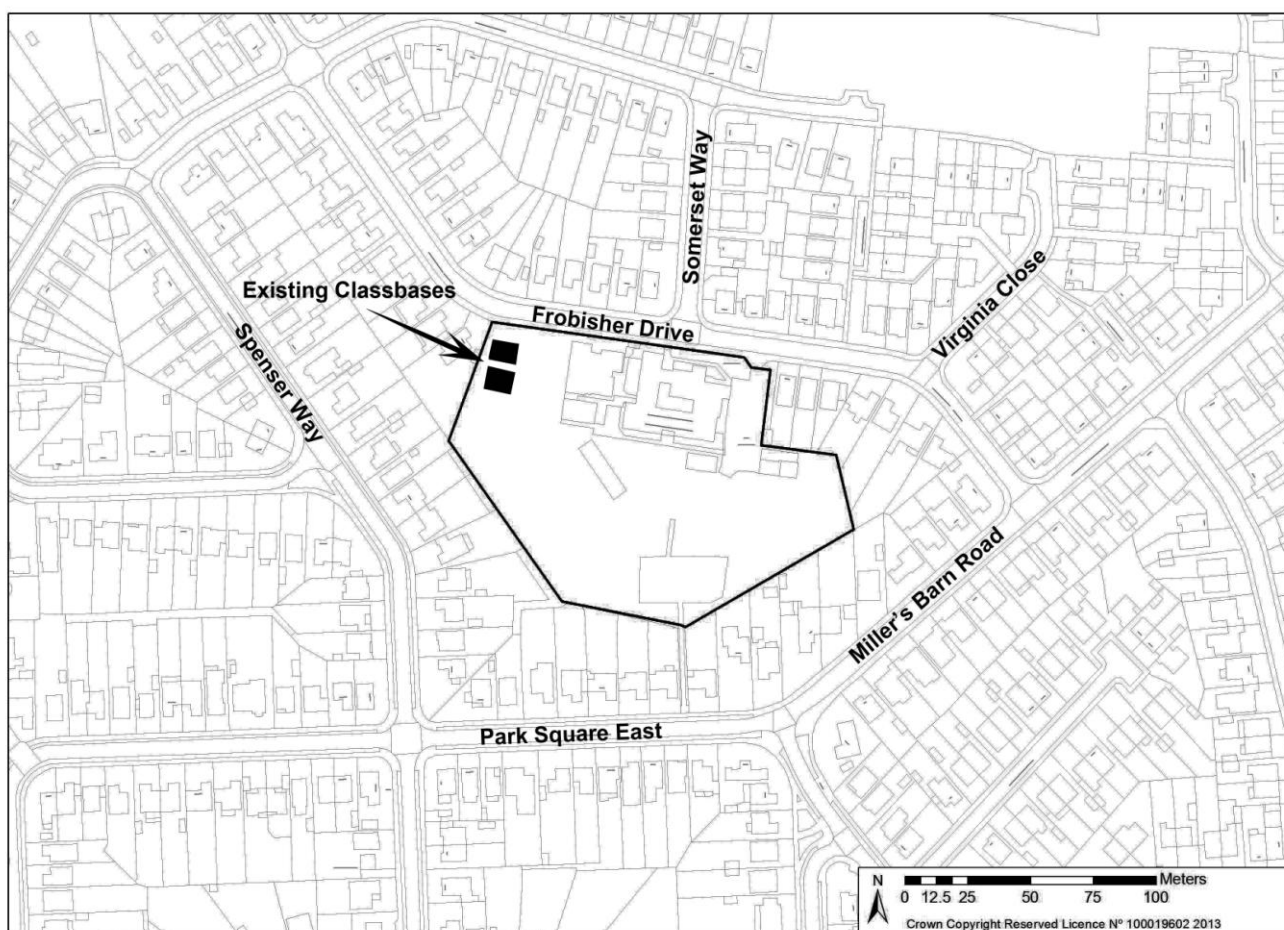
Location: **Frobisher Primary and Nursery School, Frobisher Drive, Jaywick, Clacton-on-Sea CO15 2QH**

Ref: **CC/TEN/23/13**

Applicant: **Essex County Council**

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Rachel Edney Tel: 01245 437503



1. BACKGROUND

The school site has a relatively long planning history. A majority of the previous planning applications relate to temporary classrooms and extensions in time for their use. The most recent planning permissions were granted in August 2011 for the continued use of three classbases until 31 August 2016 (CC/TEN/45/11 & CC/TEN/46/11).

