

DR/21/14

Committee DEVELOPMENT & REGULATION

Date 27 June 2014

MINERALS AND WASTE DEVELOPMENT

Proposal: **Change of use to waste recycling and materials recovery facility and erection of buildings, containment walls, hardstanding, roadways, fencing, parking, storage areas and ancillary development (part retrospective)**

Location: **Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH**

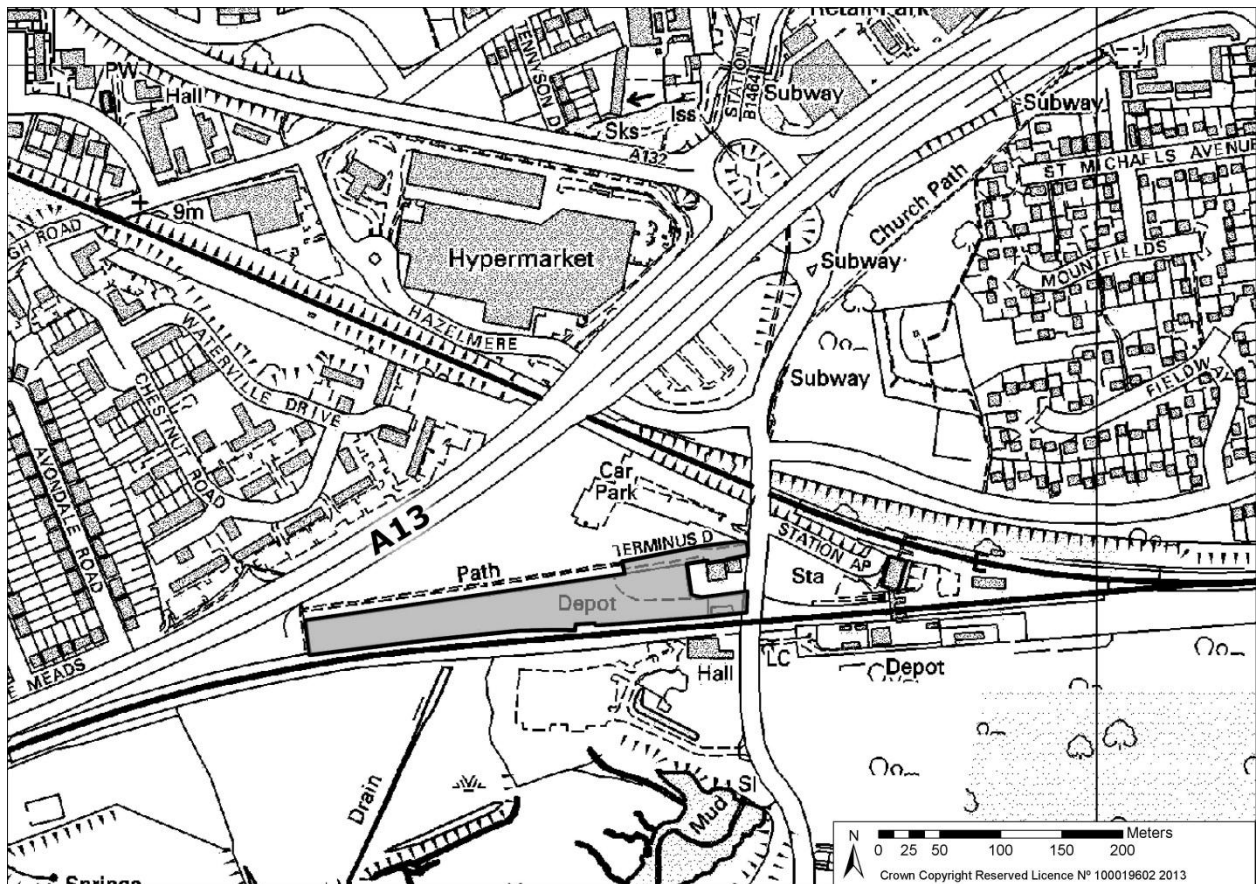
Ref: **ESS/69/12/BAS**

Applicant: **Heard Environmental**

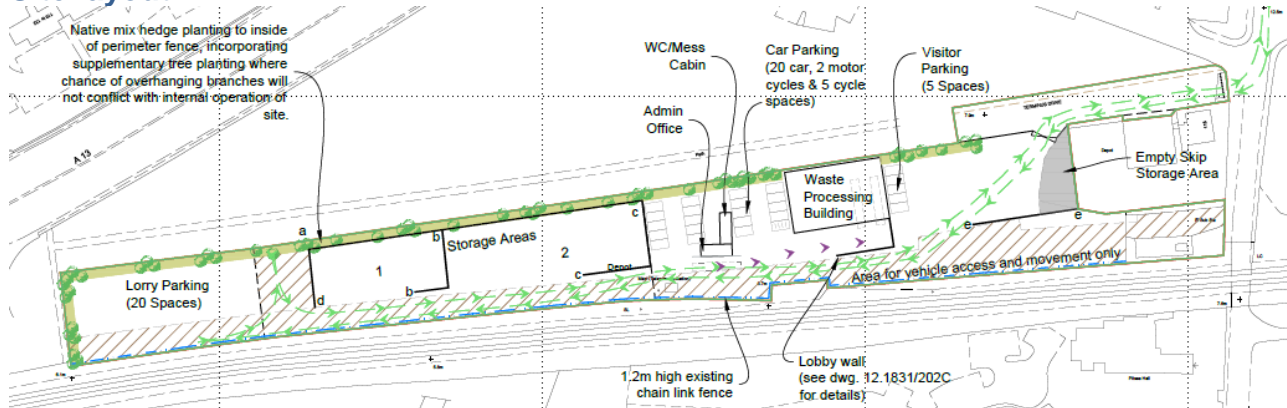
Report by Director of Operations: Environment and Economy

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



Site layout



1. BACKGROUND TO APPLICATION

This application was previously considered by the Committee in May 2013 (officer report attached at Appendix C), where it was resolved to grant planning permission subject to conditions. Planning permission was issued in June 2013, however, the decision was subject of a Judicial Review (JR) and ECC agreed to quashing of the planning permission. Details of this JR were provided to the committee in February 2014 (see Appendix D). The quashing of the decision leaves the WPA to re-consider the application again. The applicant has amended the scheme, namely proposed a lobby to the waste transfer building and provided additional information to support the application. The revised application was subject to full consultation in accordance with the Council's Statement of Community Involvement.

It should be noted that in the time between the issuing of the decision notice and the subsequent quashing of the decision the applicant erected the waste transfer building but the building has not been brought into use. The office and mess modular buildings are also on site along with the weighbridge. The western end of the site has been used for the storage and sorting of wood waste.

The applicant is currently operating a waste management business in Harvey Road, on the Burnt Mill Industrial Estate, Basildon, which was granted planning permission by Basildon Borough Council most recently in 1988 (BAS/1429/88). This application was for the change of use from storage yard to non-toxic waste handling facilities. On the Burnt Mills site, the applicant imports demolition, site clearance and ground works waste, where it is sorted and exported.

2. SITE

The site is linear piece of land alongside the London Fenchurch Street to Shoeburyness railway line on southern edge of Pitsea. It is the southern edge of a triangle of urban waste land between the two branches of the railway line and the A13 Pitsea Flyover, with the eastern corner truncated by Pitsea Hall Lane located

south of Pitsea. The site is accessed via Terminus Drive an unsurfaced no through road, which also gives access to an existing industrial unit. The application site itself covers an area of approximately 1.24 hectares. The two railway lines converge to the east of Pitsea Hall Lane at Pitsea station. Pitsea Hall Lane crosses the main line railway line by means of a bridge north east of the site and the other line by a level crossing south east of the site.

To the southwest, south of the railway line (approximately 10m), is the Vange Creek Marshes (County Wildlife Site) and to the south east (approximately 10m) is Cromwell Manor (formerly Pitsea Hall), which is a Grade II Listed building used as a wedding and function venue.

To the north of the site is the A13 flyover, which is closer to the site at its western end. Residential flats lie to the north east of the site beyond the A13 flyover, the nearest of which are 60m from the north west corner of the site on Chestnut Road and the Glen (residential areas on the southern edge of Vange). St Michael's Church a grade II Listed Building is located approximately 220m to the north east on Pitsea Mount, also to the north east lie the residential properties accessed from area along Brakendale Road, the closest property approximately 200m.

On the north side of the site, at the eastern end, Terminus Drive abuts a car park, the remaining land to the north between the site and the main line railway line is vacant. Beyond the mainline to the north is a Tesco Superstore and associated parking.

Directly east of the site is a fencing manufacturing business, located within an industrial building and a residential property permitted for use as offices.

Pitsea Hall Lane is a no through road but gives access to Wat Tyler Country Park, Vange Creek RSPB reserve, Tuskit Works Industrial Area, an ECC Household Waste Recycling Centre and Pitsea sewage treatment works, Pitsea Landfill among others.

Footpath Vange 136 is adjacent to the northern boundary of the site and links to Pitsea Hall Lane along Terminus Drive. The path at its western end meets a path that can be used to go north to the residential area of Vange or south across the railway line to the marshes.

The site is allocated as Employment Area within the Basildon District Local Plan (adopted 1998)(BDLP) and has previously been granted planning permission for car parking associated with a market, but this permission was not implemented. The land immediately to the south is designated as Green Belt (including the railway line) and also as "Marshes Area" within the BDLP.

The Marshes Area is subject of several separate designations. The closest is Vange Creek Marshes County Wildlife Site that lies south west of the site on the south side of the railway line and Vange Creek Marsh SSSI and Pitsea Marsh SSSI which respectively lie to the south east 200m and southwest 300m.

The site was vacant prior to the applicant commencing waste storage and sorting on the site. The site was previously permitted as a minerals yard, such that it is likely mineral was imported by road and potentially rail, stored and then distributed from the site by road.

The southern edge of the site for its entire length is required to be kept clear of any permanent structures to allow Network Rail full access to the railway network boundary if required.

3. PROPOSAL

The application is for the change of use of land to enable the use of the site as a waste recycling and materials recovery facility. The applicant has identified this site at Terminus Drive as being suitable for its needs and if planning permission was granted, would relocate from Harvey Road site. The reason for seeking relocation stems from limitations on the existing site in terms of capacity and size, where there is no opportunity to expand within the Burnt Mills Industrial Estate.

It proposed that the annual throughput of waste handled at the site would be 49,000 tonnes. Of this total approximately 10% would be household waste, 60% commercial and industrial waste and the remaining 30% would consist of construction & demolition (C&D) waste. The onsite operations would involve the sorting and recovery of materials, which would include waste arising from ground works, demolition and site clearance. All residual waste (up to 15% of the total brought on to site) would need to be disposed of and sent to landfill.

The proposal involves the erection of a waste processing building on the northern boundary at the eastern end of the site. In addition the application includes modular style offices and mess facilities, a weighbridge and hardstandings located west of the main building.

The main building would be constructed from corrugated steel and measure 19m x 30m and 9m to eaves and 11.4m to ridge, the ridge aligned east/west. The application has been revised, since it was previously considered and now includes a lobby/screening wall to the front/south elevation of the main building. The building would be grey and would be fully enclosed on three sides; the western fifth of the front/south elevation would also be enclosed. The building would be fitted with 10 sky lights 5 on each roof side to allow natural light into the building. The building would face south, such that the unenclosed side of the building would face south towards the railway line. However, the building has been revised since its first consideration and a lobby screening wall to the front of the building has been added, the height of this lobby is 9m, the same height as the eaves of the building. Vehicles would approach from the east passing in front (to the south) of the building and lobby to the weighbridge then they would travel to the east into the building behind the lobby/screen, be unloaded and then reverse out of the building travelling west, where there would be able to turn around before leaving the site in an easterly direction passing in front the of the lobby. There would be an exit in the east elevation of the lobby, but this would be for emergency use only. Sound insulation has been proposed within the building.

The waste building would be used for the sorting of waste which would be transferred by grab onto a belt feeding a trommel and a waste picking station. Waste would either be sorted mechanically or by hand and separated into its components these chiefly being metals, brick, concrete and stone, plastics, paper, cardboard, green waste, wood and associated materials. Once separated the materials would be stored on site for distribution to materials recovery facilities with wood and inert rubble placed outside, the rest remaining in the building. The residue would be taken to landfill (e.g. Pitsea Landfill).

An area for skip storage is located south of the access into the site at the east end of the site and would be screened on its south edge by a 3m high sleeper wall.

The WC/mess cabin, administration and weighbridge offices would consist of two modular style offices and would be located west of the waste processing building. Included in the proposals is the installation of a new weighbridge and 20 car parking spaces, 2 motorcycle spaces and 5 bicycle spaces, also located west of the building.

The applicant has confirmed there would be no use of 360 degree tracked vehicle in the area east of the main building, except for maintenance and construction.

The area west of the offices would be for open storage area. Bays would be created with sleepers and RSJ's. The bay wall on the northern boundary with the public footpath would be 3m high. Two bays would be created with 3 further sleeper walls. The highest bay wall to the east would be 4.8m high with a return to create a reversed "L" shape in plan view; the next wall would be similar in shape being 4.2m high and the most westerly wall 3m high. These bays would be used mainly for storage of wood waste and hardcore which would be sorted outside.

The application has proposed not to carry out all noise operational activities at once namely use of the crusher, shredder and trommel at one time.

At the extreme west of the site would be 20 lorry parking spaces for storing vehicles while not in use and a lorry turning area.

A hedge is proposed along the western boundary and along the northern, in parts this would be between the existing palisade fence and the sleeper wall.

The access would consist of the existing access on to Pitsea Hall Lane, utilising Terminus Drive. The access from Pitsea Hall Lane is currently unconsolidated hardcore, but it is proposed to surface the access with a bonded material. It is proposed that there would be 100 HGV movements (50 in and 50 out) Monday to Friday and 50 HGV movements (25 in and 25 out) on Saturday. These movements would consist of skip lorries, tipper and roll on/off HGVs and some articulated HGVs. There would be a number of employee cars and vans. The southern edge of the site is required to be kept clear and would be utilised for access through the site by HGV the vehicles.

Hours of operation stated within the application would be 07:00 to 17:00 (Monday to Friday), 07:00 to 13:00 (Saturdays) with no work taking place on Sundays and/or Bank Holidays.

A lighting scheme has been proposed for the site to light the car parking areas east and west of the main building, the weighbridge area and gateway to the site. Two lights would be mounted on the main building at 5m high, the remaining on 5m high columns except one to the rear of the offices at 3m high. The lighting scheme has been designed taking account of the railway line and Cromwell Manor the two closest sensitive receptors and has been designed to result in minimal light spill outside the site.

A dust suppression scheme has been proposed, including a misting system within the building and the use of bowers and hoses to suppress dust in vehicle circulation areas and in outside storage areas.

The application was supported by a Heritage Statement with respect to Cromwell Manor, a Transport Statement, a noise assessment, vibration assessment, visual and landscape assessment and a lighting assessment and a reptile survey.

4. POLICY

The following policies of the Essex & Southend-on-Sea Waste Local Plan (2001) (WLP) and Basildon District Local Plan Save Policies (1996) (BDLP) provides the development plan framework for this application. The following policies are of relevance to this application

<u>Policy</u>	<u>BDLP</u>	<u>WLP</u>
Proposed Employment Area	BAS E2	
Untidy Industry	BAS E6	
General Employment Policy	BAS E10	
The Marshes Area	BAS C7	
Waste Strategy		W3A
Need for Waste Development		W3C
Flooding		W4A
Surface & Groundwater		W4B
Access		W4C
Inert waste recycling facilities		W7D
Materials Recovery Facilities		W7E
Non Preferred Locations		W8B
Development Management		W10E
Hours of Operation		W10F
Public Rights of Way		W10G

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It

goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

In respect of the above, paragraph 215 of the Framework, which it is considered is applicable to the WLP and BLP, 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). A conformity/compliance appraisal with respect to the Waste Local Plan policies is provided at Appendix A. Basildon Borough Council have produced their own conformity/compliance checklist with the Framework and this is provided at Appendix B.

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states: 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 Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP) has yet to reach 'submission stage' and as such is too early in its development to hold any significant weight in decision making.

In June 2006 Basildon Borough Council resolved to withdraw the draft Replacement Local Plan and proceed with a Local Development Framework. In relation to this a Core Strategy Preferred Options Report was published in February 2012. A new Preferred Options Report was issued for consultation in 2014 (consultation ended 01 April 2014). As the replacement Local Plan (now titled Basildon 2031 Local Plan) is still however in its formation it is considered, in

context of paragraph 216 of the Framework, that little weight can be applied to applicable policies, especially as objections may be outstanding from consultation.

With regard to waste policy and guidance, the National Planning Policy Framework (the Framework) does not contain specific waste policies. The National Waste Management Plan for England was adopted in December 2013 and sets out where we are now in terms of the waste we generate in England and how we manage those materials. It sets out the policies we currently have in place to help move us toward this vision (prevent and manage waste to support the growth of our economy and to continue to protect our environment). An update to the national waste planning policy: Planning for sustainable waste management (PPS10) was consulted on by the Department for Environment Food & Rural Affairs and the Department for Communities and Local Government in autumn 2013, and supports the aspirations of the NWMP. The objective of the consultation document appears grounded in the promotion of economic growth. The consultation, however, emphasises the Government's approach to boosting economic growth via an efficient planning regime to ensure that resulting expansion is sustainable. The consultation document seeks to maintain the Government's drive for an increased level of recycling and preventative waste management, focusing on the use of waste as a resource; however this has yet to be adopted. Until formal adoption Waste Planning Policy Statement (PPS 10) remains the most up-to-date adopted source of Government guidance for determining waste applications.

CONSULTATIONS

The application has been subject to two periods of full consultation, initially on submission of the application in November 2012 and then as revised following quashing of the original decision in February 2014, the comments below are a summary of all comments relevant to the revised application.

BASILDON BOROUGH COUNCIL - Object on the following grounds:

- Contrary to Policy BAS E6 which seeks to located untidy uses in the Harvey Road and Archers Field area of Burnt Mills Industrial Estate. Locations outside of these areas will be assessed on their impact on nearby uses. Outside of industrial areas untidy uses will not be allowed. The proposed use is considered an untidy use and the adverse impact of the use on the character and amenities of the locality could not be satisfactorily mitigated, in particular, the use of the site does not provide for extensive landscape to mitigate against the visual impact on the locality and therefore should not be permitted outside any area specifically designated for untidy uses.
- Contrary to Policy BAS E2, not within use class B1 and B2 and considered the proposals would lead to congestion of Pitsea Hall Lane, in that the existing railway bridge is inadequate to accommodate additional heavy goods vehicle traffic.

CROSSRAIL LTD - No objection

ENVIRONMENT AGENCY – No objection, subject to the imposition of a condition with respect to surface water management.

NATURAL ENGLAND: No objection, while close to 4 sites designated as SSSIs it is considered if operated as proposed there be would no adverse effects from the proposals.

HIGHWAYS AGENCY – No objection, but requested that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced at M25/A13 junction.

NETWORK RAIL - No objection.

HIGHWAY AUTHORITY – No objection, subject to conditions to ensure:

- Development is operated operating in accordance with the submitted details
- No unbound material would be used surface treatment of the vehicular access from the bellmouth junction of Terminus Drive on to Pitsea Hall Lane for a distance of 12 metres;
- Gated access to the site would be inward opening only and set back 6 metres from the adopted carriageway (Terminus Drive);
- Parking spaces size to be 2.9m x 5.5m;
- Cycle and motor cycle parking provision;
- Vehicle movement restrictions;
- Surfacing, line marking and provision of a 2m wide footway along the northern edge has been provided on Terminus Drive.

HIGHWAY AUTHORITY - Public Rights of Way - No objection

COUNTY COUNCIL'S NOISE CONSULTANT – No objection. Satisfied with the approach and conclusions of the assessment. The applicant has proposed that only one element of noisy plant namely the crusher, shredder and trommel would operate at one time and should be condition as such and require details of management scheme to achieve this.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection. Basildon Borough Council does not have any Air Quality Management Areas and does not monitor particles. Nitrogen Oxide levels are monitored on Meads Road adjacent to the A13 and are below air quality objectives. The proposed traffic movements are unlikely to result in detriment. The application proposes various methods of dust suppression, it is considered these measures would adequately address both construction and operational phases of the development and would suitably mitigate any impact on sensitive receptors including the ecologically designated sites to the south and Cromwell Manor.

COUNTY COUNCIL'S VIBRATION CONSULTANT – No objection. A vibration survey was undertaken, considering two factors, damage to property and disturbance to occupiers. Vibration likely to result in damage to buildings is caused at 15mm/s, but a lower level is probably appropriate for historical buildings. The applicant's vibration survey concluded that traffic movements to the site would not result in structural damage to the historical building and this is not disputed. In addition tracked excavator activity on the site resulted in less vibration than vehicle movements.

COUNTY COUNCIL'S LIGHTING CONSULTANT – No objection. The proposed lighting scheme would not give rise to adverse impact both in terms of its impact upon the railway or the nearest residential/sensitive neighbour Cromwell. It is noted that the proposed lighting levels fall below those suggested by the British standards, but these are only guidance.

PLACE SERVICES (Ecology) – No objection. The site was cleared of vegetation prior to submission of the application, preventing any meaningful ecological survey of the site. However, it is understood that this was not in the applicant's control, when this took place. However, it is likely the site supported reptiles. It is therefore required that any landscaping should seek to encourage biodiversity and as such a condition requiring details of the hedgerow mix, to include 40% flowering shrubs to support bumble bees is required and implementation of a condition to require implementation of the submitted Reptile Mitigation Strategy.

PLACE SERVICES (Urban Design) – No objection, while the colour of the constructed grey building is not from the colour range previously suggested, the colour is accepted, the proposed olive grey for the lobby is considered acceptable.