2. SITE

Frobisher Primary and Nursery School is located on Frobisher Drive, to the north of Jaywick.

The main school buildings are located to the north of the school site with a car parking area to the east. There are hard play areas to the south and west of the school buildings with playing field areas to the south east and south west and west. The 2 classbases, which are the subject of this application, are located to the west of the main school buildings.

There is vehicular and pedestrian access from Frobisher Drive with an additional pedestrian access from Park Square East.

The school site is in a predominantly residential area with residential properties adjoining the school site to the east and west in Frobisher Drive, south east in Millers Barn Road, south in Park Square East and south west in Spenser Way. There are also residential properties on the opposite side of Frobisher Drive to the school.

There is established boundary vegetation to a majority of the school site.

3. PROPOSAL

The 2 classbases have been on the school site for several years and have previously provided accommodation for a reception class and also for an in-house crèche and meeting space for parents.

There is a relatively high uptake of free school meals by pupils at the school and the school provides a Breakfast Club which gives the school greater opportunities to meet parents and provide pupils with pastoral support.

It is proposed to use one of the existing classbases to accommodate the Breakfast Club and provide pastoral and SEN support for pupils. This would free accommodation within the main school building, allowing the school to reduce class sizes in line with one of the measures to improve educational attainment and better support pupils with special educational needs.

The second classbase would be used to provide in-house training for School Governors, teaching and teaching support staff; training events involving other local schools and planning and preparation space for teaching staff.

It is also proposed to externally refurbish the two classbases to improve the air-tightness and thermal performance of the buildings. It would also help improve the security of the buildings and reduce heat loss.

4. **POLICIES**

The following policies of the Tendring District Local Plan adopted December 2007 (TDLP) and the Tendring District Local Plan Proposed Submission Draft November 2012 (TDLPS) provide the development plan framework for this application. The following policies are of relevance to this application:

	TDLP	TDLPS
Policy QL9	Design of Development	
Policy COM1	Access For All	
Policy EN12	Design & Access Statements	
Policy SD9		Design of New Development

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

It is important to note that Tendring District Council adopted its Local Plan in December 2007. The NPPF Framework (paragraph 214) states that from the date of publication (27 March 2012) for a 12 month period the determining authority can give full weight to the relevant policies of those plans even if there is a limited degree of conflict with the Framework. However this 12 month grace period has now expired meaning the Local Plan falls within the interpretation under paragraph 215. The Tendring District Local Plan Proposed Submission Draft November 2012 is at Pre-Submission Draft stage and is a material consideration.

Paragraph 215 states, in summary, that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. The level of consistency of the policies within the Tendring District Local Plan adopted December 2007 is considered further in the report.

5. **CONSULTATIONS**

TENDRING DISTRICT COUNCIL – Objects as a further continued use for a temporary period is considered contrary to Circular 11/95, however an email received from 2 District members (JAYWICK Golf Green) supports the application.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND

HIGHWAYS – No objection

LOCAL MEMBER – TENDRING – Clacton West – Any comments received will be reported

6. REPRESENTATIONS

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

<u>Observation</u>	<u>Comment</u>
Already suffer from inconsiderate parking by parents dropping off and picking up pupils from the school	See appraisal
Speed limit of 30mph constantly broken	This is a police matter and outside the scope of this application
Newly painted double yellow lines outside the school are a waste of money as parents ignore them	See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design
- D. Impact on Landscape & Residential Amenity
- E. Traffic & Highways

A NEED

There are currently 250 pupils on the school role together with a staff of 54.

Tendring District Council is committed to increasing the total housing stock within its urban and rural settlements. Increased housing within the area is likely to increase demand for places at the school. However, the school needs to balance a potential increase in demand for places with a relatively high need for special educational and emotional support for existing pupils. This is evidenced by the uptake of free school meals which currently stands at about 60% of pupils of the school. A Breakfast Club is also provided which gives the school more opportunities to meet parents and provide pupils with pastoral support.

It is proposed that one of the existing classbases would be used to accommodate the Breakfast Club and pastoral or Special Educational Needs (SEN) activities during the school day. This would free up accommodation within the main school buildings to allow existing class numbers to be reduced in line with one of the

measures the school is taking to improve educational attainment and better support pupils with special educational needs.