PLACE SERVICES (Landscape) – No objection, subject to approval of planting details and protection of planting and requirement for a landscape management plan to ensure its successful establishment. The lack of planting proposed along the southern boundary would result in impact in views from PRoW and properties to the south. The landscape to the south is an environmentally sensitive area, subject of statutory designations.

PLACE SERVICES (Historic Buildings) – The main conservation issue is the effect of the development on the setting of the grade II Listed Building, Cromwell Manor and to a lesser extent that of St Michael's church and the impact of the proposals on the ongoing conservation of Cromwell Manor by the effect of the proximity of the use on the economic viability of the wedding and conference venue business.

Object on the following grounds:

- While it is acknowledged that the setting of Cromwell Manor has been seriously compromised by the development of the railway, roads and industrial buildings to the north. Views from the north would be dominated by the new building, but it is agreed that these views can be disregarded as have little bearing on the significance of the building. The building is experienced in the context of the garden setting from the south, albeit with some aspects of the existing

industry and development backdrop. The building is considered a mass of extremely large scale that intrudes into the skyline of views of the Listed Building and is disruptive to the setting of the listed building in these views both in its own right and cumulatively with the modern development surrounding the building.

- The eastern most part of the proposed building would be screened by vegetation with Cromwell Manor. Some of the bulk of the proposed building would be screened by the marque, so that only part of the building would be seen. However, it does not disguise the scale and bulk of the building. Whilst the marque itself has a harmful impact on the appearance and setting of the listed building in these views in its own right and cumulatively with the modern development surrounding the proposed buildings.
- The eastern most part of the building is screened by vegetation within Cromwell Manor. Some of the bulk of the building would be screened by the marque, so that only the top of the building could be seen. However it does not disguise the scale and bulk of the building. Whilst the marque has a harmful impact on the appearance and setting of the listed building without it the impact of the proposed building on views of the principal elevation of Cromwell Manor would increase.
- The addition of the lobby on the south elevation would not improve its appearance and would increase its bulk and its design would make it appear tacked on.
- Based on the assessments with respect to noise and dust which indicate that the levels are acceptable it is difficult to be conclusive as to whether the venue business would be harmed by actual or perceived harm by customers, such that the ongoing conservation of the building might be affected.
- The visual and non-visual harm to the setting of the heritage asset would be less than substantial mostly due to the harm already done to the setting by the surrounding modern development. However there would be cumulative harm to the significance of the Listed Building due to the impact of the development on its setting as outlined. The proposed building also intrudes into longer views of the St Michael's church tower from the footpath leading from the marshes to the west and contributes to the harm caused to this listed building caused by the surrounding modern development.

NPPF para 134 requires the LPA to weigh up any less than substantial harm against the public benefits of the proposal.

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. It is disappointing that the building has been constructed grey in colour which is industrial in nature when other more recessive colours were suggested. Reluctantly the grey is accepted for the building. The lobby is proposed an olive/grey which is acceptable.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS: No objection, no known features north of the railway line requiring exploration

PITSEA MOUNT RESIDENTS ASOCIATION: Object on the following grounds:

Noise- outside plant noise appears to be underestimated.

Dust- within the building were has been addressed, but dust from outside activities particularly crushing, seems inadequate and prevailing winds would carry dust to residential areas.

Odour – potential for odour depending on nature of waste.

Traffic – is already a problem in the area, with restricted access across the weak railway bridge and narrow pedestrian path on this bridge. Traffic waiting for the level crossing can back up and blocks access to Brackendale Avenue and Station Approach. The proposals with additional HGV movements would worsen this situation. The additional HGV traffic is causing deterioration of the road surface and road signage on Pitsea Hall Lane.

Location – Pitsea Hall Lane provides access to Wat Tyler Country Park. The area would improve upon closure of Pitsea Landfill, siting a waste facility here will not improve the appearance of the area.

Visual – the use is not appropriate on the approach road to a country park, the building is not aesthetically pleasing and the waste stockpiles are visible from Pitsea Hall Lane.

LOCAL MEMBERS – BASILDON – Pitsea - Any comments received will be reported

5. REPRESENTATIONS

362 properties were directly notified of the original application. 13 letters of representation were received with respect to the original application, where the comments related to matters that have not been amended as part of the revision application the comments are included below. The same 362 properties were notified of the revised application. A further 18 representations have been received, including 5 representations from the owner and planning agent for Cromwell Manor, which have been supported by a Heritage Asset Statement, noise assessment reviewing that submitted by the applicant and statements from the occupiers/operators of Cromwell Manor and have included video footage seeking to show dust arising in the open storage areas and plant at the site causing vibration in the listed building. The representations raise planning issues relating to the following matters:

<u>Observation</u>	<u>Comment</u>
<u>Highways issues:</u> Highway infrastructure insufficient – particularly, Pitsea Hall Lane and restricted railway bridge	See appraisal – Section B
Increase in HGVs	See appraisal – Section B
Access/egress will further complicate junctions	See appraisal – Section B

Debris will be dropped on Highway, as well as vehicle oils	All vehicles would be required to be sheeted. See appraisal – Section B
Increased congestion due to the proximity of Tesco supermarket, railway and level crossing	See appraisal – Section B
Access to Pitsea Mount is restricted due to congestion	See appraisal – Section B
Loss of the Public Right of Way	See appraisal – Section C
Terminus Drive is a PRoW and inappropriate to be shared with HGV traffic	See appraisal – Section C
Cause problems for commuters going to Pitsea Railway station.	See appraisal – Section B
Congestion would back up causing congestion at the A13 roundabout interchange	See appraisal – Section B
<u>Local amenity</u>	
Noise and dust impact on users of PRoW	See appraisal – Section F
Don't consider that the submitted noise assessment adequately predicts the likely noise levels.	See appraisal – Section F
Concern there will be noise impact upon properties in Chestnut Road	See appraisal – Section F
Dust from operation affecting surrounding residential properties	See appraisal – Section F
Inadequate dust mitigation is proposed.	See appraisal – Section F
Recent improvements to Wat Tyler Country Park will be in vain, as people will not visit due to a hazardous journey	See appraisal – Section A
Odour pollution	See appraisal – Section F
Light pollution especially in winter and in the evenings	See appraisal – Section F
Noise, pollution, light and disruption will	See appraisal – Section F

arise

Consider the noise assessment is flawed and does not apply the appropriate standards.

See appraisal – Section F

Hours of operation

See appraisal – Section F

The building is visible from Pitsea Hall Lane when heading north away from Wat Tyler Country Park

See appraisal – Section F

Adverse impact on health and quality of life

See appraisal – Section F

Increase in vermin

See appraisal – Section F

Local property values will be adversely affected

Not a planning issue

Inappropriate to have a recycling yard in the midst of modern development

See appraisal – Section A

Will result in substantial harm to the Heritage asset contrary to NPPF

See appraisal – Section G

There is no overriding public benefit that warrants the harm to the heritage asset

See appraisal – Section G

Affect viability of local business at Cromwell Manor

See appraisal – Section G

Location & Policy

Site not identified in the adopted or emerging Waste Local Plan

See appraisal – Section A

Does not accord with the existing or emerging Local plans. Also premature to the emerging Waste Local Plan.

See appraisal – Section A

Cause substantial harm to the heritage asset, by affecting the setting of the Grade II Listed Cromwell Manor

See appraisal – Section G

Effects on the Greenbelt, national and internationally designated ecology sites in the vicinity

Site is not within the greenbelt. See appraisal – Section A

No consideration of reducing CO₂

See appraisal – Section F

emissions or adaption to climate change

Proximity to Pitsea Landfill and the Recycling Centre for Household Waste

See appraisal – Section A

There is too much waste development in the Basildon area.

See appraisal – Section A

Ensure access to the currently vacant Homes and Community Agency land is continued

There would be no disruption to the access to the existing car park and undeveloped land.

6. APPRAISAL

The key issues for consideration are:

A – NEED, PRINCIPLE AND LOCATION

B – HIGHWAY IMPACTS

C – IMPACTS ON PUBLIC RIGHTS OF WAY

D – DESIGN, LANDSCAPE AND VISUAL IMPACTS

E - IMPACTS ON ECOLOGY

F - IMPACTS ON LOCAL AND RESIDENTIAL AMENITY

G – IMPACTS ON THE HISTORIC ENVIRONMENT AND VIABILITY OF CROMWELL MANOR

H - IMPACTS ON HYDROLOGY

J – ECONOMIC BENEFITS

A. NEED, PRINCIPLE AND LOCATION

WLP policies W3A and W3C seek to ensure proposals are consistent with the goals and principles of sustainable development; that the proposal inter-alia supports the waste hierarchy; and that there is a need for the facility in respect of waste arising from Essex and Southend. PPS 10 however states that when determining planning applications waste planning authorities should not require applications for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.

PPS 10 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. 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.
- iii. encouraging waste management facilities to be on previously developed land

Further discussion with regard to the suitability of the site in context of the locational criteria of Annex E of PPS 10 and relevant policies within the WLP is explored later in this report.

WLP policy W3A (Waste Strategy) identifies the need for proposals to be consistent with the goals and principles of sustainable development and the proximity principle. It also requires proposals to consider whether it represents the best practicable environmental option (BPEO) for the particular waste stream and at that location or whether the proposal would conflict with other options further up the waste hierarchy. However, the need to consider BPEO has been superseded by PPS10, which no longer requires the consideration of BPEO. In addition, WLP policy W7E (Materials Recovery Facilities) aims to facilitate the efficient collection and recovery of materials from the waste stream by providing materials recovery facilities and supported in appropriate location subject to compliance with other relevant development plan policies. WLP policy W7D supports inert recycling reducing landfill and the demand for primary aggregates, but similar to W7E in appropriate locations and subject to no adverse environmental impacts.

Given that the proposal is a recycling operation moving away from the disposal of waste, it is considered that the proposal is in compliance with the objectives of PPS10 and WLP policies W3A, W7E and W7D.

WLP policy W3C (Need for Waste Development), requires significant waste management facilities (with a capacity of over 25,000tpa) to demonstrate a need for the development, however as explained above PPS10 does not require the market need for the development to be demonstrated. Representations have been made that there is no need for the development and the fact that Basildon Borough seems to have a disproportionate number of waste facilities (namely Pitsea landfill, the Pitsea Recycling Centre for Household Waste and Courtauld Road Integrated Waste Management Facility among others). The Waste Capacity Gap Report 2013 notes that even if all strategic facilities were delivered there would remain a need for a further 170ktpa non-hazardous treatment capacity until 2031¹. With respect to the number of waste management facilities with Basildon it has been noted in the proposal that the types of waste, which would be handled, are materially different to those handled in the permitted but currently non-operational Courtauld Road facility (notably construction and demolition waste). It is the case, however, that many of the waste developments are located in the Untidy Industry areas and that despite the number of waste permissions within the Basildon Borough it is the case that PPS10 requires waste facilities to be located close to areas where waste is produced.

The applicant's existing business is long established at Harvey Road, and focuses on its centre of operations in the Basildon area, but has the ability to serve the south of Essex due to the transport links. The applicant has identified a need to find new premises as the existing site is now constrained, creating difficulties with

¹ For the purposes of the capacity Gap Report (2013), the recycling of non-organic waste falls in to the treatment category, to which this application relates.

day-to-day operations. The existing site is approximately 0.11ha and is constrained on all boundaries and there are currently no vacant larger units within the Burnt Mills Industrial estate. The applicant considers there is no means of expanding the premises and has identified the Terminus Drive site as suitable for the business's needs as it provides a more functional site, with a greater site area and improved accessibility to the route hierarchy.

In particular, the applicant has stated that the larger site area and capacity would enable new demolition contracts to be established within Essex.

With regard to this application, the Terminus Drive site is a brownfield site (formally used as a minerals yard) and therefore development here is preferable to the development of previously undeveloped land (WLP Policy W8B).

Terminus Drive site is subject to the Basildon District Local Plan (BLP) policy BAS E2, stating that the land at Terminus Drive is allocated for future employment purposes (which must be either B1 [Business] or B2 [General Industrial] uses). Further to this, BLP policy BAS E10 (General Employment Policy) details that proposals for industrial, business and office development (Use Classes B1 to B8) will be considered with regard to a number of criteria (which will be explored further in this report).

It is considered that this proposal is in accordance with PPS10, which requires sufficient and timely provision of waste management facilities to cater for local communities. PPS10 does not require waste management facilities to demonstrate a quantitative or market need for their proposal and therefore the submission complies with these requirements in trying to further address local policy. A need for further waste recycling capacity within Essex has been suitably demonstrated. Furthermore, it is considered that it has been demonstrated that this site in principle is suitable for this use as it is a brownfield site, allocated for B1 and B2 by policy BAS E2 of the BLP.

The Framework supports the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value. Furthermore, WLP policy W8B (Non Preferred Locations) states inter alia that waste management facilities will be permitted at locations other than those identified in the Waste Local Plan, where they fall in to the following criteria (among others):

- Existing general industrial areas;
- Employment areas (existing or allocated);
- Areas of degraded, contaminated or derelict land.

However such locations are only acceptable where the proposals meet the requirement to all other relevant policies and in particular do not give rise to adverse environmental effects (these will be explored later in the report). In addition, it notes that proposals in the order of 50,000 tonnes per annum will not be permitted unless it is shown that the preferred locations within the plan are unavailable or unsuitable for the type of development proposed.

Representations previously raised concern that the application did not contain evidence that the Schedule 1 sites (set out within the Waste Local Plan) are not suitable or not available for this proposal), as required by WLP Policy W8B for proposals in the order of 50,000tpa. Subsequently, the applicant provided reasons as to why the Scheduled site were not available or not suitable as set out below:

- Rivenhall (WM1), Warren Lane (WM2), Courtauld Road (WM5), and Sandon (WM6) are unavailable as these have existing permissions and/or are already operational;
- The operator is locally based, so relocating to either Whitehall Road (WM3) or North Weald Airfield (WM4) are simply and logistically not feasible. This would involve moving an established company, which has significant links to the area, would prejudice job retention and move away from the established waste streams that my client collects. Moving the business to outside the Basildon area would not be a practical or economic option;
- The Schedule 1 sites are for larger scale and integrated schemes, which are materially different scale and purpose from than that proposed by the application.

It is considered that the applicant has satisfactorily demonstrated that the Schedule 1 sites are either not unavailable or inappropriately located for the proposed development.

Similar to W8B WLP policy W7D (inert waste recycling facilities) and W7E (Materials Recycling Facilities) seek to locate facilities of the scale proposed on industrial land, with the caveat that they do not gives rise to unacceptable adverse environmental impact.

Policy BAS E6 (Untidy Industry) of the Basildon Local Plan states:

The development or expansion of untidy industry sites will be permitted in the Harvey Road and Archers Field area of the Burnt Mills Industrial estate, as identified on the Proposals Map. Untidy industry proposals in other locations within the existing industrial areas will be assessed on the basis of their likely effects on nearby uses. Outside of industrial areas untidy industry will not be allowed.

It is acknowledged that waste proposals, involving recycling, outside storage and the parking of heavy vehicles, are akin to “untidy” activities and the applicant’s existing business is located within the Burnt Mills industrial estate, but for reasons set out earlier, there is no the opportunity to expand or relocate to larger premises within the industrial estate. The applicant has therefore, identified this employment area identified for industrial use (as designated by policy BAS E2) as their preferred option. Thus in principle the site is a suitable location, subject to its likely effect on nearby uses being mitigated.

Basildon Borough Council has objected on the grounds that such an “untidy” activity should remain within the Burnt Mills Estate, but as explained above no suitable site is available within the preferred industrial estate. In addition Basildon

has objected to location on this allocated employment land on the basis it does not consider these effects can be adequately mitigated these will be discussed later in the report.

It is considered however that in principle the proposed location meets the locational criteria of PSS10, W8B and BAS E2, subject to their being no adverse environmental effects.

The Framework (paragraph 216) states that decision takers may give weight to relevant policies in emerging plans. As such, the Basildon emerging core strategy carried out its revised preferred options consultation in April 2014 and replacement waste local plan at preferred approach stage was consulted upon in November 2011.

However it is acknowledged that within Basildon's core strategy there are key areas noted for Primary Areas for Development and Change (PADC). In all three the Spatial Growth Options scenarios, the Terminus Drive area is located within the urban PADC, while the Policy PADC13 relates to the South Essex Marshes seeks to improved and transform the Marshes into a publicly accessible Thameside wilderness, connected to nature reserves in neighbouring districts and boroughs. The policies in combination aim to regenerate and improve the amenity and enjoyment of Pitsea and its surrounding areas, with this area providing a 'Gateway' to Pitsea and the rural environment to the south. Representations have raised concerns that efforts to improve Wat Tyler Country Park would be undermined by placing a waste recycling facility on the gateway to the Marshes area. It must be remembered that the site has been designated for B1 and B2 such that urban development was likely in this area in any event and there are other existing industrial activities along Pitsea Hall Lane within the Marshes area itself which would remain.

With regard to the Waste Development Document: Preferred Approach it should be noted that the Terminus Drive site was not submitted as part of the original call for sites.

In view of the early stage in the preparation of these plans very little weight can be given to these plans.

In conclusion, it is considered that the proposals in terms of moving waste up the hierarchy and its location meet the goals and objectives of the Framework, PPS10 and WLP W3A, W7D and W7E , which requires waste to be moved up the hierarchy. It is considered that it has been suitably demonstrated that there is a need to relocate from the existing premises on Burnt Mills Industrial Estate and that further capacity is required for the treatment of non-organic waste (Capacity Gap Report, 2013). As such, the proposal is also in conformity with W8B, as it has been suitably demonstrated that the schedule 1 sites are not available or feasible.

The proposal is located on a proposed employment area (BAS E2) and an area of degraded, contaminated or derelict land. It therefore complies with the criteria as set out in W8B, W7D and W7E. Although, policy BAS E6 directs untidy industry to

the Burnt Mills Industrial Estate, it has been satisfactorily evidenced that there is no opportunity to expand or relocate to larger premises within the industrial estate. Furthermore, it is considered that Policy BAS E6 is complied with as untidy industry proposals in other locations are permitted subject to their likely effects on nearby uses.

Thus having concluded that there is in principle a need for the facility and the location in principle is acceptable it is appropriate to consider the environmental impacts of the proposal.

B. HIGHWAY IMPACTS

The Framework states, at paragraph 29, that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Continuing at paragraph 32 it is suggested all decisions should take account of whether: the opportunities for sustainable transport modes have been explored; safe and suitable access can be achieved for all; and if improvements can be undertaken within the transport network to limit any significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

WLP policy W4C (Access) details that access for waste management sites will normally be by short length of existing road to the main highway network, consisting of regional routes, and county/urban distributor, via a suitable existing junction, improved if required to the satisfaction of the Highway Authority.

In addition, BLP policy BAS E2 (Proposed Employment Area), requires any proposal for Terminus Drive to be subject to a Traffic Impact Assessment. Any improvement to the local highway network required to enable the development to take place, will be expected to be provided by the developer. Policy BAS E10 (General Employment Policy) specifically considers proposals against the following highway criteria:

- The surrounding roads must be adequate to accommodate the increase in vehicle traffic generated;
- Developments should relate to the primary road network without using residential estate roads;
- Adequate car parking should be provided in accordance with the Council's Car Parking Standards;
- Adequate servicing and turning areas should be provided on the site in accordance with the Council's Highway Standards;
- Provision for the landscaping and screening of buildings and storage areas with a landscaping strip abutting all highways will normally have a minimum width of 5 metres to be retained at all times.

The access would consist of the existing access on to Pitsea Hall Lane, which is currently used by the occupier of the industrial premises to the east of the

proposed site and would be shared with the proposed development. Pitsea Hall Lane links to a grade separate roundabout junction with the A13 and therefore the access is considered to conform with WLP policy W4C.

There have been a number of objections made with regard to the traffic and highways implications of this proposal. The objections specifically relate to the following:

- Does not comply with Policy BAS E2 due to infrastructure requirements and that the site is inappropriate due to the large number of HGVs;
- Local Infrastructure is insufficient (particularly the railway bridge) for any increase in HGVs given Pitsea Hall Lane is the sole access to (and the close proximity of) the landfill and Recycling Centre for Household waste;
- Increased congestion through increased HGV movements in proximity to the level crossing, would result in congestion on the A13 junction, the junction to Tesco's, and access points to Pitsea Mount residential area and the station and station car parks, including from vehicles queuing for the level crossing;
- Access is unsuitable as it is narrow, of temporary configuration and used as a Public Right of Way (see below for further consideration in to the PRoW);
- Increased mud and debris on the Highway due to the nature of the site and that the access is not metalled;
- Highways safety concerns, due to the increased number of HGVs, congestion and access arrangements;
- There has been no consideration of reducing CO₂ emissions or adaption to climate change in relation to this application;
- Access needs to be retained to the currently vacant land to the north of Terminus Drive, to allow access for the maintenance of the A13 flyover and the north of Terminus Drive itself;

Basildon Borough Council has objected partly on the grounds that Pitsea Hall Lane is inadequate to accommodate the additional HGV traffic.

A transport statement was submitted as required in Policy BAS E2 and has been subject of consultation with the Highway Authority (subject to conditions) and Highway Agency. The Highway Authority notes that the access to the site serving a storage and distribution use does not conflict with the Highway Authority's Policies DM1 or DM4 and that there is good accident record in the immediate vicinity. It also notes that there would be a comparatively low increase in HGV movements (100 HGV movements a day) over the railway bridge and no overall increase of HGVs using the level crossing; as there would be no greater residual waste being transported to Pitsea Landfill. The transport statement notes that the installation of a pedestrian bridge over the railway is provided for as part of a legal obligation associated with last planning permission for Pitsea Landfill to improve pedestrian access as the current footpath is very narrow. However the WPA is aware that provision of this bridge has been delayed, due to the technical approvals required associated with crossing the railway line. The Highway Authority has not objected on either highway safety or capacity grounds, but does

require a number of conditions, including, surfacing of the haul road, parking etc., to minimise any potential impacts.