The second existing classbase would be used for in-service teacher training, Governor training, meeting and community activities. The applicant has stated there is currently little provision for SEN support in the local area and teachers and training assistants need to travel to other parts of the County for specialised training. The proposed training would be provided to small groups of staff from local schools and would create an important resource for Tendring District.

Tendring District Council has objected to the application and has noted that classbases have been on the school site since 2006 and if planning permission were to be granted, would remain on the school site until August 2018. This equates to 12 years of temporary permissions well beyond the period that would normally be expected for a trial run. It does not consider that the application contains any justification for granting a further temporary permission and falls foul of the provision of Circular 11/95.

Paragraph 110 of Circular 11/95 states that where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, whether because they have specifically volunteered that intention, or because it is expected that the planning circumstances will change in a particular way at the end of that period, then a temporary period may be justified.

It is acknowledged that the classbases have been on the school site for a number of years. However the end date of 31 August 2018 was specifically volunteered by the applicant as part of the application submission.

The 2 district local members both support the application as an improvement as the classbases do not meet current buildings regulation standards and are currently unusable. The refurbishment of the classbases as part of the community project would allow the classbases to be brought back into use and enable the school to better support the special needs of pupils at the school in one of the most deprived areas of the County.

The district members have also stated that it is not anticipated or planned that pupil numbers will increase apart from natural local growth in the future and that the sole intention is to improve facilities for the staff teaching arrangements and existing pupils at the school.

It is considered that the need for the continued use of the classbases has been demonstrated as it would provide the school with much needed teaching and ancillary accommodation and would also allow the school to reduce class sizes to help improve educational attainment and better support pupils with special educational needs.

B POLICY CONSIDERATIONS

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable

development: economic, social and environmental.

In summary, the social role involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with local accessible services that reflect the community's needs and support its health, social and cultural wellbeing.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key planning issues before applications are submitted.

The continued use of the two classbases until 31 August 2018 would provide the school with much needed additional accommodation for use by pupils and staff and would allow the school to reduce its class sizes in line with one of its measures to improve educational attainment and provide better support for pupils with special educational needs. It is therefore considered that the proposal would be in accordance with Paragraph 72 of the NPPF.

C DESIGN

TDLF Policy QL9 (Design of New Development) states inter alia that "*all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.*"

TDLF Policy SD9 (Design of New Development) states inter alia that "*all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.*" The policy goes on further to state "*the development should incorporate or provide measures to minimise energy and water consumption.*"

The classbases are standard relocatable type, comprising timber framed prefabricated units of 'Relocatable' design constructed in bays specifically designed for ease of transfer, supported by concrete/brick piers.

The general arrangement of windows and external doors would not alter as a result of the proposed refurbishment. However the appearance of the classbases would be improved by new external cladding. The external walls of the classbases would be clad with rigid insulation finished with self-coloured render which would greatly improve the air-tightness and thermal performance of the buildings and is a key objective of the company sponsoring the work.

The existing timber plinths would be renewed using preservative-impregnated stained timber or wood-effect sidings for longevity.

The existing windows in white UPVC would be replaced on a like-for-like basis where they are in poor condition otherwise they would be retained with new reveals and cills to accommodate the depth of the over-cladding.

Existing external doors would be replaced with polyester-powder coated aluminium-framed doors which would help improve security and reduce heat loss. The entrance doors would have level thresholds to comply with Equality Act legislation.

The existing finish to the shallow-pitched roofs would be renewed using high-performance felt or a single-ply membrane in a mid-grey colour.

Place Services (Urban Design) has no objection to the application.

Although the classbases are not new buildings it is considered that the external refurbishment of the classbases would be in accordance with TDLP Policy QL9 and TDLPS Policy SD9 as it would help improve the appearance of the classbases. It is further considered that the classbases relate well to the school site in relation to their siting, height, scale, massing, form, design and materials. It is also considered that the proposed external refurbishment would be in compliance with TDLPS Policy SD9 as it would help reduce the energy consumption of the classbases.

TDLP Policy COM1 (Access for All) states inter alia that *“development involving buildings or spaces to which the public will have access as visitors, customers or employees will not be permitted if the design and layout does not provide safe and convenient access for people of all abilities.”*

TDLPS Policy SD9 (Design of New Development) states inter alia that *“the design and layout of the development must maintain and/or provide safe and convenient access for people with mobility impairments.”*

An existing external ramp between the 2 classbases which is considered to be unsafe would be replaced with a new Equality Act compliant ramp within the same footprint and would provide access to both classbases. It is considered this would be in compliance with Policy COM1 and Policy SD9.