The proposed vehicular and cycle parking provision meets the requirements of the parking standards.

In view of the considerable local concern and to further ensure that the scale of operations is controlled, so that there is not detrimental impact on the efficiency of the highway network, a condition restricting the number of vehicle movements associated with the use could be imposed, if planning permission was approved, in the interests of limiting the HGV movements and ensuring compliance with WLP policy W4C and BLP policy BE10 and such a condition is supported by the Highways Authority.

With respect to the comments regarding reducing CO₂ emissions or adaption to climate change in relation to this application, the waste is collected from demolition sites and customer across south Essex, such that use of rail is impractical, HGV being the only realistic option. The County's air quality consultant has advised that the additional HGV would not result in a significant detrimental impact on air quality. It is also noted in the transport statement that due to the proposed location staff will be encouraged to use sustainable forms of transport, such as cycling or by public transport. With regards to waste vehicles, it is noted that the relocation of this operation from Burnt Mills Industrial Estate would result in a shorter distance (and therefore a reduction in emissions) for any residual waste being sent to Pitsea landfill.

Within the transport statement it is noted that currently, there is a vehicular and pedestrian gate and concrete blocks impeding vehicular access to the vacant land to the north of Terminus Drive and indeed for maintenance of the A13. These obstructions appear to have been erected to restrict unauthorised access on to the vacant land at the end of Terminus Drive. The applicant proposes surfacing the access route to Pitsea Hall Lane and marking with lineage the route of the Public Right of Way. Previously a gate across Terminus Drive was suggested, but this would conflict with the PRow and is on land outside the applicant's control.

The Highways Agency has no objection to the proposal, but requested that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced on the A13. It is not considered that a condition could reasonably be imposed to control movements at busy times, but the operator could be advised of this preference.

Network Rail has no objection to the proposals with regard to the impacts on the level crossing. If permission is granted this would be subject to compliance with the submitted details that access would be as indicated on the plans (in the north east). Network Rail has also indicated that the applicant should get in contact with their asset protection team to discuss the scope of entering an asset protection agreement and this information has been passed to the applicant.

It is considered that subject to the conditions required by the Highway Authority and Network Rail and attaching appropriate informatives, as requested by the Highways Agency, that the proposal is in accordance with the NPPF, WLP policy W4C and Basildon policies BAS E2 and BAS E10. This is because there would be a comparatively low increase in HGV movements over the railway bridge and no net increase movements over the level crossing. Granting permission where benefits of development are not significantly and demonstrably outweighed by adverse impacts concurs with the direction of the Framework.

C. IMPACTS ON PUBLIC RIGHTS OF WAY

The Framework requires decision takers to protect and enhance Public Rights of Way (PRoWs) and access, by seeking opportunities to provide better facilities. PPS10 remains silent on waste facility impacts on PRoWs.

WLP Policy W10G (Public Rights of Way) states that applications should include measures to safeguard and where practicable improve the Public Rights of Way (PRoW) network. Any works to improve/safeguard the PRoW shall be implemented prior to any development commencing.

Adjacent to the northern and western boundary of the proposed site is PRoW Vange 136. This public footpath follows the line of Terminus Drive, linking Pitsea Hall Lane and the wider Vange Marshes Area. The application details that the PRoW would be retained, but the access to the site would share Terminus Drive with footpath at its eastern, where it joins Pitsea Hall Lane.

During pre-application discussions, it appears there is no definitive map of the footpath location, so the applicant proposes that the footpath would remain in its current position and a 2 metre wide area will be delineated by lining on the ground.

Representations have been made which raise concern that footpath might be lost or obstructed and safety concerns of using the current access from this PRoW on to Pitsea Hall Lane, as this area would be used for large vehicles accessing the site. It is acknowledged the proposals would increase the intensity of vehicular use of this part of Terminus Drive, thus potentially affecting the PRoW. The applicant does not intend to obstruct the PRoW, in fact the improved surfacing of the access and delineation of the PRoW are likely to be an improvement on the current arrangement. The adjacent existing industrial development to the east of the application site (and incorporating Primrose Villa - 93/00004/FUL) currently uses part of Terminus Drive for parking and storage of materials (currently subject of investigation by BDC) and the provision of linage would hopefully discourage parking/storage along the PRoW route. Concern has been raised that use of the path to the Marshes and Wat Tyler Country Park would be less appealing due to the waste transfer station, but it must be remembered that the land is designated for B1 and B8 use, such the commercial activity was always likely in the vicinity of the path.

Essex Highways (Public Rights of Way) does not object to the proposal as the PRoW Vange 136 would be retained, but would like to state that although only a 2

metre wide area is to be delineated as the PRoW public access rights to Footpath status will still subsist across the full width of the original path. It is considered that to ensure this delineation is undertaken a condition is attached (if permission is granted) to ensure appropriate signage and linage is carried out and maintained throughout the life of the development.

It is considered that subject to the surfacing, linage and signage of PRoW, there would not be significant harm to the existing right of way and that proposal is consistent with WLP Policy W10G, as it safeguards the existing PRoW. It would also comply with the Framework as there would be no net loss of PRoWs and would improve the eastern end of PRoW Vange 136 (as it merges with Pitsea Hall Lane).

D. DESIGN, LANDSCAPE AND VISUAL IMPACTS

The Framework emphasises the importance of good design within proposals, at paragraph 56, that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people while considering the functionality of the proposals. 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 buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. The Framework also requires the planning system to “contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes...”. BLP policy BAS E10 states that proposals for industrial, business and office development – note the consideration of a waste sui-generis use being considered akin to this – should be of a design, form, scale and materials appropriate and sympathetic to neighbouring developments, particularly adjacent to residential areas.

WLP policy W8A which sets out the criteria for consideration of waste management facilities by why of Policy W8B requires inter alia buildings and structures are of a high standard of design, with landscaping and screening provided as necessary.

WLP policy W10E (Development Management) states that waste management development will be permitted where satisfactory provision is made in respect of the effect of the development on the landscape and the countryside. The supporting text to WLP policy W10E (paragraph 10.12) of the policy specifically notes that landscaping and design (including siting, design and colour treatment of the elevations) can ameliorate impact, and requires a high standard of design and landscaping to minimise visual impact. It also notes that consideration will need to be taken to the metropolitan Green Belt.

Policy BAS E10 (General Employment Policy) specifically considers proposals against the following criteria:

- Provision for the landscaping and screening of buildings and storage areas with a landscaping strip abutting all highways will normally have a minimum width of 5 metres to be retained at all times;
- The design, form, scale, and materials of the development will be expected to be appropriate and sympathetic to neighbouring developments, particularly adjacent to residential areas.

With respect to design the main building is industrial and functional in appearance, the lobby has been added to screen views and minimise noise and dust escaping from the building and would be olive grey and is equally functional in design and would in part add to the bulk of the building. . West of the main building would be the two modular buildings in dark blue as offices/mess facilities, equally functional in nature. However it has to be remembered that this area is designated for B1 and B2 use and industrial buildings of this nature were always likely to be required. There is already an industrial building east of the site (grey with red trim), but it is acknowledged that the proposed building would be larger than the existing building.

Places Services (Urban Design) has commented that the grey colour of the building and grey/olive of the lobby are acceptable, but a more recessive colour for the whole building would have been preferred and the building is functional in nature.

In landscape terms the building is the element of the proposal that would be visible within the landscape. The applicant's landscape assessment notes that the outlying marshland landscape is not directly affected by the proposals, but there would be an indirect affect as the new building is seen from some locations within the Marshland to the south and west. The effect of this would be to extend and intensify the appearance of industrial built form in the edge of Pitsea beneath Church Hill. The Marshland is not subject of any statutory designation with respect to landscape, but is identified as the Marshes Area within the Basildon Local Plan. The Marshes Area policy seeks to prevent development with the Marshes that would which would "...cause harm to the landscape, the open and rural character..." It is noted by the applicant's consultant that there is an interesting view from the Marshes and would be considered to represent a secondary element in the characteristics of the marshland in this area. It is noted that the development might marginally degrade this view, but overall the impact on landscape character is considered low significance and it is therefore conclude in the assessment there would be no significant landscape effects.

In terms of visual effects the applicant's visual assessment identifies 7 potential receptors:

- Residents with Chestnut Rod flats
- Visitors to Cromwell Manor
- Walkers on the footpath along the northern edge of the site
- Walkers exploring the marshes to the south-west
- People moving about in the urban area along Pitsea Hall Lane and around Pitsea Station

- People travelling on the A13 Pitsea flyover
- Train travellers on the southern railway line

The top section of main building and its lobby and tops of large vehicles would be seen behind and to the side of Cromwell Manor; the building is within the main view on entering through the gated entrance to the Manor, but not directly in the scene when properly within the Cromwell grounds. It may draw the eye, but already there are gantry lines for the railway. The applicant's visual assessment notes that the overall sensitivity of Cromwell Manor is high due to the nature of the property and wedding venue use it currently has. However, views from the Manor are generally orientated south away from the development and it is primarily views from the open frontage looking back at the property that are likely to be affected. The addition of the lobby means there would no direct views into the building and the recycling activities inside but only the lobby side, reducing the visual impact. Nonetheless the effect on this view is considered quite high significance, but due to the existing backdrop of railway gantry and lines the impact is assessed by the applicant's assessor as moderate. The building has been located as far west as is possible within the constraints of the narrow site (moved 5m west during consideration of the original application). Ideally additional fencing and planting would be provided on the southern boundary of the site but the maintenance strip for Network Rail prevents this. The applicant's assessment notes that there are trees and vegetation on the northern boundary of the Cromwell Manor site and their continued growth would screen the building further. This view was previously more screened when a marque was located west of the Manor building, but planning permission for permanent retention of this has been refused by the Borough Council due to its proximity within the Green Belt and has subsequently been removed.

Considerable concern has been raised by the owners and operators of Cromwell Manor on the visual impact of the building and the waste facility in general, due to the dirty and untidy nature, which it is considered by the objector will have both a direct visual impact on visitors as they arrive at the Manor and indirect impact through the perception of visitors as to the desirability of the venue for their wedding or event due to the waste transfer/recycling facility. Concern has been raised not only with respect to the buildings impact, which is acknowledged and discussed above, but also concern has been raised as to the visual impact of the outside storage and storing of waste to be located to the west of the building. The area west of the building is not visible from the frontage of the Cromwell Manor only from the car park located to the west of the manor and the car park is not visible from the frontage due to existing planting. Users of the car park would only be in the car park for limited periods. The stockpiles are visible from the upstairs rear window of the residential flat within Manor, but only if looking west, but more prominent in this view is the railway line and all its associated cables, gantry et. The view directly north from the window is more that of the existing industrial buildings associated with the fencing business and the area for parking and circulation of vehicles and associated skip storage of the proposed development. It is considered the views from the Manor car park and the rear of the Manor flat are not very sensitive receptors and as such there is no significant adverse visual impact on these views from the proposals.

The applicant's assessor notes walkers along the northern edge of the site would experience the development as a prominent and extended industrial edge. However, the area is a designated development area and the walker is not expecting a pleasant rural walk and the visual affect are considered moderate. The proposals include a hedge and hedgerow trees (subject to not restricting the operation of plant) to be planted along the northern and western boundary and this would soften the visual impact on pat users. The hedge would in places need to be located between the sleeper wall and palisade fencing and it would be necessary to ensure the ground conditions were made suitable for planting, which could be secured by condition, if planning permission were approved.

The view from the flats on Chestnut Road would be through the pillars of the A13 and planting around the car parks, such that views would be limited and the intervening land is designated for B1 and B2 use which may be developed in the future. The proposed sleeper walls and planting would restrict views of the outside storage.

Views from people moving about in Pitsea Hall Lane would be limited. The main building is partly screened by the existing other industrial building, while the modular building and outside storage areas would be screened by the main building and proposed walling and planting (once matured). Users of the A13 and passengers on trains are not considered sensitive receptors as the views are transition and are expected in an urban setting.

Basildon Borough Council object to the proposals on the basis that the proposals are an untidy use in area not designated for untidy uses and the adverse impact of the use on the character and amenities of the locality could not be mitigated, particularly that the proposals do not provide landscaping to mitigate against the visual impact and therefore contrary to BAS E10. However, as discussed above in terms of visual impact it is not considered there would be significant adverse landscape or visual impact, other impacts on the locality will be discussed further in the report.

Place Services (Landscape) note that if the Waste Planning Authority is mindful to grant planning permission, then a condition should require a detailed landscaping scheme for the proposed hedge and hedgerow trees, including locations and species mix to be submitted.

On balance, it is considered that although the proposal does result in some landscape and visual impact, which cannot be fully mitigated due to the constraints on the southern boundary of the site contrary to WLP policy W10E and Basildon policies BAS C2 and BAS E10, the site is within a designated proposed employment area (policy BAS E2). Furthermore, because these policies are contained within out-of-date local plans, the policy drivers within the Framework must take precedence. In light of this, it is considered that the proposal (subject to appropriate conditions regarding landscaping) would have minimal impact on the landscape character of the area and would not result in significant adverse visual

impact to warrant the refusal of planning permission.

E. GREEN BELT

The NPPF seeks to protect the Green Belt and enhance its use including for recreation and amenity. There has been a specific objection noting the proposal could adversely affect the visual amenities of the Green Belt (containing the Pitsea Marshes). However, this site is within a designated employment site (Policy BAS E2) and is not located within the Green Belt. The railway line defines the boundary of the Green Belt (the railway line being in the Green Belt) between the rural marshes to the south and the urban setting with built development to the north. It is acknowledged that the upper sections of the stockpiles and building would be visible from the Marshes, but in the context of the existing urban development including the A13 it is not considered there would be a loss of amenity to users of the footpath within the Green Belt and it must be remembered the area north of the railway line is designated for B1 and B2 use. It is also considered for the same reasons the proposals would not have a significant impact on the openness of the Green Belt and therefore the proposals are in accordance with the NPPF in this respect complies with the NPPF WLP policy W10E.

F. IMPACTS ON ECOLOGY

One of the three main strands of sustainability (according to the Framework) is environmental sustainability, which considers that the planning system should contribute to and enhance the natural and local environment. As part of this, decision takers must protect and enhance the natural and local environment by recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. The Framework also supports the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value.

Basildon Local Plan is silent in this case, as it contains no saved policies other than those of national importance. Similarly, WLP policy W10E only considers ecologically designated sites, thus the NPPF is the most up to date guidance.

The proposal contained an extended phase 1 habitat survey and a Reptile Survey. In summary, both noted the site consisted of an expanse of bare/disturbed ground bordered by banks of tall grass and ruderal vegetation. The survey was undertaken after the site had been cleared but the clearance work was not undertaken by the applicant, but unfortunately some biodiversity interest may have been lost. The survey identified two SSSIs, Wat Tyler Country Park and five Local Wildlife Sites within 500m of the site boundary of the site. It did not identify any areas of importance for protected/notable species or habitats. There was found to be a low population of slowworm and common lizard on the railway embankment due to the proximity of Vange Creek Marshes LoWS 20m to the south of the site. A translocation program was not considered necessary as this area is not proposed for development but did suggest that a temporary (Heras fencing) barrier is installed along the length of the bank on the south of the site to prevent vehicle

movements in areas of favourable reptile habitat and prior to operation installing reflective bollards.

Place Services (Ecology) has reviewed the submitted information and does not object subject to the imposition of a condition to ensure that the reptile mitigation plan is implemented and a condition to ensure the proposed hedge along the northern boundary would be composed of species identified in the ECC Tree Planting Palette. Due to the value of the surrounding land for 'Priority' bumblebee species, the hedge-mix should include a high percentage (over 40%) of 'flowering shrubs' such as common hawthorn, common cherry and/or blackthorn.

It is therefore, considered that subject to the imposition of the suggested conditions, that the development is not contrary to the Framework and commensurate with the scale of the proposal.

G. IMPACTS ON LOCAL AND RESIDENTIAL AMENITY

The Framework aims to prevent unacceptable risks from pollution and decisions should ensure that new development is appropriate for its location, in so doing consider whether the development would be an acceptable use of land. It does qualify this by stating that local authorities should consider that pollution regime control regimes will operate effectively. Planning considerations nonetheless need to consider impacts such as noise, dust, light pollution and other adverse impacts on health and the quality of life, while recognising that development will often create some noise and impacts, which should not be unreasonably restricted.

Whilst the proposal may in principle comply with WLP policies W8B, W7D and W7D, in terms of location and land use, all these policies are caveated by "provided the development complies with all other relevant policies of this plan; and does not cause unacceptable harm to the environment or residential amenity by virtue of noise, dust or heavy traffic". A position supported in policy terms by WLP policy W10E which, inter-alia, states developments will only be permitted where satisfactory provision is made in respect of the amenity of neighbouring occupiers, particularly from noise, smell and dust.

The locational criteria of PPS 10, in respect of the above, furthermore includes; air emissions, including dust; odours; vermin and birds; noise and vibration.

Policy W10F (Hours of Operation) within the WLP states that where appropriate the Waste Planning Authority will impose a condition restricting the hours of operation, as appropriate with regard to local amenity and the nature of the operation.

The proposal suggests that the hours of operation would be 07:00 to 17:00 (Monday to Friday), 07:00 to 13:00 (Saturdays) with no work taking place on Sundays and/or Bank Holidays. While within industrial areas hours of operation restrictions would not normally be imposed, a condition could be applied if the proposal is granted to restrict working hours to those stated above to minimise the impacts of the development on the locality. It is also considered that these stated

hours would also be appropriate during the construction phase of the development.

During the consideration of this application, the applicants have occupied the site, and carried out outside storage and sorting of wood waste and have utilised the modular offices and weighbridge.

During the course of the determination of this application there have been a number of complaints with regard to, dust, noise, vibration and unsightliness of the site, including photographic and video evidence. However, during a number of unannounced visits it could not be determined that the proposal site was the cause of all of these complaints.

Noise

The application was supported by assessment. The revised proposals include additional sleeper walls in the open storage area between 3 and 4.8m high, a 3m high wall south of the skip storage area and the inclusion of the lobby on the main building and sound reduction insulation within the building. ECC's noise consultant has no objection and considers that the predicted noise levels, subject to construction of the proposed noise attenuation measures would not give rise to significant increase in noise levels above permitted guidelines.

Representations have raised concerns with respect to noise and the noise assessment has been independently reviewed by a noise consultant acting on behalf of the owners of Cromwell Manor. Concern has been raised that the predicted noise levels utilised with respect to the plant to be operated at the site are based on the lower levels of noise than such plant could generate and if less caution values were used, then acceptable maximum noise levels would be exceeded. All of these comments have been subject to review by the County's noise consultant and they remain satisfied that the appropriate standards and prediction methods have been used. In addition concern has been raised that the noise attenuation materials to be used inside the building are likely to deteriorate or damaged by activities in the building, such that their attenuation value would reduce. If approved, conditions could be imposed to ensure all noise attenuation measures are maintained throughout the life of the development.

Subject, to the condition suggested above and the requirement for regular noise monitoring to show compliance with the maximum noise levels, it is considered that planning permission could not be refused on grounds of noise and therefore the proposals accord with the NPPF, PPs10 and WLP policy.

Dust/Air Quality

In addition, the applicant has submitted a dust assessment. The assessment details that: all wastes would arrive at the site in sheeted containers; dust on the access road could be managed by regular mechanical sweeping of the access road or spraying the access road with water, thus preventing dust leaving the site. This water would be collected by way of an onsite drainage system to prevent risk

of pollution. All waste would be deposited in to the waste collection building at the north of the site, which would be fitted with a mist spray dust suppression system and if required this could be extended to be mounted on the sleeper walls if necessary. Any material contained within the storage area outside the building would be dampened down prior to movement in dry conditions.

Basildon Borough Council and other representations have objected due to harm to residential amenity by reason of dust and complaints in relation to current activities at the site have been made by Cromwell Manor and the car park business to the north. Some of the wood sorting currently taking place outside would if planning permission were approved been undertaken within the building, such that dust from these outside areas would only likely to occur during deposition and removal of the stockpiles and are proposed to be managed by bowser and hose, although a sprinkler system has been offered attached to the storage bay walls.

With respect to potential pollution from the additional traffic, the County's Air Quality Consultant has advised that local levels of Nitrogen Oxide are within acceptable limits and the limited additional traffic is unlikely to result in a significant detriment to these levels.

It is considered subject to conditions requiring installation and maintenance of the proposed dust suppression, with a requirement to extend the dust sprinkler suppression system to outside storage areas if necessary, there are no grounds to withhold planning permission due to the adverse impacts of dust..

Vibration

Objection has been raised by Cromwell Manor with respect to the impacts of vibration on both the structural condition of the Listed Building and the impact on residential amenity and the wedding venue business. The application was accompanied by a vibration survey which has assessed the vibration impact of the HGV traffic associated with the business. The County's vibration consultant has confirmed that the HGV traffic associated with the development and the sample operation of the tracked vehicle indicate that the development would not give rise to vibration that it likely to cause structural damage to the building or adversely affect the residents and or users of the wedding venue. The assessment did not include an assessment of use of plant, namely the tracked 360° machine in the area east of the building. The reason for this omission is the applicant has confirmed that, while the tracked plant had previously been used in this area, apart from construction and maintenance the area east of the building would no longer be regularly used by the track vehicle. The areas east of the building (and closest to Cromwell Manor) are proposed for a combination of parking, storage of skips and circulation area for vehicles arriving and leaving the site. The vibration assessment has shown that the levels are well below those that would give rise to structural damage to the listed building and would be unlikely to be detected within the residential/wedding venue. A condition, if approved, could be imposed to ensure the track vehicle is not used in the area east of the building (except for construction and maintenance) and the applicant has indicated a willingness for such a condition. In addition vibration monitoring would be required, if planning

permission were approved, to confirm that vibration levels are within acceptable limits.

Lighting

The proposals include a lighting scheme for outside areas namely in areas to be used for circulation of vehicles and staff parking. The application has been submitted with a lighting assessment and has demonstrated there would no adverse impact from the proposed lighting on surrounding uses including the railway line and Cromwell Manor. Concern has been raised that the lighting scheme proposes inadequate lighting and does not meet BS guidance for lighting and thus additional lighting is likely to be required. The County's lighting consultant has reviewed the lighting scheme and considers the assessment has been carried out appropriately and as proposed would not result in adverse light pollution. It is noted that the proposed light levels are low, but the BS levels are only guidance and it is the reasonability of the operator to ensure the safety of his staff.

Conditions could be imposed to require approval of any further additional lighting and monitoring of light levels to show compliance with the submitted scheme if necessary.

Vermin and Odour

There have been representations noting that there would be an adverse impact on health and quality of life and an increase in vermin. The nature of the waste, namely construction and demolition is unlikely to be attractive to vermin or give rise to odour and the operation would also be subject to an Environmental Permit.

It is considered that in accordance with the Framework, planning permission should not be refused, subject to the imposition of appropriate conditions to ensure noise and dust can be effectively mitigated and controlled to ensure compliance with policy W10E and BAS E10. In addition, conditions restricting the hours of operation will further protect amenity and in so doing comply with policy W10F and the Framework, which supports sustainable development where the adverse impacts do not significantly and demonstrably outweigh the benefits of proposals.

H. IMPACT ON THE HISTORIC ENVIRONMENT & VIABILITY OF CROMWELL MANOR

Impact on the Historic Environment

The Framework states in paragraphs 128 to 134 that heritage assets are an irreplaceable (and therefore finite) resource and should be conserved in a manner appropriate to their significance and notes that any harm or loss should require clear and convincing justification. It requires applicants to describe the significance of heritage assets including any contribution made by their setting. The planning authority is required to

Para 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)...

Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Basildon Local Plan is silent on this issue, as it contains no saved policies other than those of national importance. Similarly, WLP policy W10E states that development would be permitted where satisfactory provision is made in respect of the resultant effects on the historic environment.

The revised application has been supported by a Heritage Statement. The Heritage Statement notes that as the seat of the medieval manor, Cromwell Manor (historically Pitsea Hall) is a site of historic importance, second only in Pitsea to the ruins of the church. The building is a good example of a gentry house of the early 16th Century, however, it has largely ceased to have a recognisable identity, its name has been changed and its footprint has been doubled by a modern extension. Surrounded by the railway, fencing and trees it is now barely visible from the road, though its entrance is well signposted. Only the front retains a relationship with the flat marshland landscape from which its medieval wealth derived.

The applicant's assessment is that the development is distant from Cromwell Manor and has no direct effect on its historic fabric or immediate environs. It does have the capacity to affect its setting. To the south of Cromwell Manor, there survives to a large degree the landscape with which it has historically been associated. This relationship would not be affected by the development. To the north the assessment states the setting has already been seriously compromised by the railway, industrial development and roads and concludes the development could be regarded as having an incremental impact, but it would not give rise to substantial harm to the heritage asset.

Place Services (Historic Environment) have commented on the proposals and set out that the main conservation issue is the effect of the development on the setting of the grade II Listed buildings, Cromwell Manor and to a lesser extent that of St Michael's church. Also the potential visual impact has been considered, both visual and non-visual of the operational activities on the ongoing conservation of Cromwell Manor by the effect of the proximity of the proposed use on the economic viability of the wedding venue business.

The county adviser does not disagree with the content of the heritage statement submitted by the applicant, that the setting of the Listed Building from the north is degraded due to the railway, roads and existing industrial buildings, such that the proposal have little bearing on the significance of the listed building. From the south the building is viewed in the context of the garden albeit with a backdrop of industrial and urban development. However, the proposed building and its lobby are considered extremely large scale and intrude into the skyline and are disruptive to the setting of the listed building both in its own right and cumulatively with the modern development and infrastructure surrounding the building. The eastern most part of the building is screened by vegetation within Cromwell Manor, but the bulk of the waste building and its lobby would appear in the principal elevation of Cromwell Manor.

The County's Historic building adviser has commented that it is difficult to assess if the operations would harm the environmental conditions around the listed building to the extent that it would affect the economic viability of the wedding venue. Assessments indicate noise and dust would be within limits. Perception by potential customers of the venue due to the proximity of the waste use could be as damaging as any actual harm. The adviser concludes that the visual and non-visual harm to the setting of the asset would be less than substantial, mostly due to the harm already done to the setting by the surrounding modern development; however there would be cumulative harm to the significance of the listed building due to the impact of the development on the setting. The proposed building also intrudes into longer views of St Michael church tower and when viewed from the marshes contributes to the harm to the setting of this building caused by modern development. The adviser cannot support the application and advises the WPA would need to weigh up any less than substantial harm against the public benefits of the proposal.

Cromwell Manor's agent has also commissioned a Heritage Statement which raises similar concerns to those of the Council's historic adviser but concludes that the harm would be substantial. The historic adviser to Cromwell Manor refers to the consultation response by the County Historic Building Adviser to the original proposal, as having "a comprehensive and detrimental impact on the northern setting of the listed building". It should be noted that these comments were made prior to the building being moved 5m west and without the lobby screening views into the building and thus are considered to be superseded by the those comments in relation to the revised application which have been explained above.

Substantial harm is defined with National planning guidance as

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

Taking into consideration the definition above it is not considered that the waste building could be considered substantial harm, as it only contributes to the existing harm from the existing railway and modern development and infrastructure behind. It therefore leaves the authority to consider whether there is less than substantial harm and whether this harm is outweighed by the public benefits of the proposal, such that it amounts to sustainable development as promoted by the NPPF. The NPPG describes public benefit as follows

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

The proposals would enable the movement of waste up the waste hierarchy, reducing the volume of waste disposed to landfill and associated greenhouse gases. The proposal would allow the expansion of the existing business ensuring security of the existing employment and potentially increasing the number of jobs.

On balance with the Frameworks presumption in favour of sustainable development, and in the absence of an up to date local plan, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies. Therefore, it is considered that subject to the imposition of appropriate conditions to limit and minimise the environmental impacts of the proposal, the impacts on Cromwell Manor are not significant enough to warrant the refusal of planning permission, when considering the economic and public benefits of the development, in accordance with the Framework.

Viability of Cromwell Manor

In addition to the consideration of the direct impacts of development on the historic Environment, the Framework requires local authorities to consider the potential economic impacts of development.

The owner of Cromwell Manor and Place Service (Historic Environment) objections highlight how noise, vibration, light pollution, landscaping, design and

the setting would potentially impact upon the viability of the business use of Cromwell Manor now, or in the future viability, thereby threatening its on-going conservation.

It has been concluded within previous sections of this report that the environmental impacts of the proposals are largely either adequately addressed by measures forming part of the proposal or could be mitigated through conditions. It is acknowledged there would be some limited visual impact and impact on the Setting of the Listed Building, such that there are limited direct impacts that could discourage customers from choosing the venue for their functions and equally the knowledge that there is a waste facility may give rise to the perception that the venue is not desirable as a venue for functions and weddings. Although assessing the effect of such perceptions is difficult. However, it is a matter of fact that the setting of Listed Building was largely despoiled upon the construction of the railway line and the subsequent urbanisation of the land to the north and this includes the existing industrial building currently utilised by a fencing business. The land to the north is allocated for commercial use, in any event and overall it is therefore considered that the waste facility would not have a significant direct or indirect impact upon the viability of business use of Cromwell Manor and thereby its on-going conservation that would warrant refusal of planning permission and therefore the proposals are considered to not conflict with the requirements of NPPF para 134.

I. IMPACTS ON HYDROLOGY

WLP policy W4A (Flooding) states inter alia that development would only be permitted where there would not be an unacceptable risk of flooding or has an adverse effect on the water environment. This is supported by policy W4B (Surface & Groundwater) which states that development would only be permitted where there would not be an unacceptable risk to the quality of surface and ground water, or of impediment to ground water flow.

In support of the application a Flood Risk Assessment (FRA) has been prepared as the development would be on an area of greater than 1 hectare. This FRA states that the development is in flood zone 1 (the low risk zone), and states that the proposed development would be operated with minimal risk from flooding and not increase flood risk elsewhere. Surface water drainage from the building has been agreed with the local sewage authority. The Environment Agency has no objection to the proposals or conclusions stated within the FRA, but would still require the design of the final drainage for the site to be submitted and approved, which could be imposed if planning permission were granted.

It is therefore considered that subject to the imposition of an appropriate pre-commencement condition to approve in writing the final drainage scheme and hydrological/hydrogeological context that the development would comply with policies W4A, W4B and the Framework.

J. ECONOMIC BENEFITS

The Framework promotes a positive approach to consideration of economic development proposals, with significant weight being placed on the need to support economic growth through the planning system. It is noted by the applicant that the existing site on the Burnt Mills Industrial Estate employs 15 people, who would be retained, safeguarded and transferred to the Terminus Drive site, should permission be granted, with potential for increased employment. Furthermore, the proposal emphasises that there is a significant existing client base within Essex and Southend, and the provision of a larger site with increased capacity, would help the applicant more efficiently process waste and thus potentially allow greater opportunities for the applicant to bid for new demolition contracts.

In particular, the applicant has stated that the larger site area and capacity would enable new demolition contracts to be established within Essex. As a local employer (employing 15 people), it is noted within the application that the local economy would benefit if the application were granted, as these jobs could be safeguarded with the potential for further job creation.

The Framework requires significant weight to be placed on the economic benefits of proposals.

7. CONCLUSION

It is considered that the proposal should be considered favourably within the goals and objectives of the Framework, PPS10 and WLP. The Framework states “the planning system is to contribute to sustainable development” and requires significant weight to be placed on the economic benefits of proposals, while protecting the environmental and social strands of sustainability.

The need and general suitability of the site comply with the Framework, PPS10 and WLP policies W3A, W7D and W7E, which requires waste to be moved up the hierarchy. The proposal is in conformity with W8B, through demonstration of a need to both relocate the business (this being the most suitable and feasible option, despite Basildon local policy BAS E6 directing untidy industry to the Burnt Mills Industrial Estate) and for increased non-organic waste treatment capacity. Additionally this site was an area of degraded and derelict land and designated as a proposed employment area policy BAS E2. Despite, the site being considered to be generally acceptable for such a proposal, further consideration of issues raised within the consultation, was required to ensure that this proposal would not create significant adverse harm to the local area, in accordance with the Framework.

The first of these considerations is the highway impact, which primarily focuses on local infrastructure impacts and increased HGVs worsening congestion. However, following assessment by the Highway Authority and Highways Agency, it is considered that suitable conditions and an informative could be attached if planning permission were to be granted. These could ensure the proposal would

not result in a significant and demonstrably negative impact, so it is considered to be in accordance with WLP policy W4C and Basildon policies BAS E2 and BAS E10. Similarly, impacts on ecology and hydrology could also be suitably mitigated by imposing appropriate conditions to ensure the proposal would comply with WLP policies W4A, W4B, W10E and the Framework, thus would be commensurate with the scale of the proposal.

Further concerns raised relate to design, landscape and visual impacts. The issues primarily focus on the scale and colour of the building itself and that landscaping proposals do not adequately mitigate the impacts on the views from PRoWs and properties. The proposal would include the construction and operation of a large (13m high) building, which is required to be fit for purpose and function. Due to the size, the proposal does not fully comply with WLP policy W10E and Basildon policies BAS C2 and BAS E10. However, this must be considered against the favourable consideration that it is located within a designated proposed employment area (policy BAS E2) which means the policy drivers within the Framework should take precedence. In light of this, it is considered that the proposal (subject to appropriate conditions) would not affect the landscape or visual receptors significantly enough to warrant the refusal of planning permission when balanced against the benefits.

Amenity impacts to the public using the adjacent to PRoW and local residences were raised as a concern during the consultation and also those specifically relating to the impact on the Grade II Cromwell Manor and its setting, which is used as a function suite, primarily for weddings. The objections in relation to the adverse amenity impacts on Cromwell Manor concluded that the proposal may make the business unviable, resulting in the degradation of the Listed Building, due to the costs of upkeep.

Concern focuses on the hours of operation, noise, dust, vibration, light. Compliance with policies W10E, W10F, W10G, BAS E10, the criteria for sites set out in PPS10 and the Framework have been considered. Whilst harm would exist to the setting of Listed Building it is not considered that this harm is substantial harm. It is considered that the harm to the setting of the Listed Building is, on balance, outweighed by other wider public and economic benefits the proposal would offer.

It should be noted that the proposal is located within a as a proposed employment area (policy BAS E2). With regards to these issues of concern, the Framework embodies a presumption in favour of sustainable development and states “in the absence of an up to date local plan, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies”. The impacts on general amenity to users of the PRoW, local residences and specifically amenity of Cromwell Manor have been considered and are not substantial or significant enough to warrant the refusal of planning permission. On balance, it is therefore considered that the development represents sustainable development in the context of the Framework, subject to the imposition of appropriate conditions.

8. RECOMMENDATION

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

1. COM3 - Compliance with submitted details
2. COM2 – Notification of commencement within 7 days of implementation
3. WAST1 – Definition of waste materials to be imported
4. WAST5 – Restricting waste to areas as approved
5. Bespoke - no use of tracked vehicles east of the building except for construction and maintenance
6. HIGH13 – surface materials of access
7. HIGH14 – Access gates
8. HIGHWAYS - Bespoke
Linage on surface to define route, linage to be maintained. The Public's rights and ease of access over the public footpath shall be maintained free and unobstructed at all times.
9. HIGH7 – erection of warning signage for PRow Vange 136
10. HIGHWAYS - Bespoke
Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
11. HIGHWAYS - Bespoke
The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the building and retained at all times.
12. HIGH5 – restriction to 100 HGV movements [50 in and 50 out] per day (Monday to Friday) 50 HGV movements [25 in and 25 out] per day (Saturdays)
13. HIGH1– improvement to Terminus Drive access
14. HIGH2 – All Access to be via Terminus Drive
15. LAND1 – Requires submission details regarding a landscaping scheme, including preparation of appropriate ground conditions prior to planting and planting species shall include 40% flowering shrubs
16. LAND2 – Requires replacement of trees/and shrubs (if necessary) within 5 years of commencement
17. VIS 2- Restricting Stockpile Heights
18. HOUR1 – Restricts construction times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
19. HOUR5 - Restricts hours of operation times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
20. NSE3 – Requires noise monitoring to be undertaken and submitted within one month of commencing operations to validate predictions.
If measured noise levels exceed those detailed proposed mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority within 1 month of the monitoring being carried out.
21. Bespoke - maintenance of sound proofing of the waste processing building through the life of development
22. Bespoke - no operation of crusher, trommel or shredder at one time, and submission and approval of management scheme to achieve this.

23. DUST1 – Implementation in accordance with approved dust suppression measures
24. Bespoke – Additional dust suppression measures to be submitted for outside storage areas if necessary
25. LGHT1 - Requires submission details regarding any additional proposed lighting on site
26. ECO1- Implementation in accordance with approved Reptile Mitigation Measures
27. Light monitoring to demonstrate compliance
28. Vibration monitoring
29. POLL1 - Requires submission details regarding surface water drainage and an assessment of the hydrological and hydrogeological context of the development.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: ESS/69/12/BAS

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

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 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. The application has been considered in line with the Equalities Act 2010 and suitably appraised with regard to relevant equality issues, implications and/or needs.

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 by identifying matters of concern within the application (as originally submitted) and based on seeking solutions and acceptable amendments to the proposal to address those problems. This has been achieved by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary.

As a result, the Waste Panning Authority has been able to recommend granting planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

CONSIDERATION OF POLICIES

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
Essex & Southend-on-Sea Waste Local Plan (2001)		
<u>W3A</u>	<p><u>Waste Strategy</u> The WPAs will:</p> <p>In determining planning applications and in all consideration of waste management, proposals have regard to the following principles:</p> <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. <p>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.</p> <p>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 and Southend waste management needs as defined in policies W3B and W3C.</p>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p> <p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, Policy W3A is considered consistent with the Framework and PPS10.</p>
<u>W3C</u>	<p><u>Need for Waste Development</u> 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)</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,</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposal 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>prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with 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>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and its source the policy is considered consistent with the requirements of PPS10.</p>
<u>W4C</u>	<p><u>Access</u></p> <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 	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use 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.</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<p>on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	<p>In addition, the policy seeks to assess the existing road networks, therefore being in accordance with the Framework and PPS10.</p>
<u>W7D</u>	<p><u>Inert Waste Recycling Facilities</u> Proposals for inert waste recycling facilities 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); • industrial locations as defined in policy w8b; <p>in association with other waste management development;</p> <ul style="list-style-type: none"> • current mineral working and 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); • demolition and construction sites where the spoil is to be used in the project itself. <p>Provided the development complies with all other relevant policies of this plan; and, in particular, does not cause unacceptable harm to the environment or residential amenity by virtue of noise, dust or heavy traffic.</p>	<p>See explanation notes for Policy W3C and W8B as these are relevant and demonstrate conformity with the Framework and PPS10.</p>
<u>W7E</u>	<p><u>Materials Recovery Facilities</u> 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>See explanation notes for Policy W3C and W8B as these are relevant and demonstrate conformity with the Framework and PPS10.</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	<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>	
W8B	<p><u>Non Preferred Locations</u></p> <p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> • Existing general industrial areas; • Areas allocated for general industrial use in an adopted local plan; • Employment areas (existing or allocated) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area. <p>Large-scale waste management development (of the order of 50,000 tonnes per annum capacity or more, combined in the case of an integrated</p>	<p>Policy W8B is concerned with considering locations for sites that have not been identified within the Plan as preferred sites for waste related developments.</p> <p>By setting criteria for non-preferred sites, this policy allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development.</p> <p>Additionally, in conformity with paragraph 17 of the Framework, the policy contributes to the conservation and enhancement of the natural environment. The Framework goes on to state that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework.</p>

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	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.	It is therefore considered that policy W8B is in conformity with the principles and requirements of the Framework.
<u>W10E</u>	<p><u>Development Management</u> 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.</p> <p>The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
<u>W10F</u>	<p><u>Hours of Operation</u> Where appropriate the WPA will impose a condition restricting hours of operation on</p>	Paragraph 123 of the Framework states that planning decisions

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
	waste management facilities having regard to local amenity and the nature of the operation.	<p>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 by conditions. Furthermore, paragraph 203 states that local planning authorities should consider 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, while seeking to impose conditions to minimise this adverse effects, policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>
<u>W10G</u>	<u>Public Rights of Way</u> Applications for waste management facilities should include measures to safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing.	<p>Paragraph 75 requires planning policies to protect and enhance public rights of way and access. As such, opportunities for improvement and incorporation of better facilities for users should be sought.</p> <p>It is therefore considered that Policy W10G which seeks to safeguard and improve the Public Rights of Way network is in conformity with the requirements of the Framework.</p>

Basildon Borough Council Appraisal/Compliance of saved policies with NPPF

Review of Local Plan Saved Policies – Compliance with NPPF (March 2012)

	Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
BAS GB1	The Definition of the Green Belt	<u>Compliant</u>	Paragraphs 81 – 86 deal with the approach that should be taken in defining green belts. Paragraphs 83, 153 and 157 give the basis for defining them in a Local Plan.	Yes
BAS GB3	Replacement dwellings in the Green Belt	<u>Compliant</u>	Paragraphs 87:92 provide guidance relevant to these areas, supporting replacement and extensions providing it is not excessive, in addition to limited infilling or the complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within in than the existing development.	Yes
BAS GB4	Extension to dwellings in the Green Belt	<u>Compliant</u>		Yes
BAS GB5	Definition of a Dwelling	<u>Compliant</u>		
BAS GB6	Agricultural Workers Dwellings	<u>Compliant</u>		
BAS GB7	Re-use of Buildings in the Green Belt	<u>Compliant</u>	<p><i>Note: NPPF also supports non-residential enlargement, further reinforced by Changes to permitted development rights. It also defines certain development as not being inappropriate (subject to caveats) including mineral extraction, engineering operations, local transport infrastructure and development brought forward by a Community Right to Build Order</i></p>	
BAS S2	Housing Sites	<u>Generally Compliant</u>	However, of the list of identified sites, only one remains undeveloped. The NPPF supports sustainable development whilst indicating the importance of a supply of land to boost the supply of housing and meet the objectively assessed housing needs of the area. Paragraph 49 is clear that local planning policies for housing supply are not considered to be up to date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.	
BAS S3	Areas of Special Reserve	<u>Generally Compliant</u>	The NPPF supports sustainable development. Paragraph 49 is clear that local planning policies for housing supply are not considered to be up to date if	

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
		<p>the LPA cannot demonstrate a five-year supply of deliverable housing sites.</p> <p>Where a 5 year land supply cannot be demonstrated Areas of Special Reserve, as part of the allocated supply of sites could be required to come forward ahead of the completion of the Local Plan review.</p> <p>Para 50 supports the inclusion of affordable housing with development in accordance with set policies. Favours on-site provision but where robustly justified, can be supported off-site or by way of a financial contribution.</p>	
BAS S5	<u>Compliant</u>		
BAS C1	<u>Compliant</u>	Paragraph 109 provides support for protecting and enhancing the natural environment. However, in stating that major developments should be refused in National Parks, the Broads and Areas of Outstanding Natural Beauty is may be interpreted to weaken the protection of areas with a lesser designation. Nevertheless, there are other paragraphs that reinforce the need to minimise impacts on biodiversity and geodiversity and to promote preservation, restoration and re-creation of priority habitats. Mitigation is encouraged with compensation regarded as a last resort.	
BAS C2	<u>Compliant</u>		
BAS C5	<u>Compliant</u>		
BAS C7	<u>Compliant</u>		
BAS C13	<u>Compliant</u>		
BAS C15	<u>Compliant</u>	NPPF para 172 in its guidance on plan preparation states that policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.	
BAS C16	<u>Compliant</u>		
BAS E1	<u>Generally Compliant</u>	Paragraph 9 of the NPPF promotes sustainable development, which includes making it easier for jobs to be created, replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure. Para 19 stresses that significant weight should be placed on the need to support economic growth.	