A Design and Access Statement was submitted as part of the application which is considered to be in accordance with TDLP Policy EN12 (Design and Access Statements) which requires that a Design and Access Statement be submitted with most planning applications.

D IMPACT ON LANDSCAPE & RESIDENTIAL AMENITY

Policy SD9 (Design of New Development) states inter alia that *“new development should be compatible with surrounding uses and minimise any adverse environmental impacts.”* It goes on to say that *“the development will not have a*

materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.”

There would not be any changes to the existing landscaping as a result of this application. The existing hedge to the west of the existing classbases would be retained and pruned to improve its appearance. The 2 trees and small grassed area fronting onto Frobisher Drive would also be retained and protected from damage during the proposed refurbishment works. The canopy line of the trees would be raised as necessary to maintain clear pedestrian access beneath them.

The nearest residential property adjoins the western boundary of the school site in Frobisher Drive. This property is side-on to the school and does not directly overlook the classbases. Established boundary vegetation also helps screen the classbases from the view of this property. There are further residential properties in Frobisher Drive which are on the opposite side of the road to the school. Although there are views into the school site established boundary vegetation helps screen the classbases from view.

The classbases have been on site for a number of years and in view of this it is not considered that the continued use of the classbases until 31 August 2018 would have any greater detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties than existing.

It is considered that the proposal would be in accordance with TDLPS Policy SD9 as it is not considered that the continued use of the classbases would have a materially damaging impact on the privacy, daylight or other amenities of nearby properties.

E TRAFFIC & HIGHWAYS

Access to the classbases for pupils, parents and visitors would be via the main entrance to the school as existing. The double gates fronting Frobisher Drive are for use by maintenance vehicles only.

One letter of representation has been received with regard to the inconsiderate parking of parents dropping off and picking up pupils at the school. Reference is also made to the fact that some motorists break the 30mph speed limit along Frobisher Drive and the fact that the recent painting of double yellow lines outside the school is a waste of money as parents just ignore them.

The issue of inconsiderate parking by parents is a school management issue as opposed to a planning issue but is not a problem unique to this school. Although it is acknowledged it causes problems and inconvenience for local residents it is restricted to short periods of time morning and afternoon.

The new line markings, signage, education and increased patrols to reduce inconsiderate and/or unsafe parking by parents have been undertaken in conjunction with the Colchester Parking Partnership. Whilst these works do not form part of the application it demonstrates the school's commitment to building good relations with residents in the immediate vicinity. The applicant has advised

that enforcement officers have been in attendance in the area to ensure that the new restrictions are adhered to.

In an attempt to help relieve congestion in the local area the school transports 48 children back to Jaywick by minibus at the end of each day.

The school would employ one additional member of staff to cater for the reduction in class sizes. There are currently 23 car parking spaces on the school site together with 2 disabled spaces.

The EPOA Parking Standards Design and Good Practice Guide published September 2009 states that a maximum of 1 vehicle parking space per 15 pupils should be provided for a primary school. There are currently 250 pupils on the school roll which means that a total of 17 spaces should be provided. The number of parking spaces available on the school site is in excess of that set out in the guidance.

8. CONCLUSION

Given the NPPF's emphasis on creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being it is considered that planning permission should be granted for the proposed continued use of the classbases until 31 August 2018. The classbases would provide the school with much needed teaching and ancillary accommodation and would also allow the school to reduce class sizes to help improve educational attainment and better support pupils with special educational needs.

It is considered that the classbases relate well to the school site in relation to their siting, height, scale, massing, form, design and materials. It is also considered that the proposed external refurbishment of the classbases would help improve their appearance and would also improve the air-tightness and thermal performance of the buildings.

It is not considered that the continued use of the classbases would have a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties.

It is considered that the proposal would be in accordance with Policy QL9 (Design of New Development), Policy COM1 (Access for All) and Policy EN12 (Design and Access Statements) of the Tendring District Local Plan adopted December 2007 and Policy SD9 (Design of New Development) of the Tendring District Local Plan Proposed Submission Draft November 2012.