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
		<p>Para 21 determines that Local Plans should set criteria, or identify strategic sites for local an inward investment to meet anticipated needs over the plan period. Para 22 does stress however that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.</p> <p>Site BAS E1 is subject to an adopted Supplementary Planning Guidance in 2003 and a hybrid outline planning permission (subject to a s.106 agreement) in 2005 for a mixed use scheme of employment, residential and recreation uses; however its delivery in this form is not viable and therefore it has not been built. Para 22 advises that in circumstances where sites allocated have no reasonable prospect of being used for that purpose; Local Planning Authorities need to consider the merits for alternative uses for land or buildings having regard to market signals and the relative need for different land uses.</p> <p>The Council resolved to grant planning permission for a 15 pitch Gypsy and Traveller site subject to certain agreements was made in December 2012 given that its development would not prejudice the wider, comprehensive development of the site.</p>	
BAS E2	<u>Compliant</u>	<p>The NPPF's commitment to economic growth in order to create jobs and prosperity. (paras 18 – 22) is seen as support for the provision and protection of employment areas to meet future needs for the area.</p>	
BAS E3	<u>Compliant</u>		
BAS E4	<u>Compliant</u>		
BAS E5	<u>Generally Compliant</u>	Paragraph 9 of the NPPF promotes sustainable development, which includes making it easier for	

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
	Restrictive Automotive Research and Development Uses		<p>jobs to be created , replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure.</p> <p>Para 22 stresses that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose – and that in these circumstances alternative uses for land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.</p> <p>Planning permission was granted for residential development on the eastern part of this site, where other material considerations such as the demands for housing, the lack of a 5 year land supply and particular circumstances of the application, justified a departure from the adopted policy.</p> <p>For the remainder of the site the policy is still compliant and covers the existing Ford Technical Centre cluster of buildings, test tracks and expansion land.</p>	
BAS E6	Unity Industry	<u>Compliant</u>	<p>The NPPF's commitment to economic growth in order to create jobs and prosperity. (paras 18 – 22), is seen as support for the provision and protection of employment areas to meet future needs for the area. Local policy encourages good design of new development reinforced in the general approach to design and improving the environment contained within section 7. Flexibility to accommodate alternative use is encouraged, but still seen to be compatible with BAS E7.</p>	
BAS E7	Alternative Uses of Industrial Premises	<u>Compliant</u>		
BAS E10	General Employment Policy	<u>Compliant</u>		Tested on appeal, that although allowed, gave support, just different interpretation/judgement
BAS SH1	New Retail Development – sequential test	<u>Generally Compliant</u>	In Section 2, ensuring the vitality of town centres, the concept of the sequential approach to sites is	

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
		supported with the caveat on existing plans being up-to date. The NPPF defines what is meant by the terms edge of centre, out of centre and out of town.	
BAS SH3 Town Centre Retail Development Sites – land allocations	<u>Generally Compliant</u>	Whilst the NPPF supports ensuring the vitality of town centres and therefore a degree of compliance with the local policy, there may be other competing land uses, such as residential development or a mixed use, that may also be supported in these locations where seen as aiding economic recovery.	
BAS SH4 Town Centre Shopping Frontages – primary shopping frontages 1999 Alterations	<u>Generally Compliant</u>	Whilst the NPPF supports ensuring the vitality of town centres and therefore a degree of compliance with the local policy, some flexibility may be required and consideration given to viability issues where a change of use is restricted.	
BAS SH5 Town Centre Shopping Frontages – areas outside primary shopping frontages	<u>Generally Compliant</u>		
BAS SH6 Retailing on Industrial Estates	<u>Compliant</u>	This policy is consistent with the NPPF in supporting economic growth whilst protecting town centres.	
BAS SH7 Local Shopping Centres – new developments and extension to existing	<u>Compliant</u>	The local policy adopts a flexible approach and applies to small scale development serving local communities that is consistent with creating sustainable neighbourhoods.	
BAS SH8 Local Shopping Centres – protection of their retail function	<u>Compliant</u>	Consistent with the guidance in section 2 of the NPPF, however, consideration will need to be given to viability issues in considering changes of use.	Yes
BAS SH9 Temporary Retail Uses – boot sales Sunday markets etc.	<u>Generally Compliant</u>	The NPPF is silent on this matter, however, as these often occur in the Green Belt in Basildon Borough, the NPPF Green Belt policies and those of the Local Plan Saved Policies would be material in decision making. If they are located within town centres however, they would be seen to contribute to the vitality of the area. (par 23).	
BAS TC1 District Wide Town Centre Policy	<u>Generally Compliant</u>	Aim of local policy is to protect town centre, however, greater attention may now be given to economic viability in assessing schemes with some loss of existing retail space potentially being accepted.	

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
BAS TC3 Wickford Town Centre – site allocation	<u>Compliant</u>	Policy refers to 2 sites where comprehensive development compatible with a town centre will be supported. This is seen as consistent with paragraph 23 of the NPPF that seeks to ensure the vitality of town centres.	
BAS TC4 Pitsea Town Centre – site allocation	<u>Compliant</u>	Part of this site has already been developed as a mixed use scheme, (residential and retail). However the remainder lends itself to uses appropriate to a town centre and consistent with paragraph 23 of the NPPF that seeks to ensure the vitality of town centres.	
BAS TC5 Markets – protection for Basildon, Pitsea and Wickford market sites	<u>Compliant</u>	In ensuring the vitality of town centres, (para 23), it states that local planning authorities should retain and enhance existing markets and, where appropriate, re-introduce or create new ones ensuring the markets remain attractive and competitive.	
BAS TC6 Residential Development in Town Centres – allows residential development in the town centres whilst protecting ground floor retail units from conversion to housing.	<u>Generally Compliant</u>	Section 2 of NPPF supports ensuring the vitality of town centres, the intent of the local policy. However, recent legislative changes promote a more flexible approach such that less support is given to the loss of ground floor shop units.	
BAS R1 Open Space - protection	<u>Generally Compliant</u>	Section 8 of the NPPF deals with promoting healthy communities, with high quality open space which encourage the active and continual use of public areas included as part of the criteria. This provides support for their protection, albeit this will need to be balanced with the need to accommodate more housing to meet demand.	
BAS R4 Proposed Open Space – Hannikens Farm, Billericay	<u>Generally Compliant</u>	Section 8 of the NPPF deals with promoting healthy communities, with high quality open space which encourage the active and continual use of public areas included as part of the criteria. This provides support for the provision of new open space in Billericay.	
BAS R11 Sports Facilities	<u>Limited</u>	The biodiversity qualities now present on this site	

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
	Allocation – Church Road/Basilston Road, Laindon	<u>Compliance</u>	may conflict with previous aspirations to develop the land for sporting facilities, but this would need to be assessed in accordance with detailed ecology surveys and the need to examine the potential for mitigation.	
BAS R15	Golf Courses –golf driving ranges design and siting considerations	<u>Compliant</u>	Local policy sets out need for minimising impact on visual and residential amenity which is consistent with the broader objectives of the NPPF.	
BAS R16	Noisy and Disturbing Sports - protects local amenity	<u>Compliant</u>	Whilst there appears to be no special reference to noise pollution and disturbance, design Para 17 seeks good standard of amenity for all existing and future occupants of land and buildings	
BAS T5	Public Transport – improved facilities at public transport interchanges	<u>Compliant</u>	Paras 29 – 41 focus on promoting sustainable transport which provides good support for local policy.	
BAS BE12	Development Control	<u>Compliant</u>	Section 7 of the NPPF focuses on the requirement for good design. Para 17 seeks good standard of amenity for all existing and future occupants of buildings. Paragraph 58 determines that policies and decisions should aim to ensure developments will function and will add to the overall quality of the area, establish a strong sense of place, respond to local character and history and be visually attractive as a result of good architecture and appropriate landscaping.	Support given on appeal, (including related DC guidelines)
BAS BE13	Areas of Special Development Control Policy - Ramsden Bellhouse	<u>Generally Compliant</u>	Within Section 7 relating to good design, is the recognition that development should respond to local character and history and reflect the identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation. Whilst the NPPF supports the use of design codes, it insists that local policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, landscape, materials and access of new development in relation to neighbouring buildings and the local area more generally.	
BAS BE14	Areas of Special Development Control Policy – Sugden Avenue Wickford	<u>Generally Compliant</u>		Yes
BAS BE15	Areas of Special Development Control Policy – Bowers Gifford	<u>Generally Compliant</u>		

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
BAS BE17	Shop Fronts	<u>Compliant</u>	Section 7 of the NPPF focus on the requirement for good design, whilst section 2 seeks to ensure the vitality of town centres. Local policy is therefore seen to accord with these broader principles. Protection of local heritage and character is also a feature of the NPPF, (section 12), and this reinforces design control in Conservation Areas and for Listed Buildings.	Yes
BAS BE18	Advertisements – general	<u>Compliant</u>	Paragraphs 67 – 68 indicate the level of control that should apply to advertisements, in the interests of amenity and public safety. It is not specific on those located in the Green Belt, but the broader general NPPF Green Belt considerations will apply.	
BAS BE19	Advertisements – Green Belt	<u>Compliant</u>		
BAS BE20	Telecommunications	<u>Compliant</u>	Paragraphs 42 – 46 support a high quality communications infrastructure that is consistent with the criteria applied in local policy.	
BAS BE21	Healthcare Developments – new primary & community facilities	<u>Compliant</u>	Paragraph 69 provides general support for promoting healthy communities. It recognises the importance of social, recreational and cultural facilities and services the community needs, without specific reference to healthcare developments. Guidance on plan preparation, (para 171), advises working with public health leads and health organisations to understand and take account of health status and health needs of the local community.	
BAS BE22	Healthcare Developments – Extensions to Hospital facilities	<u>Compliant</u>		
BAS BE24	Crime Prevention	<u>Compliant</u>	Paragraphs 58 & 69 promote the creation of safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.	

Committee DEVELOPMENT & REGULATION

Date 31 May 2013

MINERALS AND WASTE DEVELOPMENT

Proposal: **The change of use of land and the erection of buildings, hardstanding, roadways, parking and storage areas to enable the use of the site as a waste recycling and materials recovery facility.**

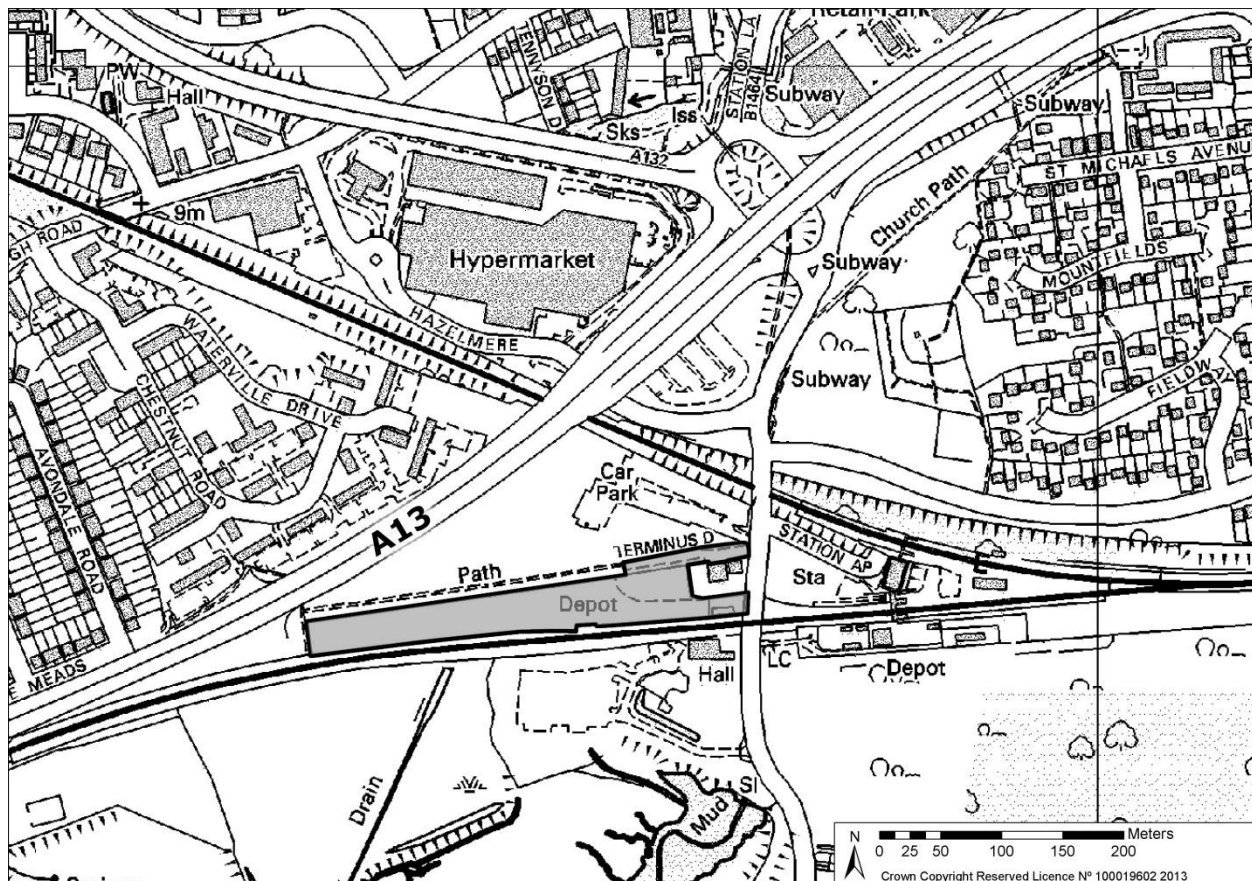
Location: **Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH**

Ref: **ESS/69/12/BAS**

Applicant: **Heard Environmental**

Report by of Planning, Environment and Economic Growth

Enquiries to: Gemma Skillern Tel: 01245 437502



1. BACKGROUND

The applicant is currently operating a waste management business in Harvey Road, on the Burnt Mill Industrial Estate, Basildon, which was granted planning permission by Basildon Borough Council most recently in 1988 (BAS/1429/88). This application was for the change of use from storage yard to non-toxic waste handling facilities. On the Burnt Mills site, the applicant is involved with a wide range of activities such as demolition, site clearance and ground works.

The applicant has identified this site at Terminus Drive as being suitable for its needs and if planning permission were granted, would relocate from Harvey Road. The reason for seeking relocation stems from limitations on the existing site in terms of capacity and size, where there is no opportunity to expand within the Burnt Mills Industrial Estate.

2. SITE

The Terminus Drive site was vacant, but has a historical use as a minerals yard, which was involved with the importation of minerals and/or aggregate by road and possibly rail for onward distribution. The area itself had been granted permission in 1994 for car parking associated with proposed retail development (on Old Market Site), High Road, Pitsea (94/00384/BAS), although the proposed retail development did not occur. Within the Basildon Local Plan (1996), the area is designated as a proposed employment area (Policy E2).

The Secretary of State for Transport issued the Safeguarding Direction for Crossrail in 2008 for this site. The Direction requires local planning authorities to consult with Crossrail Ltd regarding planning applications within the limits shown on the safeguarding plans before granting planning approval as they may conflict with the proposed route.

Immediately adjacent to the proposed site in the east (between the application site and Pitsea Hall Lane) is an existing permission (93/00004/FUL) from Basildon Borough Council, which changed the use of Primrose Villa from residential to offices. There is an existing industrial building located behind Primrose Villa.

In terms of the locality, Terminus Drive is located to the south of Pitsea town centre. The site itself adjoins the London to Shoeburyness railway line, with Pitsea station to the southeast. To the south, beyond the railway line (approximately 10m), is the Vange Creek Marshes (LWS) and Cromwell Manor, which is a Grade II listed building used as a wedding and conference venue, which is also approximately 10m from the site boundary. Terminus Drive is approximately 150m to the north of the existing Pitsea Landfill site, which once restored will also become an RSPB reserve and part of the Wat Tyler country park.

The site is in close proximity to the A13 flyover on the western end of the site, beyond which is a large retail development and residential area, while Pitsea Mount is located approximately 50m to the northeast. The nearest dwelling is 60m to the northwest of the site.

Footpath Vange 136 is adjacent to the northern boundary of the site and would traverse the site access, which is already used by the existing commercial/industrial activities permitted by 93/00004/FUL.

3. PROPOSAL

The application is for the change of use of land to enable the use of the site as a waste recycling and materials recovery facility. This would include the erection of a building within which waste would be sorted and materials recovered, with associated offices and hardstanding. The site itself covers an area of approximately 1.24 hectares and it proposed that the annual throughput of waste handled at the site would be 49,000 tonnes. Of this total approximately 10% would be household waste, 60% commercial and industrial waste and the remaining 30% would consist of construction & demolition (C&D) waste. The onsite operations would involve the recycling and recovery of materials, which would include waste arising from ground works, demolition and site clearance. All residual waste (up to 15% of the total brought on to site) would need to be disposed of and sent to landfill.

The proposal involves the erection of a single waste processing building on the northern boundary at the eastern end of the site. This building would be constructed from corrugated steel and measure 19m x 30m and 13.1m high at the highest point. The building would face in to the centre of the site, thus meaning the unenclosed entrance to the building would face towards the south/railway line.

The WC/mess cabin and administration offices would consist of two porta-cabin style offices between the waste processing building and the access/visitor car parking. Included in the proposals are the installation of a new weighbridge (on the site of the existing redundant weighbridge) 20 car parking spaces, 2 motorcycle spaces and 5 bicycle spaces.

The central area of the site would consist of storage area for skips and the C&D waste, while in the extreme west of the site would be 20 lorry parking spaces for storing vehicles while not in use.

The access would consist of the existing access on to Pitsea Hall Lane, which is currently used by the occupier of the industrial premises to the east of the proposed site. It is proposed that there would be 100 HGV movements (50 in and 50 out) Monday to Friday and 50 HGV movements (25 in and 25 out) on Saturday. These movements would consist of skip lorries, tipper and roll on/off HGVs and some articulated HGVs. There would be a number of employee cars and vans. To reach the western extremity of the site by HGV the vehicles manoeuvre along the southern boundary of the site, next to the railway line.

Hours of operation stated within the application would be 07:00 to 17:00 (Monday to Friday), 07:00 to 13:00 (Saturdays) with no work taking place on Sundays and/or Bank Holidays.

4. POLICY CONSIDERATIONS

The following policies of the Essex & Southend-on-Sea Waste Local Plan (2001) (WLP) and Basildon District Local Plan Save Policies (1996) (BDLP) provides the development plan framework for this application. The following policies are of relevance to this application

<u>Policy</u>	<u>BDLP</u>	<u>WLP</u>
Country Parks	BAS C2	
Proposed Employment Area	BAS E2	
Untidy Industry	BAS E6	
General Employment Policy	BAS E10	
Waste Strategy		W3A
Need for Waste Development		W3C
Flooding		W4A
Surface & Groundwater		W4B
Access		W4C
Materials Recovery Facilities		W7E
Non Preferred Locations		W8B
Development Management		W10E
Hours of Operation		W10F
Public Rights of Way		W10G

The National Planning Policy Framework (the Framework), published in March 2012, sets out requirements for the determination of planning applications and is a material consideration. It does not contain specific policies on waste, since national waste planning policy will be set out in the future National Waste Management Plan. In the meantime, Planning Policy Statement 10: Planning for Sustainable Waste Management, remains a material consideration in planning decisions.

Paragraph 215 of the Framework 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 consistency of the policies contained within the Basildon District Local Plan Save Policies (1996) and the Essex & Southend-on-Sea Waste Local Plan (2001) is considered in the Appendix to this report.

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL - Object on the following grounds:

- Loss of residential amenity through noise vibration and dust
- Does not comply fully with Policy BAS E2
- Absence of landscaping scheme to mitigate visual impact
Surface water issues
- Contrary to Policy BAS E6
- Site subject to Secretary of State Direction

CROSSRAIL LTD - No objection

ENVIRONMENT AGENCY – No objection, subject to the imposition of a condition see appraisal

HIGHWAYS AGENCY – No objection, but requested that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced.

NETWORK RAIL - No objection, subject to imposition of conditions – see appraisal

HIGHWAY AUTHORITY – No objection, subject to imposition of conditions – see appraisal

HIGHWAY AUTHORITY - Public Rights of Way - No objection, subject to imposition of a condition – see appraisal

COUNTY COUNCIL'S NOISE CONSULTANT – No objection, subject to imposition of conditions – see appraisal

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection, subject to imposition of conditions – see appraisal

PLACE SERVICES (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection, subject to imposition of conditions – see appraisal

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Object on the following grounds:

- Landscape proposals do not adequately mitigate from the landscape and visual impact;
- Impacts on views from PRoWs and properties, particularly to the south;
- Planting/boundary treatment required to the southern boundary.

PLACE SERVICES (Historic Environment) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Object on the following grounds:

- Direct impacts on the setting of the grade II listed Cromwell Manor;
- Potential cumulative impacts on Cromwell Manor;
- Potential impacts upon viability of Cromwell Manor and thereby threatening its on-going conservation;
- Minor harm to the setting of St Michaels' church tower by the intrusion into the foreground of far reaching views from Marshland footpaths.