9. RECOMMENDED

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

1. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/TEN/23/13 dated 7 May 2013 and validated on 24 May 2013 together with Drawing Numbers 192-01 A (Location & Block Plans) dated April 2013, 192-02 (Existing Plan & Elevations) dated April 2013, 192-03 (Proposed Plan & Elevations) dated April 2013 and the Planning, Design and Access Statement dated May 2013 together with emails from Jon Green, Laurie Wood Associates dated 2 July 2013 13:13 and 2 July 2013 14:41 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following condition:
2. The use of the temporary classbases hereby permitted shall cease on 31 August 2018 and within 3 months of that date shall be removed from site and the land restored to its former condition within a further 28 days.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: DM/Rachel Edney/CC/TEN/23/13

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

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

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 NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England)(Amendment No. 2) Order 2012.

LOCAL MEMBER NOTIFICATION

TENDRING – Clacton West

DR/31/13

committee DEVELOPMENT & REGULATION

date 26 July 2013

COUNTY COUNCIL DEVELOPMENT

Proposal: **Erection of a detached timber-framed building**

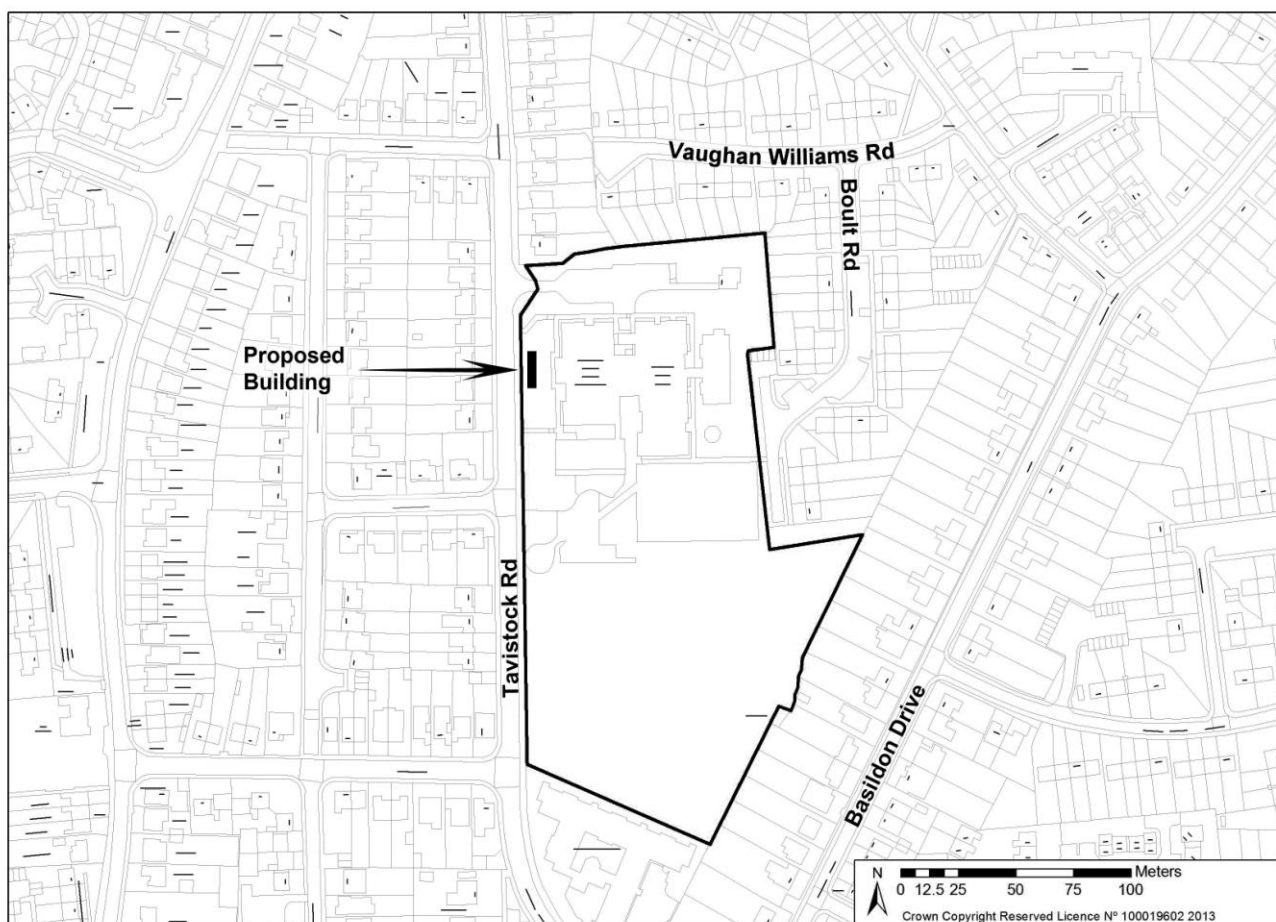
Location: **Millhouse Infant School & Nursery, Tavistock Road, Laindon, Basildon, Essex SS15 5QF**

Ref: **CC/BAS/24/13**

Applicant: **Essex County Council**

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Rachel Edney Tel: 01245 437503



1. BACKGROUND

There is a relatively short planning history for the school site. The most recent planning permission was granted in September 2010 for the erection of 3no. free-standing canopies adjacent to existing classrooms.

2. SITE

Millhouse Infant School & Nursery is located on Tavistock Road to the north of Laindon.

Millhouse Junior School shares the site with the Infant School & Nursery and is located to the east. There is a car parking area to the north of the site which provides 30 car parking spaces.

There are hard play areas to the south of the Infant and Junior schools with an extensive playing field beyond.

Vehicular and pedestrian access is via Tavistock Road.

The school site is in a predominantly residential area with residential properties to the north in Vaughan Williams Road, east in Boulton Road and Basildon Drive and south and west in Tavistock Road.

There is established boundary vegetation to a majority of the school site.

3. PROPOSAL

It is proposed to erect a detached single storey timber framed building at Millhouse Infant School & Nursery to provide accommodation for parents' meetings, staff training, social care meetings and school nurse health checks.

The proposed building would be located to the west of the existing school buildings adjacent to the western boundary of the school site (Tavistock Road).

The building would measure approximately 11.5m x 4.3m x 3.3m in height and would be a timber framed building with Western Red Cedar Wood cladding, a grey roof membrane and Douglas Fir window and door frames.

Staff and pupil numbers and school opening hours would not change as a result of this application.

4. POLICIES

The following policy of the Basildon District Local Plan (BDLP) Saved Policies adopted September 2007 provides the development plan framework for this application. The following policy is of relevance to this application:

BDLP

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

It is important to note that Basildon Borough Council adopted its Saved Policies post 2004. The NPPF Framework (paragraph 214) states that from the date of publication (27 March 2012) for a 12 month period the determining planning authority can give full weight to the relevant policies of those plans even if there is a limited degree of conflict with the Framework. However this 12 month grace period has expired meaning the Local Plan Saved Policies fall within the interpretation under paragraph 215.

Paragraph 215 states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The level of constancy of the policies contained within the Basildon District Local Plan Saved Policies (2007) is considered further in the report.

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL – No objection subject to any permission given being on a temporary basis, capable of being renewed every five years.

PLACE SERVICES (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to conditions

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Supports the application

LOCAL MEMBER – BASILDON – Laindon Park and Fryerns – Any comments received will be reported

LOCAL MEMBER – BASILDON – Laindon Park and Fryerns – Any comments received will be reported

6. REPRESENTATIONS

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

<u>Observation</u>	<u>Comment</u>
The application implies further expansion and use of the school	See appraisal
Local roads have insufficient capacity to cope with existing traffic/parking	See appraisal

requirements

Residents have difficulty accessing their properties at times See appraisal

Residents concerned about access for emergency vehicles Noted

7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design
- D. Impact on Landscape & Residential Amenity

A NEED

It is proposed to erect a detached single storey timber framed building within the school grounds to improve and augment the school's current facilities. The proposed building would provide accommodation for parents' meetings, staff training, social care meetings and school nurse health checks which cannot be accommodated within the existing school buildings.

One letter of representation has been received stating that the application implies further expansion and use of the school.

However the proposed building would provide additional accommodation to meet the school's existing needs. There would not be an increase in staff or pupil numbers as a result of this application.

It is considered that the need for the erection of a detached single storey timber framed building has been demonstrated as it would provide much needed additional accommodation to meet the existing needs of the school.

B POLICY CONSIDERATIONS

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

In summary the social role involves supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

Paragraph 70 of the NPPF states in summary that to deliver the social,

recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with school promoters to identify and resolve key issues before applications are submitted.

The erection of the proposed detached single storey timber framed building would provide the school with much needed accommodation for parents' meetings, staff training, social care meetings and school nurse health checks and it is considered that the proposal would be in accordance with Paragraph 72 of the NPPF.

C DESIGN

The proposed building would be a single storey timber framed construction clad in Western Red Cedar which would either be left to weather naturally to a silver-grey colour or treated with oil/stain.

The roof of the building would consist of a single ply Alwitra Evalon membrane coloured dark grey with strategically placed light-pipe units providing daylight for the building's occupants. Extensive glazing would provide natural daylight lessening the demands for artificial lighting.