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

SUDS APPROVAL BODY -No comments received

LOCAL MEMBERS – BASILDON – Pitsea - Any comments received will be reported

6. REPRESENTATIONS

362 properties were directly notified of the application. 13 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Highways issues: Infrastructure insufficient – particularly the railway bridge Increase in HGVs Access/egress will further complicate	See appraisal – Section B

junctions Debris on Highway Increased congestion due to the proximity of level crossing Access to Pitsea Mount is restricted due to congestion	
Recent improvements to Wat Tyler Country Park will be in vain, as people will not visit due to a hazardous journey	See appraisal – Sections B, C & D
Loss of the Public Right of Way	See appraisal – Section E
Odour, noise, pollution, light pollution and disruption will arise	See appraisal – Section F
Cause problems for commuters going to Pitsea Railway station.	See appraisal – Section E
Hours of operation	See appraisal – Section F
Local property values will be adversely Affected	Not a planning issue
Inappropriate to have a recycling yard in the midst of modern development	See appraisal – Section A
Affect viability of local business at Cromwell Manor	See appraisal – Section G
Does not accord with the existing or emerging Local plans. Also premature to the emerging Waste Local Plan.	See appraisal – Section A
Affect the setting of the Grade II Listed Cromwell Manor	See appraisal – Section G
Effects on the Greenbelt, national and internationally designated ecology sites in the vicinity	Site is not within the greenbelt, see appraisal
No consideration of reducing CO ₂ emissions or adaption to climate change	See appraisal – Section B
Proximity to Pitsea Landfill and the Recycling Centre for Household Waste	See appraisal – Section A
There is too much waste development in the Basildon area.	See appraisal – Section A
Ensure access to the currently vacant Homes and Community Agency land is	See appraisal – Section B

continued

Adverse impact on health and quality of life See appraisal – Section F

Increase in vermin See appraisal – Section F

7. APPRAISAL

The key issues for consideration are:

A – NEED, PRINCIPLE & POLICY CONSIDERATIONS

B – HIGHWAY IMPACTS

C – IMPACTS ON PUBLIC RIGHTS OF WAY

D – DESIGN, LANDSCAPE AND VISUAL IMPACTS

E - IMPACTS ON ECOLOGY

F - IMPACTS ON LOCAL AND RESIDENTIAL AMENITY

G – IMPACTS ON THE HISTORIC ENVIRONMENT AND VIABILITY OF CROMWELL MANOR

H - IMPACTS ON HYDROLOGY

A. NEED, PRINCIPLE & POLICY CONSIDERATIONS

Need for Waste Development

Planning Policy Statement 10 (PPS10) notes that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed. It provides a framework, which allows communities to take responsibility for their own waste and ensure provision of waste facilities to meet the needs of their communities. It emphasises that the locational needs of waste management facilities together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determination. It does not require, however, applicants to demonstrate a quantitative or market need for their proposal.

WLP policy W3C (Need for Waste Development), requires significant waste management facilities (with a capacity of over 25,000tpa) to demonstrate a need for the development. One representation has noted that the need of the development had not been satisfactorily demonstrated, in terms of the Waste Capacity Gap Report (2011) and would:

- i. increase capacity directly by approximately 25,000 tpa, and;
- ii. increase capacity indirectly as a precedent had been set at the existing the Burnt Mills site for waste use and any future proposal for waste management on that site would likely be permitted, particularly as policy BAS E6 (Untidy Industry) directs untidy industry to this Industrial estate.

With this respect, at the time of the application, the Capacity Gap Report (2011) noted that there was sufficient recycling capacity. However, as part of the emerging Waste

Local Plan a further capacity gap report has been published in 2013². This notes that even if all strategic facilities were delivered there would remain a need for a further 170ktpa non-hazardous treatment capacity until 2031³. Therefore, it is considered that a need for further capacity within Essex has been suitably demonstrated. There were further representations, which consider there is too much waste development in the Basildon area (namely Pitsea landfill, the Pitsea Recycling Centre for Household Waste and Courtauld Road Integrated Waste Management Facility among others) and this site would exacerbate this. It has been noted in the proposal that the types of waste, which would be handled, are materially different to those handled in the permitted but currently non-operational Courtauld Road facility (notably construction and demolition waste). It is the case, however, that many of the waste developments are correctly located in the Untidy Industry areas, and that despite the number of waste permissions within the Basildon district it is the case that PPS10 requires waste facilities to be located close to areas where waste is produced.

The existing business is long established at Harvey Road, and focuses on its centre of operations in the Basildon area, but has the ability to serve the south of Essex due to the transport links. The applicant has identified a need to find new premises as the existing site is now constrained, creating difficulties with day-to-day operations. The existing site (planning permission ref: BAS/1429/88) is approximately 0.11ha and is constrained on all boundaries and there are currently no vacant larger units within the Burnt Mills Industrial estate. The applicant considers there is no means of expanding the premises and has identified the Terminus Drive site as suitable for the business's needs as it provides a more functional site, with a greater site area and improved accessibility to the route hierarchy.

In particular, the applicant has stated that the larger site area and capacity would enable new demolition contracts to be established within Essex. As a local employer (employing 15 people), it is noted within the application that the local economy would benefit if the application were granted, as these jobs could be safeguarded with the potential for further job creation. Such a development would have significant economic implications in a time of particular economic austerity.

With regard to this application, the Terminus Drive site is a brownfield site (formally used as a minerals yard, which was involved with the importation of minerals and/or aggregate by road and possibly rail for onward distribution) and therefore development here is preferable to the development of previously undeveloped land (WLP Policy W8B). Terminus Drive is subject to the Basildon District Local Plan (BLP) policy BAS E2, stating that the land at Terminus Drive is allocated for future employment purposes (which must be either B1 or B2 uses). Further to this, BLP policy BAS E10 (General Employment Policy) details that proposals for industrial, business and office development (Use Classes B1 to B8) will be considered with regard to a number of criteria (which will be explored further, later in this report).

It is considered that this proposal is in accordance with PPS10, which requires sufficient and timely provision of waste management facilities to cater for local

² Given the early stages of the emerging Replacement Waste Local Plan (RWLP), the Waste Capacity Gap Report has not been 'tested' and therefore very little weight, in accordance with the Framework, should be given to this report at this time.

³ For the purposes of the capacity Gap Report (2013), the recycling of non-organic waste falls in to the treatment category, to which this application relates.

communities. PPS10 does not require waste management facilities to demonstrate a quantitative or market need for their proposal and therefore the submission complies with these requirements in trying to further address local policy. A need for further waste recycling capacity within Essex has been suitably demonstrated. Furthermore, it is considered that it has been demonstrated that this site is suitable for this use as it is a brownfield site, subject to policy BAS E2 and particularly as much of the applicant's client base is from the local Basildon area and would continue to employ local people.

Principle & Conformity with the Waste Hierarchy

PPS10 remains in force until the National Waste Management Plan for England is produced, as the Framework does not contain specific waste policies. PPS10 encourages waste to be managed as high up the waste hierarchy as possible and that the disposal of waste should be only considered suitable when no other process is appropriate. PPS10 states that proposals should be considered favourably where they are consistent with the policies and criteria set out in PPS10 and the adopted development plan documents, while encouraging waste management facilities to be on previously developed land. Therefore, the proposal is considered to comply with PPS10, WLP policy W8B and BLP policy BAS E2, in so long that the potential social and environmental impacts of the proposal do not outweigh the perceived benefits of developing the site. The identified impacts will be further considered in the following sections of this report.

WLP policy W3A (Waste Strategy) identifies the need for proposals to be consistent with the goals and principles of sustainable development and the proximity principle. It also requires proposals to consider whether it represents the best practicable environmental option (BPEO) for the particular waste stream and at that location or whether the proposal would conflict with other options further up the waste hierarchy. However, the need to consider BPEO has been superseded by PPS10, which no longer requires the consideration of BPEO. In addition, WLP policy W7E (Materials Recovery Facilities) aims to facilitate the efficient collection and recovery of materials from the waste stream by providing materials recovery facilities and supported in appropriate location subject to compliance with other relevant development plan policies.

The Framework promotes a positive approach to consideration of economic development proposals, with significant weight being placed on the need to support economic growth through the planning system. It is noted by the applicant that the existing site on the Burnt Mills Industrial Estate employs 15 people, who would be retained, safeguarded and transferred to the Terminus Drive site, should permission be granted, with potential for increased employment. Furthermore, the proposal emphasises that there is a significant existing client base within Essex and Southend, and the provision of a larger site with increased capacity, would help the applicant more efficiently process waste and thus potentially allow greater opportunities for the applicant to bid for new demolition contracts.

Given that the proposal is a recycling operation moving away from the disposal of waste, it is considered that the proposal is in compliance with the objectives of PPS10 and WLP policies W3A and W7E. It is also considered to be in compliance with the Framework as 15 jobs would be safeguarded with the potential to increase employment (which would benefit the local economy) and increased capacity would

enable more efficient processing, of waste. As such, there would be greater opportunities to bid for demolition contracts. The Framework states significant weight should be given to proposals, which support economic growth.

Site selection in relation to Policy Considerations

The Framework supports the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value.

Furthermore, WLP policy W8B (Non Preferred Locations) states inter alia that waste management facilities will be permitted at locations other than those identified in the Waste Local Plan, where they fall in to the following criteria (among others):

- Existing general industrial areas;
- Employment areas (existing or allocated);
- Areas of degraded, contaminated or derelict land.

-

This is subject to the proposed facility not having a detrimental impact to the amenity of any nearby residential area. In addition, it notes that proposals in the order of 50,000 tonnes per annum will not be permitted unless it is shown that the preferred locations within the plan are unavailable or unsuitable for the type of development proposed.

One representation noted that the submission did not contain evidence that the Schedule 1 sites (stated within the waste local plan) are not suitable or not available for this proposal), as required by WLP Policy W8B for proposals in the order of 50,000tpa. Subsequently, the applicant has provided reasons this site was considered the best option as opposed to the Schedule 1 sites contained within the WLP, notably:

- Rivenhall (WM1), Warren Lane (WM2), Courtauld Road (WM5), and Sandon (WM6) are unavailable as these have existing permissions and/or are already operational;
- The operator is locally based, so relocating to either Whitehall Road (WM3) or North Weald Airfield (WM4) are simply and logistically not feasible. This would involve moving an established company, which has significant links to the area, would prejudice job retention and move away from the established waste streams that my client collects. Moving the business to outside the Basildon area would not be a practical or economic option;
- The Schedule 1 sites are for larger scale and integrated schemes, which are a valuable resource for a materially different purpose from that contained within this application and should be safeguarded as such.

It is considered that the applicant has satisfactorily demonstrated that the Schedule 1 sites are either not unavailable or inappropriately located for the proposed development.

One other representation objected, as it was inappropriate to have a recycling yard in the midst of modern development, which is assumed to relate to the housing beyond the A13 Pitsea Flyover.

Policy BAS E6 (Untidy Industry) of the Basildon Local Plan notes that untidy industry (which includes waste proposals, such as this which involve recycling, outside storage

and the parking of heavy vehicles) will be directed to the Harvey Road and Archers Field area of the Burnt Mills Industrial estate. However, untidy industry proposals in other locations within the existing industrial areas will be assessed based on their likely effects on nearby uses. Outside of industrial areas, untidy industry will not be allowed. With regard to this policy, the existing site is located within the designated industrial estate, but for reasons listed in section A of this appraisal, does not have the opportunity to expand or relocate to larger premises within the industrial estate. The applicant has therefore, identified this employment area (as designated by policy BAS E2) as their preferred option. Therefore, this proposal must be assessed on the likely effects on nearby uses, which will be discussed later in the report.

The proposal is for a sui generis use, which is not specified in BLP policy BAS E2, which requires proposals for Terminus Drive to be within use classes B1 and B2. However, when also considering BLP policy BAS E10, subject to the proposal meeting number of criteria industrial development may be permitted in areas allocated for employment purposes. In view of the above it is considered that the proposed use, development and impacts would be akin to a B2 (General Industrial) use and therefore would not conflict with BLP policies BAS E2 and BAS E10.

Emerging Plans & Policies

The Framework (paragraph 216) states that decision takers may give weight to relevant policies in emerging plans. As such, the Basildon emerging core strategy carried out its preferred options consultation 2012 and replacement waste local plan at preferred approach stage was consulted upon in November 2011.

Within Basildon's core strategy there are key areas noted for Primary Areas for Development and Change (PADC). In all three the Spatial Growth Options scenarios, the Terminus Drive area is located within the urban PADC, while the Policy PADC13 relates to the South Essex Marshes (not boundary specific) requires improved and transformed in to a publicly accessible Thameside wilderness, connected to nature reserves in neighbouring districts and boroughs. The policies in combination aim to regenerate and improve the amenity and enjoyment of Pitsea and its surrounding areas, with this area providing a 'Gateway' to Pitsea and the rural environment to the south. Within this document it is also noted that Policy BAS E2 shall be retained until reviewed by Site Allocations DPD.

With regard to the Waste Development Document: Preferred Approach there are a number of locational criteria for inert recycling facilities and materials recycling/recover facilities, in addition to development management criteria. It must be noted that the Terminus Drive site has not been submitted as part of the call for sites for the Waste Development Document: Preferred Approach.

It must be noted that as both of these documents are at preferred approach stage, very little weight should be attached to either, particularly as Basildon's Cabinet on 8th November 2012 heard a report that the Preferred Option would need to be amended in a Revised Preferred Option in 2013.

In conclusion, it is considered that the proposal should be considered favourably within the goals and objectives of the Framework, PPS10 and WLP. The Framework requires significant weight to be placed on the economic benefits of proposals, while PPS10 and WLP policies W3A and W7E, which requires waste to be moved up the hierarchy. It is considered that it has been suitably demonstrated that there is a need

to relocate from their existing premises on Burnt Mills Industrial Estate and that further capacity is required for the treatment of non-organic waste (Capacity Gap Report, 2013). As such, the proposal is also in conformity with W8B, as it has been suitably demonstrated that the schedule 1 sites are not available or feasible for a local Basildon company. The proposal is located on a proposed employment area (BAS E2) and an area of degraded, contaminated or derelict land. It therefore complies with the criteria as set out in W8B. Although, policy BAS E6 directs untidy industry to the Burnt Mills Industrial Estate, it has been satisfactorily evidenced that there is no opportunity to expand or relocate to larger premises within the industrial estate. Furthermore, it is considered that Policy BAS E6 is complied with as untidy industry proposals in other locations will be assessed based on their likely effects on nearby uses. The proposal is also in general conformity with the emerging Basildon Core Strategy as the area is located within the Primary Areas for Development and Change, but must be considered in relation to this area becoming a gateway to Pitsea and the rural area to the south, including Wat Tyler Country Park. This will be considered in the following sections. However, it must be noted that only limited weight can be attached to this emerging policy, as it is not at submission stage. Similarly the emerging Replacement Waste Local Plan bears very little weight as it also remains at preferred approach stage.

B. HIGHWAY IMPACTS

WLP policy W4C (Access) details that access for waste management sites will normally be by short length of existing road to the main highway network, consisting of regional routes, and county/urban distributor, via a suitable existing junction, improved if required to the satisfaction of the Highway Authority.

In addition, BLP policy BAS E2 (Proposed Employment Area), requires any proposal for Terminus Drive to be subject to a Traffic Impact Assessment. Any improvement to the local highway network required to enable the development to take place, will be expected to be provided by the developer. Policy BAS E10 (General Employment Policy) specifically considers proposals against the following highway criteria:

- The surrounding roads must be adequate to accommodate the increase in vehicle traffic generated;
- Developments should relate to the primary road network without using residential estate roads;
- Adequate car parking should be provided in accordance with the Council's Car Parking Standards;
- Adequate servicing and turning areas should be provided on the site in accordance with the Council's Highway Standards;
- Provision for the landscaping and screening of buildings and storage areas with a landscaping strip abutting all highways will normally have a minimum width of 5 metres to be retained at all times.

The access would consist of the existing access on to Pitsea Hall Lane, which is currently used by the occupier of the industrial premises to the east of the proposed site. It is proposed that there would be 100 HGV movements (50 in and 50 out) Monday to Friday and 50 HGV movements (25 in and 25 out) on Saturday. These movements would consist of skip lorries, tipper and roll on/off HGVs and some

articulated HGVs. Included in the proposals 20 car parking spaces, 2 motorcycle spaces and 5 bicycle spaces for employees and visitors.

There have been a number of objections made with regard to the traffic and highways implications of this proposal. This includes representations from Basildon Borough Council. The objections specifically relate to the following:

- Does not comply with Policy BAS E2 due to infrastructure requirements and that the site is inappropriate due to the large number of HGVs;
- Local Infrastructure is insufficient (particularly the railway bridge) for any increase in HGVs given Pitsea Hall Lane is the sole access to (and the close proximity of) the landfill and Recycling Centre for Household waste;
- Increased congestion through increased HGV movements in proximity to the level crossing, further restricting access to Pitsea Mount;
- Access is unsuitable as it is narrow, of temporary configuration and used as a Public Right of Way (see below for further consideration in to the PRoW);
- Increased mud and debris on the Highway due to the nature of the site and that the access is not metalled;
- Highways Safety concerns, due to the increased number of HGVs, congestion and access arrangements;
- There has been no consideration of reducing CO₂ emissions or adaption to climate change in relation to this application;
- Access needs to be retained to the currently vacant land to the north of Terminus Drive, to allow access for the maintenance of the A13 flyover and the north of Terminus Drive itself;
- Recent improvements to Wat Tyler Country Park will be in vain, as people will not visit due to a hazardous journey.

With respect to compliance with policy BAS E2, this policy requires a traffic impact assessment, with any resulting improvements to the highway being undertaken by the developer prior to construction and provision of B1 and B2 uses. Basildon Borough Council's objection states that:

- 1) the key restriction is the existing railway bridge cannot be widened thus requires complete reconstruction and realignment;
- 2) the site is inappropriate for storage and distribution due to the large number of HGVs;
- 3) would conflict with the existing vehicles using Pitsea Hall Lane and;
- 4) the developer may be required to make an appropriate make off-site traffic management.

A transport statement was submitted and reviewed by the Highway Authority as required in Policy BAS E2. This notes that the access to the site serving a storage and distribution use does not conflict with the Highway Authority's Policies DM1 or DM4 and that there is good accident record in the immediate vicinity. It also notes that there will be a comparatively low increase in HGV movements over the railway bridge and no overall increase of HGVs using the level crossing; as there would be no greater residual waste being transported to Pitsea Landfill. Importantly the transport statement states that the installation of a pedestrian bridge over the railway (to help alleviate problems on the existing capacity of the railway bridge) is to be provided as part of a legal obligation associated with last planning permission for Pitsea Landfill.

With respect to the comments regarding reducing CO₂ emissions or adaption to climate change in relation to this application it has been noted in the transport statement that due to the proposed location staff will be encouraged to use sustainable forms of transport, such as cycling (provision of parking is within the application or by public transport). With regards to waste vehicles, it is noted that the relocation of this operation from Burnt Mills Industrial Estate would result in a shorter distance (and therefore a reduction in emissions) for any residual waste being sent to Pitsea landfill.

Within the transport statement it is noted that currently, there is a vehicular and pedestrian gate and concrete blocks impeding vehicular access to the vacant land to the north of Terminus Drive and indeed for maintenance of the A13. These obstructions appear to have been erected to restrict unauthorised access on to the vacant land surrounding Terminus Drive, but their origin is unknown. The proposal would remove the obstructions to enable access to the vacant land and to the A13 for maintenance. To ensure any unauthorised access is still prohibited, the transport statement suggests discussions should be entered into with the current owners of the vacant land to construct a replacement gate as a vehicle barrier, which can be opened for authorised access.

The Highways Agency has no objection to the proposal, but requested that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced on the A13. It is not considered that a condition could reasonably be imposed to control movements at busy times, but the operator could be advised of this preference.

Network Rail has no objection to the proposals with regard to the impacts on the level crossing. If permission is granted this would be subject to compliance with the submitted details that access would be as indicated on the plans (in the north east). Network Rail has also indicated that the applicant should get in contact with their asset protection team to discuss the scope of entering an asset protection agreement. The response has been forwarded to the applicant to ensure the issues raised within the response are addressed.

The Highway Authority has reviewed the transport statement submitted as part of the planning application and the comments received during the consultation process. The Highway Authority does not object to the proposal, but in order to maintain highway safety (and address the concerns raised) has required the imposition of conditions to be attached to any granting of planning permission. These conditions specifically relate to the concerns raised during the consultation (as noted above), namely:

- Pre-commencement condition regarding the design of a vehicular turning facility and identification of loading/unloading/reception and storage of associated materials;
- No unbound material would be used surface treatment of the vehicular access from the bellmouth junction of Terminus Drive on to Pitsea Hall Lane for a distance of 12 metres;
- Gated access to the site would be inward opening only and set back 6 metres from the adopted carriageway (Terminus Drive);
- Access and upgrading of the public footpath;
- Parking spaces size to be 2.9m x 5.5m;

- Cycle and motor cycle parking provision;
- Vehicle movement restrictions;
- No occupation of the site prior to the upgrading, surfacing, marking and provision of a 2m wide footway along the northern edge has been provided to the satisfaction of the Highway Authority.

It is considered that subject to the conditions required by the Highway Authority and Network Rail and attaching appropriate informatives, as requested by the Highways Agency, that the proposal is in accordance with WLP policy W4C and Basildon policies BAS E2 and BAS E10. This is because there would be comparatively low increase in HGV movements over the railway bridge and no net increase movements over the level crossing. Granting permission where benefits of development are not significantly and demonstrably outweighed by adverse impacts concurs with the direction of the Framework.

C. IMPACTS ON PUBLIC RIGHTS OF WAY

The Framework requires decision takers to protect and enhance public Rights of Way (PRoWs) and access, by seeking opportunities to provide better facilities. PPS10 remains silent on waste facility impacts on PRoWs.