The doors and window frames would be Douglas Fir softwood with high performance coated double glazed units.

The building would be high insulated to help reduce energy consumption.

Ramped access would be provided to the building.

Following confirmation from the applicant that the fascias and soffits of the proposed new building would be in red cedar to match the rest of the proposed building and the relocation of the proposed window to the toilet facilities Place Services (Urban Design) supports the application.

Basildon Borough Council considers that the design and material finish of the proposed building is acceptable in the context of the taller yellow brick main school buildings, behind, which would serve as a backdrop to the new building.

D IMPACT ON LANDSCAPE & RESIDENTIAL AMENITY

There are no specific policies relating to the development of schools within the

Basildon District Council Local Plan Saved Policies (2007), although it is considered that this application would fall under the general Development Control Policy BAS BE12. Although this policy specifically relates to residential amenity it is considered that the criteria can be transferred to development proposals such as this, especially with regard to the potential impacts on the neighbouring residential properties. This policy is considered to be consistent with the direction of the NPPF.

Saved Policy BDLP BAS BE12 (Development Control) states inter alia that *“planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, overlooking, noise or disturbance to the occupants of neighbouring dwellings, over-shadowing or over-dominance or traffic danger or congestion.”*

The proposed new building would be located to the west of the main school buildings on an existing grassed area adjacent to the school’s boundary with Tavistock Road.

The existing hedge along the western boundary of the school and the two trees which are growing in close proximity to the proposed new building would be retained.

Place Services (Trees) has no objection to the proposal subject to conditions requiring the installation of HERAS protective fencing to protect both the crown and rooting zones of the retained trees in accordance with BS5837 prior to the commencement of development and that any excavations should be located outside the root protection area of the retained trees. However if this is unavoidable any excavations must be hand dug and all roots with a diameter greater than 25mm must be retained undamaged.

Should planning permission be granted it is considered that suitable conditions could be attached to ensure the adequate protection of the trees to be retained.

The grassed area proposed as the location for the new building slopes slightly up towards Tavistock Road.

The existing hedge to the western boundary is approximately 1.5 metres in height and the proposed new building would be 3.3 metres in height and located 3 metres from the site boundary. The nearest residential properties are on the opposite side of Tavistock Road to the school approximately 15 metres from the proposed new building.

Access to the building would be via an existing footpath within the school grounds. Only 2 small windows are proposed for the elevation which faces the properties in Tavistock Road. It is considered this would help minimise noise transfer and reduce the potential for overlooking.

Basildon Borough Council considers that the proposed building would have a minimal impact upon the character of the wider area, including the street scene. It has no objection to the intended small scale, low scale appearance and relatively

discrete position of the proposed building. However due to the forward stand-alone position of the proposed building within the school grounds and its timber material finish it recommends that any permission granted should be on a temporary basis, capable of being reviewed every five years.

The applicant has applied for permanent permission and Circular 11/95 advises that temporary permissions should only be granted where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, whether because they have specifically volunteered that intention or because it is expected that the planning circumstances will change in a particular way at the end of that period. Therefore it is not considered appropriate to grant temporary permission.

One letter of representation has been received stating that local roads have insufficient capacity to cope with existing traffic/parking requirements. It goes on to state that residents have difficulty in getting their own cars out at certain times and are particularly concerned about access for emergency vehicles.

The issue of inconsiderate parking by parents is a school management issue as opposed to a planning issue but is not a problem unique to this school. Although it is acknowledged it causes problems and inconvenience for local residents it is restricted to short periods of time morning and afternoon.

As stated previously there would not be an increase in staff or pupil numbers at the school as a result of this application. Therefore it is not considered that there would be any resulting increase in traffic movements or parking requirements.

It is not considered that the proposed erection of a detached single storey timber framed building would have a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring residential properties.

It is considered that the proposal would be in accordance with Policy BAS BE12 (Development Control) as the established boundary vegetation would help screen the proposed building from view, there would not be a material harm to the character of the surrounding area, overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over dominance or traffic danger or congestion.

8. CONCLUSION

Given the NPPF's emphasis on creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being it is considered that planning permission should be granted for the erection of a detached timber framed building within the school grounds as it will provide additional accommodation for parents' meetings, staff training, social care meetings and school nurse health checks not available within the main school buildings.

Given that the proposed new building has been designed as a permanent building with particular consideration given to the selected materials it is considered

appropriate to grant permanent planning permission.