WLP Policy W10G (Public Rights of Way) states that applications should include measures to safeguard and where practicable improve the Public Rights of Way (PRoW) network. Any works to improve/safeguard the PRoW shall be implemented prior to any development commencing.

Adjacent to the northern and western boundary of the proposed site is PRoW Vange 136. This public footpath follows the line of Terminus Drive, linking Pitsea Hall Lane and the wider Vange Marshes Area. At the western end of the site PRoW Vange 136 joins PRoW Vange 213, which provides access under the A13 to the residential development, particularly Avondale Road and The Glen. The application details that the PRoW would be retained, but the access to the site would be along a portion of the footpath in the east, where it joins Pitsea Hall Lane.

During pre-application discussions, it appears there is no definitive map of the footpath location, so the applicant proposes that the footpath will remain in its current position and a 2 metre wide area will be delineated by signing and appropriate materials on the ground.

Representations have been made which note the loss of a public right of way, the fact that recent improvements to Wat Tyler Country Park will be in vain, as people will not visit due to a hazardous journey and the problems caused by this development for commuters going to Pitsea Railway station. There were also safety concerns of using the current access from this PRoW on to Pitsea Hall Lane, as this area would be used for large vehicles accessing the site.

Currently, the existing industrial development to the east of the application site (and incorporating Primrose Villa - 93/00004/FUL) currently use this part of the PRoW to access their site and for parking. In addition, there is a vehicular and pedestrian gate and concrete blocks impeding vehicular access, where the PRoW meets Pitsea Hall Lane, which appear to have been erected to restrict unauthorised access on to the

vacant land surrounding Terminus Drive. The proposal would remove the obstructions to enable access.

However, this proposal would increase the intensity of vehicular use of this part of Terminus Drive, thus potentially affecting the PRow.

Essex Highways (Public Rights of Way) does not object to the proposal as the PRow Vange 136 would be retained, but would like to state that although only a 2 metre wide area is to be delineated as the PRow public access rights to Footpath status will still subsist across the full width of the original path. It is considered that to ensure this delineation and to make both pedestrians and vehicle drivers aware of the access, a condition is attached (if permission is granted) to ensure appropriate signage and demarcation is incorporated and implemented prior to the construction of the waste reception building.

It is considered that subject to the delineation and signage of PRow Vange 136 as submitted in the application, that there would not be significant harm to the existing right of way and that proposal is consistent with WLP Policy W10G, as it safeguards the existing PRow. It would also comply with the Framework as there would be no net loss of PRows and would improve the eastern end of PRow Vange 136 (as it merges with Pitsea Hall Lane), as the proposals would remove the existing obstructions and improve the delineation of the Right of Way where it is currently impacted upon by the existing industrial use.

D. DESIGN, LANDSCAPE AND VISUAL IMPACTS

The Framework emphasises the importance of good design within proposals, which is considered is a key aspect of sustainable development and indivisible from good planning. It requires developments to be of high quality and contribute positively to making places better for people while considering the functionality of the proposals. Similarly, the Framework requires conservation and enhancement of the natural and historic environment, including landscape. Adverse impacts must be addressed with regard to cumulative landscape and visual impacts, particularly in relation to valued landscapes.

WLP policy W10E (Development Management) states that waste management development will be permitted where satisfactory provision is made in respect of the effect of the development on the landscape and the countryside. The supporting text (paragraph 10.12) of the policy specifically notes that landscaping and design (including siting, design and colour treatment of the elevations) can ameliorate impact, and requires a high standard of design and landscaping to minimise visual impact. It also notes that consideration will need to be taken to the metropolitan Green Belt.

Policy BAS C2 (Country Parks) states that development would not normally be permitted which may adversely affect the conservation to landscape value of a country park, which in this case would relate to Wat Tyler Country Park, which is less than 500m to the south of the development.

Policy BAS E10 (General Employment Policy) specifically considers proposals against the following criteria:

- Provision for the landscaping and screening of buildings and storage areas with a landscaping strip abutting all highways will normally have a minimum width of 5 metres to be retained at all times;
- The design, form, scale, and materials of the development will be expected to be appropriate and sympathetic to neighbouring developments, particularly adjacent to residential areas.

The single waste processing building on the northern boundary at the eastern end of the site. This building would be constructed from corrugated steel and measure 19m x 30m and 13.1m high at the highest point. It is noted that this is a substantial building and if permitted would be the larger than the existing industrial building on the adjacent site, although, the applicant states the design is functional as an industrial building. There would be two porta-cabin style offices between the waste processing building and the access/visitor car parking which would house the WC/mess cabin and administration.

The central area of the site would consist of storage area and the extreme west of the site would be 20 lorry parking spaces for storing vehicles while not in use. The HGVs and skip lorries would need to manoeuvre along the southern boundary of the site, next to the railway line, which at present is not screened from the Grade II listed building or Pitsea Marshes.

There has been a specific objection noting the proposal could adversely affect the visual amenities of the Green Belt (containing the Pitsea Marshes). However, this site is within a designated employment site (Policy BAS E2) and is not located within the Green Belt. It is considered that the proposals at this site would not have a significant impact on the openness of the Green Belt and in this respect complies with WLP policy W10E.

Landscape and Visual Impacts

The submitted landscape and visual impacts assessment suggests there would be little or no impact on the landscape or visual receptors to either the residential areas in the north or publically accessible areas in the south. However as a result, to reduce landscape and visual impacts, site layout has been reconfigured by moving of the main waste building 5m towards the west with some planting to the north of the site. It is noted within the assessment that it is not possible to provide landscaping to the southern portion of the site, due to maintenance issues associated with the railway line which requires this to be kept open and retained for access and vehicle movement only'. Although works adjacent to railway lines can impose risk to the operational railway, damage the railway infrastructure or risks to individuals during the construction and maintenance of proposals, this does not preclude development adjacent to railway lines and beyond Network Rails boundary.

Basildon Borough Council and Place Service (Landscape) object to the landscape proposals on the basis of insufficient landscaping and material harm to visual/sensitive receptors from the proposed development and not compliant with policies BAS E10 or W10E. Both representations consider landscaping should soften the visual impact on surrounding areas, particularly the Pitsea Marshes, PRowS, the Grade II listed building - Cromwell Manor and the transient views from the Railway line. Despite the inclusion of landscaping along the northern boundary and the relocation of the main building 5m to the west, there remains a concern regarding the visual impacts from the

south of the site, where there is no proposed screening measures to protect visual amenity from Cromwell Manor, Pitsea Marshes or the railway line.

Place Services (Landscape) note that if the Waste Planning Authority is mindful to grant planning permission despite objection, then a number of conditions could be required to mitigate the impacts of the proposal. The first condition would require a detailed landscaping scheme, which would build on that submitted as part of the landscape and visual impact assessment, including locations and species mix to be submitted prior to the commencement of the development of the waste reception building. The second pre-commencement condition would consist of implementation of a boundary treatment on the southern boundary of the site. This has been specified as planting (which would consequently need protection from vehicles) This is discussed further below and would be subject to agreement with Network rail. Furthermore it is suggested that the existing perimeter fencing should be painted black or dark green to reduce its visual impact.

Place Services (Urban Design) do not object although do note that the scale of building would result in a highly prominent development without adequate screening. There is concern regarding the design, which is of basic form and grey metal clad, producing an industrial appearance which would visually conflict with the gateway perception of Pitsea from the station/railway. Therefore, recommend imposition of conditions if the proposal is granted planning permission. The conditions required would include the provision of a boundary treatment to the southern boundary (as discussed further below) of the development to protect visual amenity, and that the colour of the main building should be rural in character to complement its surroundings, e.g. recessive green, brown, black or olive.

One representation was made noting that recent improvements to Wat Tyler Country Park will be in vain, particularly as people will not visit due to a hazardous journey. With regard to potential impacts on Wat Tyler Country Park policy BAS C2, notes development would not normally be permitted which may adversely and materially affect its value.

Although the site is adjacent to an existing small waste facility, the Pitsea flyover and its previous use as a minerals yard, this site had been vacant for a number of years and a development of this scale would be significantly different to the open nature of the site. Notwithstanding this, it now must be considered if this harm to the landscape and visual impacts (including those to Wat Tyler Country Park) are significant enough to refuse the application. This must be considered in the light of the Framework, other local policy and ways to mitigate impacts to a satisfactory and commensurate level.

Following discussions with Network Rail, the consultees who objected and the applicant, it is considered that potential harm to the landscape and visual impacts from the design can be satisfactorily mitigated, by the imposition of a pre- commencement condition. This condition would require a suitable boundary treatment to the southern boundary of the site, which would be adjacent to that owned by Network Rail. Despite the hazards of working adjacent to railway lines, both to the operational railway, railway infrastructure and individuals involved with construction, Network Rail agrees this does not preclude development adjacent to railway lines. Therefore, if permission is granted a pre-commencement condition could be imposed (prior to the development of the waste reception building) requiring the submission of details, including suitable plans and method of operations/implementation regarding the boundary treatment.

This would need to be provided to Network Rail and Waste Planning Authority to be agreed in writing. This would need to be implemented as agreed, in full prior to any further development.

The Framework states that there is a presumption in favour of sustainable development, and that in the absence of an up to date local plan, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies. The Framework notes that the government is committed to securing economic growth, and it has already been concluded in Section 1 of this report that granting permission for this site would be good for the local economy as a whole. Furthermore, this site is within a designated proposed employment site (Policy BAS E2). On balance, it is therefore considered that, subject to suitable conditions regarding design and landscaping, the impacts on the landscape and visual receptors are not significant enough to warrant the refusal of planning permission, when considering the economic benefits in accordance with the Framework.

On balance, it is considered that although the proposal does not fully comply with WLP policy W10E and Basildon policies BAS C2 and BAS E10, it is within a designated proposed employment area (policy BAS E2). Furthermore, because these policies are contained within out-of-date local plans, the policy drivers within the Framework must take precedence. In light of this, it is considered that the proposal (subject to appropriate conditions regarding screening on the southern boundary, material details and landscaping) would not affect the Green Belt, landscape or visual receptors (including Wat Tyler Country Park) significantly enough to warrant the refusal of planning permission when balanced against the economic benefits of this proposal.

E. IMPACTS ON ECOLOGY

One of the three main strands of sustainability (according to the Framework) is environmental sustainability, which considers that the planning system should contribute to and enhance the natural and local environment. As part of this, decision takers must protect and enhance valued landscapes, recognise the wider benefits of ecosystem services and minimise impact on biodiversity. The Framework also supports the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value.

Basildon Local Plan is silent in this case, as it contains no saved policies other than those of national importance. Similarly, WLP policy W10E only considers ecologically designated sites.

The proposal contained an extended phase 1 habitat survey and a Reptile Survey. In summary, both noted the site consisted of an expanse of bare/disturbed ground bordered by banks of tall grass and ruderal vegetation. It also identified two SSSIs, Wat Tyler Country Park and five Local Wildlife Sites within 500m of the site boundary of the site. It did not identify any areas of importance for protected/notable species or habitats. There was found to be a low population of slowworm and common lizard on the railway embankment due to the proximity of Vange Creek Marshes LoWS 20m to the south of the site. A translocation program was not considered necessary as this area is not proposed for development but did suggest that a temporary (heras fencing) barrier is installed along the length of the bank on the south of the site to prevent

vehicle movements in areas of favourable reptile habitat and prior to operation installing reflective bollards.

Place Services (Ecology) has reviewed the submitted information and does not object subject to the imposition of a condition to ensure that development would be consistent with the Framework in protecting biodiversity, while being commensurate with the scale of the proposal. One condition has been recommended that would ensure the proposed hedge along the northern boundary would be composed of species identified in the ECC Tree Planting Palette. Due to the value of the surrounding land for 'Priority' bumblebee species, the hedge-mix should include a high percentage (over 40%) of 'flowering shrubs' such as common hawthorn, common cherry and/or blackthorn. Further planting along the southern boundary is encouraged and would need to be part of the consideration of the condition relating to the boundary treatment to be provided and agreed by the Waste Planning Authority and Network Rail prior to commencement of the construction of the waste reception building as discussed in the section above. This would provide greater protection to the reptiles located in the railway embankment, compared to the reflective bollards as suggested in the Reptile survey.

It is therefore, considered that subject to the imposition of a condition to ensure the correct mix of species to be planted within the hedgerow along the northern boundary, that the development is not contrary to the Framework and commensurate with the scale of the proposal.

F. IMPACTS ON LOCAL AND RESIDENTIAL AMENITY

The Framework aims to prevent unacceptable risks from pollution decisions should ensure that new development is appropriate for its location, in so doing consider whether the development would be an acceptable use of land. It does qualify this by stating that local authorities should consider that pollution regime control regimes will operate effectively. Planning considerations nonetheless need to consider impacts such a noise, light pollution and other adverse impacts on health and the quality of life, while recognising that development will often create some noise and impacts, which should not be unreasonably restricted. PPS10 concurs with the Framework in this respect WLP policy W10E (Development Management) states that waste management development will be permitted where satisfactory provision is made in respect of:

- The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (including, artificial lighting and vermin);
- The effect on historic and archaeological sites;
- The effect of the development on nature conservation;
- In the metropolitan Green Belt.

Policy W10F (Hours of Operation) within the WLP states that where appropriate the Waste Planning Authority will impose a condition restricting the hours of operation, as appropriate with regard to local amenity and the nature of the operation.

The proposal suggests that the hours of operation would be 07:00 to 17:00 (Monday to Friday), 07:00 to 13:00 (Saturdays) with no work taking place on Sundays and/or

Bank Holidays. A condition will be applied, if the proposal is granted to restrict working hours to those stated above. It is also considered that these stated hours would be appropriate during the construction phase of the development.

During the consideration of this application, the applicants have occupied the site, in so doing, erected a grey palisade fence of 2 metres in height and installed a port-a-cabin site office and weighbridge, with some processing of wood. Following discussions between the applicant and the planning authority, it was considered that these operations did not need express planning permission (being 'permitted development'). Although, some of the permitted development rights are time limited it was not considered expedient to take action as the current planning application was being considered which could if permitted, regularise the current activities. As noted in section C above, it is requested that to reduce the visual impact of the fence that this is painted black or dark green.

Notwithstanding this, during the course of the determination of this application there have been a number of complaints with regard to vermin, noise, vibration and unsightliness of the site. However, during a number of unannounced visits it could not be determined that the proposal site was the cause of these complaints, or rather it was the neighbouring industrial operation to the east, (which is beyond the boundary of this site in question) which have been undertaking significant works, which could give rise to such issues.

Noise and dust

To support the application, there has been a noise assessment and an addendum submitted to the Waste Planning Authority. The proposals include 2.85 metre high barrier on an appropriate section of the northern boundary. ECC's noise consultant has no objection and considers that the predicted noise levels, subject to construction of the noise barrier would not give rise to significant increase in noise levels above permitted guidelines. It was therefore recommended if the application were granted, three appropriate conditions could be attached. The conditions require a barrier of 2.85m to be constructed and noise monitoring measures to ensure the noise levels are within those predicted. If these predictions are exceeded other noise mitigation will need to be proposed and implemented prior to further usage. Finally, further details of the construction of the Waste Processing Building (in particular the sound reduction index of the building), should be submitted for approval prior to construction.

In addition, the applicant has submitted a dust assessment. This assessment details that all wastes will arrive at the site in sheeted containers and any issues can be managed by regular mechanical sweeping of the access road or spraying the access road with water, to prevent dust leaving the site. This water would be collected by way of an onsite drainage system to prevent risk of pollution. All waste would be deposited in to the waste collection building at the north of the site, which would be fitted with a mist spray dust suppression system and negative air pressure system to effectively contain dust and filter air leaving the facility. In addition, any crushing activities of oversized material would take place within the waste collection building, and fitted with direct water intake points to reduce potential dust emissions. Any material contained within the storage area outside the building would be dampened down prior to movement in dry conditions.

Basildon Borough Council and other representations object due to harm to residential amenity by reason of noise vibration and dust, while noting the site is approximately 70m from the dwellings to the north of the A13 flyover.

There has been no objection from ECC's consultant with regard to dust. Therefore, it is considered that, subject to permission being granted, an appropriate condition could ensure that dust onsite is controlled and monitored.

There have been representations noting that there would be an adverse impact on health and quality of life and an increase in vermin. In accordance with the Framework, local authorities must assume that pollution control regimes will operate efficiently as these are subject to Environmental Permitting Regulations 2010. The Environment Agency does not object to the proposal, but do specify that the operation would need to be permitted in line with the Environmental Permitting Regulations 2010. This is beyond the remit of the planning system, so the operator will need to discuss this further with the Environment Agency. The response has been forwarded to the applicant to ensure the issues raised within the response are addressed.

It is considered that in accordance with the Framework, planning permission should not be refused, subject to the imposition of appropriate conditions to ensure noise and dust can be effectively mitigated and controlled to ensure compliance with policy W10E and BAS E10. In addition, conditions restricting the hours of operation will further protect amenity and in so doing comply with policy W10F and the Framework, which supports sustainable development where the adverse impacts do not significantly and demonstrably outweigh the benefits of proposals.

G. IMPACT ON THE HISTORIC ENVIRONMENT & VIABILITY OF CROMWELL MANOR

Impact on the Historic Environment

The Framework states that heritage assets are an irreplaceable (and therefore finite) resource and should be conserved in a manner appropriate to their significance and notes that any harm or loss should require clear and convincing justification. It requires applicants to describe the significance of heritage assets including any contribution made by their setting. Importantly it does note that when a proposal would lead to a less than substantial harm, this should be weighed against the public benefit of the proposal, including securing its optimum viable use. PPS 10 concurs with (but with less detail than) the Framework in this respect.

The Basildon Local Plan is silent on this issue, as it contains no saved policies other than those of national importance. Similarly, WLP policy W10E states that development would be permitted where satisfactory provision is made in respect of the resultant effects on the historic Environment.

The proposal is approximately 10 metres to the north of a Grade II Listed building, Cromwell Manor. Cromwell Manor (formally known as Pitsea Hall) is a Grade II Listed building which is south and separated from the proposal site by the Fenchurch street to Shoeburyness railway line with overhead power cables and level crossing sign also for Pitsea Hall Lane. It is likely to be a 16th century redevelopment of an earlier Norman manor, damaged by fire in the 1980s before full rebuilding and change of use from residential dwelling to restaurant in 1991. As such, any potential impacts on the setting of this historic asset must be considered in accordance with the NPPF (section

12). There has been no specific report considering the importance of this historic asset, although visual impacts from the location were considered in the landscape and visual impact assessment.

Basildon Borough Council and Place Service (Landscape) object as the proposals as submitted would not effectively screen Cromwell Manor from the development. Furthermore (and more specifically) Place Services (Historic Environment) object to the proposal on several grounds. These consist of as this would adversely impact on the setting of the Grade II asset, through amenity impacts (as discussed in section E) scale and cladding material of the building thus dominating all existing adjacent buildings. This in combination with the scale of the potential stockpiles would be of particular importance to Cromwell Manor as the objection considered that the proposal would be seen as a backdrop in views of the façade of Cromwell Manor. It also notes that it would have an impact on foreground of views from the marshland footpath to the tower of St Michaels Church, which is also grade II listed. Importantly the representation does note that the existing surroundings do not make a positive contribution to its significance; however, these existing impacts would be exacerbated by this size, style and character of this proposal, particularly when considering cumulative impacts. It notes there is little intervening screening of the proposed site from Cromwell Manor other than the close boarded boundary fencing of Cromwell Manor and the railway infrastructure.

The owner of Cromwell Manor also objects on the grounds that no assessment has been provided of the significance of the Grade II listed building Cromwell Manor, which is contrary to the Framework. The objection considered the proposals would likely result in significant harm to Cromwell Manor and gardens due to the impacts on amenity (as considered in Section G), in their view negligible benefit and the impacts on the setting of Grade II Listed building from this development resulted in conflict with the Framework.

Despite the landscaping scheme and the noise assessment addendum (as discussed in Sections D and G respectively) submitted during determination period, the objector considers that there has not been consideration of the impact of the development on the external areas of the venue, used extensively for the core business (e.g. weddings).

These objections must be considered in context with the existing situation and local policy. Firstly, the gardens of Cromwell Manor where it is acknowledged that are frequently used for weddings and other functions are located to the south of the Manor itself, which would effectively screen the gardens from development. Other than the Manor itself, it is the car parking area that is approximately 10m to the south of the proposal site. Secondly, immediately to the north of Cromwell Manor & gardens (and between this venue and the proposal) is the Fenchurch Street to Shoeburyness railway line, which consists of dual track. In both directions, there are trains approximately 15 to 20 minutes during weekdays. This results in noise and vibration and is exacerbated by the fact that the venue is adjacent to the level crossing which (including warning acoustics and lights), which requires trains to either accelerate from or slow down for. Additionally there is an existing industrial use and building immediately to the north of the Manor. All of three considerations affect the setting of the listed building. Finally, as noted in section A the proposal is located within policy BAS E2, which promotes the area for employment uses (B1 – Business and B2 – General Industrial uses), which would enable development of this currently open area.

In some cases due to this policy, B2 uses would not require planning permission on this site so would not be regulated through the planning system and therefore may affect more significantly than this proposal.

Furthermore, as described in section C, if permission were to be granted a condition could be implemented to require the applicant to provide details of a suitable boundary treatment to be provided and agreed by the Waste Planning Authority and Network Rail. This could be a pre-commencement condition, requiring the applicant to submit details and implement the agreed boundary treatment prior to any construction of the waste reception building. Furthermore there are a number of conditions relating to amenity (discusses in section F). It is considered that the sum of these conditions would further reduce the impact on Cromwell Manor.

On balance with the Frameworks presumption in favour of sustainable development, and in the absence of an up to date local plan, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies. Therefore, it is considered that subject to the imposition of appropriate conditions regarding the southern boundary treatment, materials landscaping and amenity, the impacts on Cromwell Manor are not significant enough to warrant the refusal of planning permission, when considering the economic benefits of the development, in accordance with the Framework.

Viability of Cromwell Manor

In addition to the consideration of the impacts of development on the historic Environment, the Framework requires local authorities to consider the potential economic impacts of development.

The owner of Cromwell Manor and Place Service (Historic Environment) objections highlight how noise, vibration, light pollution, landscaping, design and the setting would potentially impact upon the viability of Cromwell Manor. It is used a function suite for weddings, funerals, private parties and corporate events. Place Services (Historic Environment) refers to national guidance, which may require authorities to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation. This consideration is echoed by the owner of Cromwell Manor.

With regards to national policy, section A concludes in that it has been satisfactorily demonstrated that there is an economic need for the relocation of the premises from Burnt Mills. This section also states that local policy supports development of this area for employment areas (policy BAS E2) and in all three options of the Basildon Preferred Approach documentation. It has been established that this sui generis proposal is akin to this type of development.

It has also been considered in sections D and G, that it has not been possible to substantiate that any of the complaints received regarding noise and vibration were actually caused by the permitted development operations on this site, or if it was the redevelopment of the premises between the proposal site and Pitsea Hall Lane. It was conclude in both of these sections that with appropriate conditions any impacts on amenity can be reduced and mitigated

Furthermore, it has been concluded above that in the absence of local planning policies and following pre-commencement conditions requiring mitigation for materials, landscaping and amenity, the southern boundary treatment and materials, that adverse impacts would not significantly and demonstrably outweigh the benefits of this development, when assessed against the Framework policies.

It is therefore considered that the location is suitable for development as it is designated as a proposed employment area (policy BAS E2). This policy designation promotes this area for development of business and general industrial (which is akin to this sui-generis proposal) which would result in the loss of the currently open character. It has also been judged that due to the proximity of the dual track railway line and supporting infrastructure and existing industrial use to the north that potential impacts on Cromwell Manor would not significantly and demonstrably outweigh the benefits of this development. It is further considered that in line with the Framework and the presumption in favour of sustainable development that permission should not be refused, where there are no significant or demonstrably greater impacts of the development than the benefits. This is supported through the use of appropriate conditions regarding design, landscaping, minimising amenity impacts including lighting.

H. IMPACTS ON HYDROLOGY

WLP policy W4A (Flooding) states inter alia that development would only be permitted where there would not be an unacceptable risk of flooding or has an adverse effect on the water environment. This is supported by policy W4B (Surface & Groundwater) which states that development would only be permitted where there would not be an unacceptable risk to the quality of surface and ground water, or of impediment to ground water flow.

In support of the application a Flood Risk Assessment (FRA) has been prepared as the development would be on an area of greater than 1 hectare. This FRA states that the development is in flood zone 1 (the low risk zone), and states that the proposed development would be operated with minimal risk from flooding and not increase flood risk elsewhere. The Environment Agency has no objection to the proposals or conclusions stated within the FRA, but do note that the design of the final drainage scheme has not been finalised. Therefore, the EA do not object, subject to the imposition of a prior commencement condition. This would require a final scheme for the provision and implementation of surface water drainage and an assessment of the hydrological/hydrogeological context. This must be agreed in writing with the Waste Planning Authority, prior to the construction of the waste reception building.

It is therefore considered that subject to the imposition of an appropriate pre-commencement condition to approve in writing the final drainage scheme and hydrological/hydrogeological context that the development would comply with policies W4A, W4B and the Framework.

8. CONCLUSION

It is considered that the proposal should be considered favourably within the goals and objectives of the Framework, PPS10 and WLP. The Framework states “the planning system is to contribute to sustainable development” and requires significant

weight to be placed on the economic benefits of proposals, while protecting the environmental and social strands of sustainability.

The need and general suitability of the site comply with the Framework, PPS10 and WLP policies W3A and W7E, which requires waste to be moved up the hierarchy. The proposal is in conformity with W8B, through demonstration of a need to both relocate the business (this being the most suitable and feasible option, despite Basildon local policy BAS E6 directing untidy industry to the Burnt Mills Industrial Estate) and for increased non-organic waste treatment capacity. Additionally this site was an area of degraded and derelict land and designated as a proposed employment area policy BAS E2. Despite, the site being considered to be generally acceptable for such a proposal, further consideration of issues raised within the consultation, was required to ensure that this proposal would not create significant adverse harm to the local area, in accordance with the Framework.

The first of these considerations was highway impacts, which primarily focused on local infrastructure impacts and increased HGVs worsening congestion. However, following assessment by the Highway Authority and Highways Agency, it is considered that suitable conditions and an informative could be attached if planning permission were to be granted. These could ensure the proposal would not result in a significant and demonstrably negative impact, so it is considered to be in accordance with WLP policy W4C and Basildon policies BAS E2 and BAS E10. Similarly, impacts on ecology and hydrology could also be suitably mitigated by imposing appropriate conditions to ensure the proposal would comply with WLP policies W4A, W4B, W10E and the Framework, thus would be commensurate with the scale of the proposal.

Further concerns raised within the consultation period related to design, landscape and visual impacts. The issues primarily focused on the scale and colour of the building itself and that landscaping proposals do not adequately mitigate the impacts on the views from PRow and properties. The proposal would include the construction and operation of a large (13m high) building, which is required to be fit for purpose and functional. Due to the size, the proposal does not fully comply with WLP policy W10E and Basildon policies BAS C2 and BAS E10. However, this must be considered against the fact that it is located within a designated proposed employment area (policy BAS E2) which means the policy drivers within the Framework must take precedence. In light of this, it is considered that the proposal (subject to appropriate conditions regarding screening on the southern boundary, material details and landscaping) would not affect the landscape or visual receptors (including Wat Tyler Country Park) significantly enough to warrant the refusal of planning permission when balanced against the benefits.

Amenity impacts to the public using the adjacent to PRow and local residences were raised as a concern during the consultation and also those specifically relating to the Grade II Cromwell Manor, which is used as a function suite, primarily for weddings. The objections in relation to the adverse amenity impacts on Cromwell Manor concluded that the proposal may make the business unviable, resulting in the degradation of the Listed Building, due to the costs of upkeep. The impacts of concern focused on the hours of operation, the impacts on the PRow and the noise and dust resulting from the proposal so compliance with policies W10E, W10F, W10G, BAS E10 and the Framework was considered. It must be noted that the proposal is located within a as a proposed employment area (policy BAS E2) and would not result in closure or diversion of the PRow. Indeed it seeks to improve the PRow by

improving it at its eastern extremity (where it merges with Pitsea Hall Lane), as it is currently impacted upon by the existing industrial use by improving its demarcation and remove obstructions. With regards to the other issues of concern, the Framework embodies a presumption in favour of sustainable development and states “in the absence of an up to date local plan, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies”. On balance (and to be in accordance with the Framework), it is therefore considered that subject to the imposition of appropriate conditions, the impacts on general amenity to users of the PRoW, local residences and specifically amenity of Cromwell Manor are not significant enough to warrant the refusal of planning permission.

9. RECOMMENDATION

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

1. COM1 – commencement of the development within 5 years from the date of this permission.
2. COM3 - Compliance with submitted details
3. COM2 – Notification of commencement within 7 days of implementation
4. WAST1 – Definition of waste materials to be imported
5. WAST5 – Restricting waste to areas as approved
6. HIGHWAYS - Bespoke
Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Waste Planning Authority shall be constructed and maintained free from obstruction within the site at all times for that sole purpose.
7. HIGHWAYS - Bespoke
Prior to occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of associated materials and manoeuvring shall be provided clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
8. HIGH13 – surface materials of access
9. HIGH14 – Access gates
10. HIGHWAYS - Bespoke
The Public’s rights and ease of access over the public footpath shall be maintained free and unobstructed at all times.
11. HIGH7 – erection of warning signage for PRoW Vange 136
12. HIGHWAYS - Bespoke
Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
13. HIGHWAYS - Bespoke
The powered two wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
14. HIGH5 – restriction to 100 HGV movements [50 in and 50 out] per day (Monday to Friday) 50 HGV movements [25 in and 25 out] per day (Saturdays)
15. HIGH1– improvement to Terminus Drive access
16. HIGH2 – All Access to be via Terminus Drive
17. DET1 – Requires submission of details regarding material, colours and finishes for the waste processing building and acoustic barrier
18. LAND1 – Requires submission details regarding a landscaping scheme

19. LAND2 – Requires replacement of trees/and shrubs (if necessary) within 5 years of commencement
20. DET5 – Requires submission of details regarding the southern boundary treatment
21. HOUR1 – Restricts construction times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
22. HOUR5 - Restricts hours of operation times to 07:00 to 18:30 hours Monday to Friday and 07:00 to 13:00 hours Saturdays
23. NSE3 – Requires noise monitoring to be undertaken and submitted within one month of commencing operations to validate predictions.
If measured noise levels exceed those detailed proposed mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority within 1 month of the monitoring being carried out.
24. NSE4 - Requires submission details regarding the sound proofing of the waste processing building
25. DUST1 – Implementation in accordance with approved dust suppression measures
26. LGHT1 - Requires submission details regarding any proposed lighting on site
27. ECO1- Implementation in accordance with approved Reptile Mitigation Measures
28. POLL1 - Requires submission details regarding surface water drainage and an assessment of the hydrological and hydrogeological context of the development.

INFORMATIVES

1. The Highways Agency requests that the applicant aims to minimise HGV movements at peak times to reduce severe congestion experienced on the A13.
2. Although only a 2 metre wide area is to be delineated as the PRoW public access rights to Footpath status will still subsist across the full width as shaded pink on KAB 11.
3. Network Rail requests the applicant should contact Asset Protection at AssetProtectionAnglia@networkrail.co.uk to determine the scope of entering an asset protection agreement.
4. The Environment Agency requests the applicant to discuss with the Environment Agency the requirements of the Environmental Permitting Regulations 2010.

BACKGROUND PAPERS

Consultation replies

Representations

Ref: P/DM/GemmaSkillern/ESS/69/12/BAS

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

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 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. The application has been considered in line with the Equalities Act 2010 and suitably appraised with regard to relevant equality issues, implications and/or needs.

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 by identifying matters of concern within the application (as originally submitted) and based on seeking solutions and acceptable amendments to the proposal to address those problems. This has been achieved by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary.

As a result, the Waste Planning Authority has been able to recommend granting planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

committee DEVELOPMENT & REGULATION

date 28 February 2014

MINERALS AND WASTE DEVELOPMENT – ENFORCEMENT ITEM

Proposal: **The change of use of land and the erection of buildings, hardstanding, roadways, parking and storage areas to enable the use of the site as a waste recycling and materials recovery facility.**

Location: **Land to the south of Terminus Drive, Pitsea Hall Lane, Pitsea, SS16 4UH**

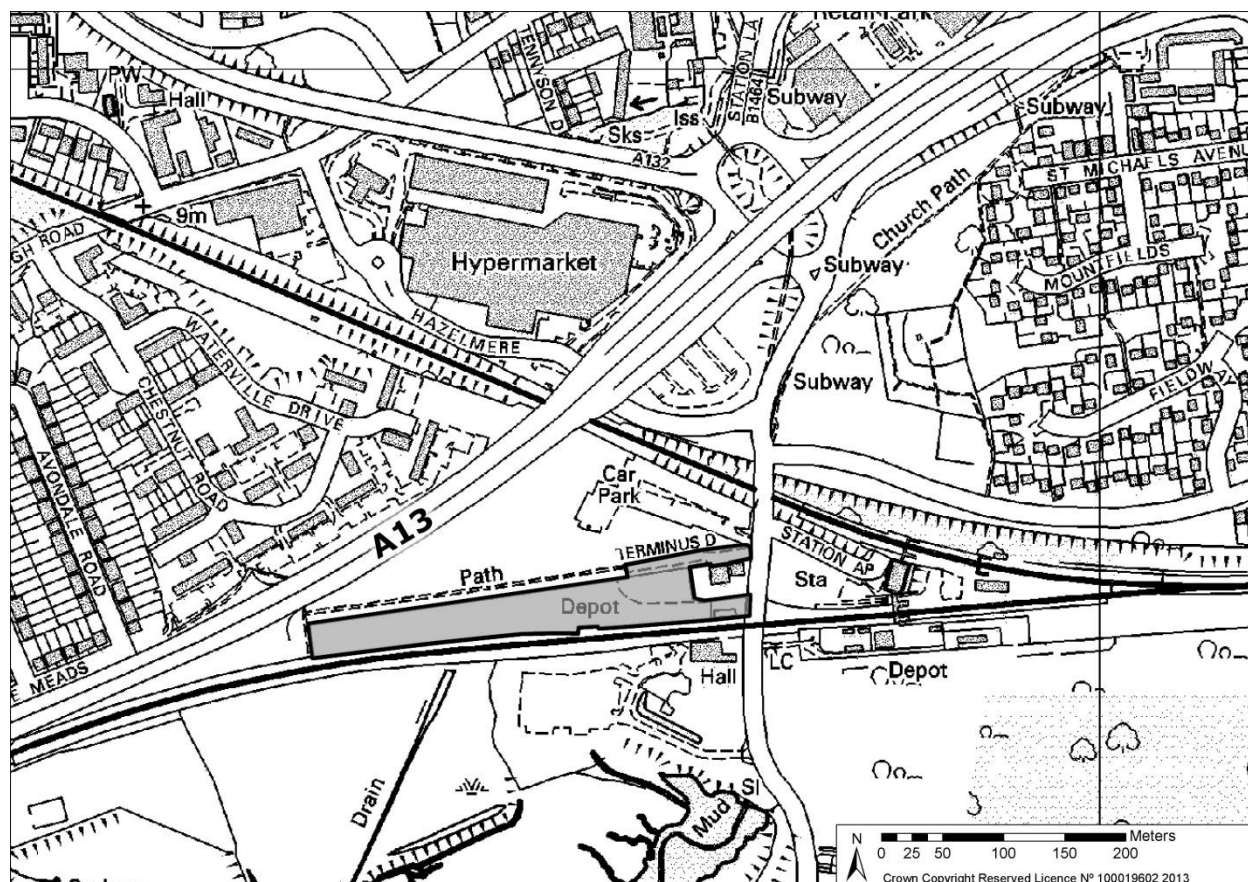
Ref: **ESS/69/12/BAS**

Applicant: **Heard Environmental**

Report by Director of Operations: Environment and Economy

Enquiries to: Claire Tomalin Tel: 03330 136821

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



1. BACKGROUND

Members will recall the application was considered May 2013. The Committee resolved to grant planning permission subject to conditions. Planning permission was subsequently issued on the 11 June 2013.

2. SITE

The site is located south of Pitsea, south of the A13 on Pitsea Hall Lane. The site is accessed via Terminus Drive a no through road. The site itself covers an area of approximately 1.24 hectares. The site is located immediately north of the London to Shoeburyness railway line (the Loop which goes via Rainham) and south east of the London to Shoeburyness main line, with the two lines converging at Pitsea station to the east.

To the southwest, beyond the Loop railway line (approximately 10m), is the Vange Creek Marshes (Local Wildlife Site) and to the south east (approximately 10m) is Cromwell Manor (formerly Pitsea Hall), which is a Grade II listed building used as a wedding and conference venue.

3. PROPOSAL SUMMARY

The application is for the change of use of land to enable the use of the site as a waste recycling and materials recovery facility for mainly commercial and industrial (C & I) waste and construction & demolition (C&D) waste.

The annual throughput of waste proposed to be handled at the site would be 49,000 tonnes per annum. Of this total approximately 10% would be household waste, 60% C & I waste and the remaining 30% would consist of C & D.

The proposal includes the erection of a building within which waste would be sorted and materials recovered, with associated offices and hardstanding.

4. UPDATE SINCE DETERMINATION OF THE APPLICATION

Judicial Review Challenge

On 31 July 2013 the authority were given prior notification by way of a letter before action of the intention of the owner, tenant and operators of Cromwell Manor (formerly known as Pitsea Hall) to submit a Judicial Review (JR) challenge to the decision of the authority to grant planning permission.

A JR is primarily concerned with whether an error has occurred in the decision making process – not necessarily what the actual decision was. The court in considering a JR will not substitute what it thinks is the 'correct' decision.

The main substance of the JR challenge related to the way in which the authority had considered the impact of the proposals on the Listed Building. The authority responded to this prior notification defending its position with respect to determination of the application.

The formal JR challenge was received on 30 August 2013 and was subject of 5 grounds of challenge, which are set out in Appendix 1. In summary it was challenged that the authority had not properly considered the impact of the proposals on the Listed Building in accordance with planning legislation and policy and therefore the decision was unlawful.

In preparing a response to the JR challenge it came to light that there had been some confusion over the drawings forming part of the application. Some superseded versions of the drawings with respect to the main building had been presented at Committee and it was unclear whether all consultees had commented on the original or revised drawings. In addition it was noted that an error had occurred in the drafting of the decision notice such that part of a condition wording was missing.

The authority sought counsel's advice and it was recommended that, taking the matters as a whole, (those forming the JR challenge and the errors noted since the submission of the JR) the authority should agree to the quashing of the planning permission. The claimant with respect to the JR agreed to consent to the quashing of the planning permission. The planning applicant also agreed to the quashing of the planning permission.

A signed consent order to this effect dated the 17 September was sent to the court and was approved by the court on 10 January 2014.

Effect of quashing the permission: The effect of quashing the planning permission is that the application is now undetermined and the authority must reconsider the application. The applicant has provided additional information, in particular a Heritage Statement, and has revised the main building by adding a screen to the front of the main building. In addition, supporting information has been updated in light of these changes and information supplied with respect to some of the pre-commencement conditions of the now quashed planning permission.

The revised application is now the subject of full re-consultation; the 21 day period for consultation will end on the 7 March 2014.

Upon completion of the consultation and consideration of the application, the matter will be referred back to the Committee for determination.

Activity on site and enforcement: The applicant, Heard Environmental, commenced construction of the main building in August 2013, without having discharged pre-commencement conditions of the now quashed planning permission. The applicant/agent were notified of this breach of planning control and the agent submitted the outstanding details in relation to the pre-commencement conditions in September 2013. However, in light of the JR challenge the applications to discharge conditions were withdrawn. The outer shell of the building has been completed.

The operator has not brought the building into use for waste recycling. The operator has imported waste wood into the site, which has been deposited at the west end of the site. This wood has been sorted by grab and by hand and different qualities of wood exported from the site. There has been some storage of empty skips at the east end of the site.

The site has been the subject of complaints from the occupiers of Cromwell Manor with respect to vibration. Vibrations were felt when the waste site operator was scraping and levelling the roadway of Terminus Drive, but this was a short-term temporary activity. Other periods of vibration have been reported but it has not been possible to substantiate that the vibration can be directly attributed to the operations at the waste site. The occupiers of Cromwell Manor have been asked to maintain a log of impacts should they experience disturbance in the future.

Development has therefore taken place on site, however, in view of the outstanding application (now remaining to be determined) it is considered that it would not be appropriate to take enforcement action seeking removal of the unauthorised development at the current time. Relevant government Guidance is found in the National Planning Policy Framework (NPPF) which states that; Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary and the local planning authorities should act proportionately in responding to suspected breaches of planning control. In accordance with the Council's Local Enforcement and Monitoring plan negotiation should always be the first step in resolving any breach of planning control.

The operator has submitted an application and therefore prior to deciding whether or not it would be expedient to take formal enforcement action, it is considered that time should be allowed for the determination of the application and for consideration of the impacts of the proposals. In the event that planning permission is granted this would regularise the building and the use of the site as a waste recycling site. In the event that planning permission is refused then the need for formal enforcement action would need to be reconsidered at that time, should it be considered expedient.

In the interim it is considered appropriate to continue to monitor activities and review the need for enforcement action, dependent on whether there are significant changes in the level of activity at the site which give rise to unacceptable impacts or upon determination of the application.

5. RECOMMENDED

That no enforcement action is undertaken in respect of the existing breach of planning control (against the unauthorised development) pending the determination of the extant planning application (ref ESS/69/12/BAS), subject to the Waste Planning Authority continuing to monitor activities on site to ensure that no injury to local amenity takes place.

BACKGROUND PAPERS

Consultation replies

Representations

JR submission and responses

LOCAL MEMBER NOTIFICATION

BASILDON – Pitsea

Appendix 1

Grounds of JR Challenge by Owners & Operators of Cromwell Manor

Ground 1

Failure to comply with the duty to have special regard to the desirability of preserving the listed building or its setting as required by the Planning (listed Buildings and Conservation areas) Act 1990, ss. 16(2) and 66(1) and in consequence applying a test which was wrong in law when considering the application.

Ground 2

Failure to require a report from the applicant on the significance of the listed building as a heritage asset as required by para. 128 of the National Planning Policy Framework (NPPF) and failure to identify and assess the particular significance of the heritage asset as required by para. 129 of the NPPF.

Ground 3

Misinterpretation and misapplication of the tests provided in the NPPF, paras 131-134 and in particular failure to determine whether there would be substantial harm to the heritage asset, as required by paras. 131-134.

Ground 4

Failure to comply with the publicity and notification requirements under the Planning (Listed Buildings and Conservation Areas) Regulations 1990, reg. 5A in view of the acknowledged fact that the development would affect the setting of a listed building.

Ground 5

Failing to undertake a lawful screening exercise in accordance with reg. 4 and Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly planning permission was granted without requiring and taking into account an environmental Statement and other environmental information, in breach of reg. 3(4). This resulted in a failure (Inter alia) to consult English Heritage and a failure to undertake a systematic and cumulative assessment of all the likely significant effects of the proposed development on the listed building and its setting.