The proposed design and materials of the building are considered to be acceptable and appropriate with regard to the existing buildings on the school site and the surrounding area.

It is not considered there would be a significant detrimental impact on the landscape, visual or residential amenity of the nearest residential properties.

It is considered that the proposal would be in accordance with Policy BAS BE12 (Development Control) of the Basildon District Council Local Plan Saved Policies adopted September 2007.

9. RECOMMENDED

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

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of application reference CC/BAS/24/13 dated 3 June 2013 and validated on 6 June 2013 together with drawing numbers 10 Planning: Millhouse School 39-91 Scheme (Location Plan) dated 7 May 2013, 11 Planning: Millhouse 39-91 Scheme (Site Plan) dated 7 May 2013, 14a Planning: Millhouse School 39-91 Scheme Rev A (Elevations) dated 25 June 2013, 13 Planning: Millhouse School 39-91 Scheme (Roof Plan) dated 7 May 2013, 12a Planning: Millhouse School 39-91 Scheme Rev A (Plans and Section) dated 25 June 2013, 15a Planning: Millhouse School 39-91 Scheme (Visualisation – NTS) dated 25 June 2013, 100 Planning: Millhouse School 39-91 Scheme (Western Red Cedar timber cladding) dated 7 May 2013, 101 Planning: Millhouse School 39-91 Scheme (Douglas Fir Window Frames) dated 7 May 2013, 102 Planning: Millhouse School 39-91 Scheme (Black uPVC rainwater goods, Alwitra Evalon Roof membrane and trims and non-slip deck and hardwood column) dated 7 May 2013, 103 Planning: Millhouse School 39-91 Scheme (Sample finished buildings) dated 7 May 2013 and the Design and Access Statements 17 Planning: Millhouse School 39-91 Scheme dated 7 May 2013 and Supporting Documents/Statements 16 Planning: Millhouse School 39-91 Scheme dated 7 May 2013 and in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:
3. No development or any preliminary ground works shall take place until:
 - a. All trees to be retained during the construction works have been

protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction" and;

- b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior consent of the County Planning Authority.

4. Any excavation works shall be located outside the Root Protection Area (RPA) of the trees to be retained. In the event that excavation works are necessary within the RPA, the works shall be undertaken using hand tools only, working around the tree roots so as to prevent damage or injury to the tree root. No tree root with a diameter greater than 25mm shall be severed unless agreed in advance in writing by the County Planning Authority.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: DM/Rachel Edney/CC/BAS/24/13

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

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

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 requirements in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England)(Amendment No.2) Order 2012.

LOCAL MEMBER NOTIFICATION

BASILDON – Laindon Park and Fryerns

DR/32/13

Committee DEVELOPMENT & REGULATION

date 26th July 2013**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

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

Enquiries to Tim Simpson – tel: 01245 437031

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

1. PURPOSE OF THE ITEM

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

BACKGROUND INFORMATION

None.

Ref: P/DM/Tim Simpson/

MEMBER NOTIFICATION

Countywide.

SCHEDULE**Minerals and Waste Planning Applications**

No. Pending at the end of previous month

22

No. Decisions issued in the month

5

No. Decisions issued this financial year

11

Overall % age in 13 weeks this financial year

64%

% age in 13 weeks this financial year (NI 157a criteria, Target 60%)	64%
Nº Delegated Decisions issued in the month	3
Nº Section 106 Agreements Pending	1
<u>County Council Applications</u>	
Nº. Pending at the end of previous month	13
Nº. Decisions issued in the month	8
Nº. Decisions issued this financial year	11
Nº of Major Applications determined (13 weeks allowed)	0
Nº of Major Applications determined within the 13 weeks allowed	0
Nº Delegated Decisions issued in the month	8
% age in 8 weeks this financial year (Target 70%)	91%
<u>All Applications</u>	
Nº. Delegated Decisions issued last month	11
Nº. Committee determined applications issued last month	2
Nº. of Submission of Details dealt with this financial year	50
Nº. of Submission of Details Pending	107
Nº. of referrals to Secretary of State under delegated powers	0
<u>Appeals</u>	
Nº. of appeals outstanding at end of last month	4
<u>Enforcement</u>	
Nº. of active cases at end of last quarter	23
Nº. of cases cleared last quarter	13

Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	0
Nº. of Temporary Stop Notices Issued last month	0
Nº. of Stop Notices Issued last month	0

