

AGENDA ITEM 4.1

DR/01/21

Report to: DEVELOPMENT & REGULATION (26 February 2021)

Proposal: MINERALS AND WASTE DEVELOPMENT - Construction of a Waste Transfer Station for the sorting of up to 6,000 tonnes of inert waste per annum.

Ref: ESS/119/20/MAL

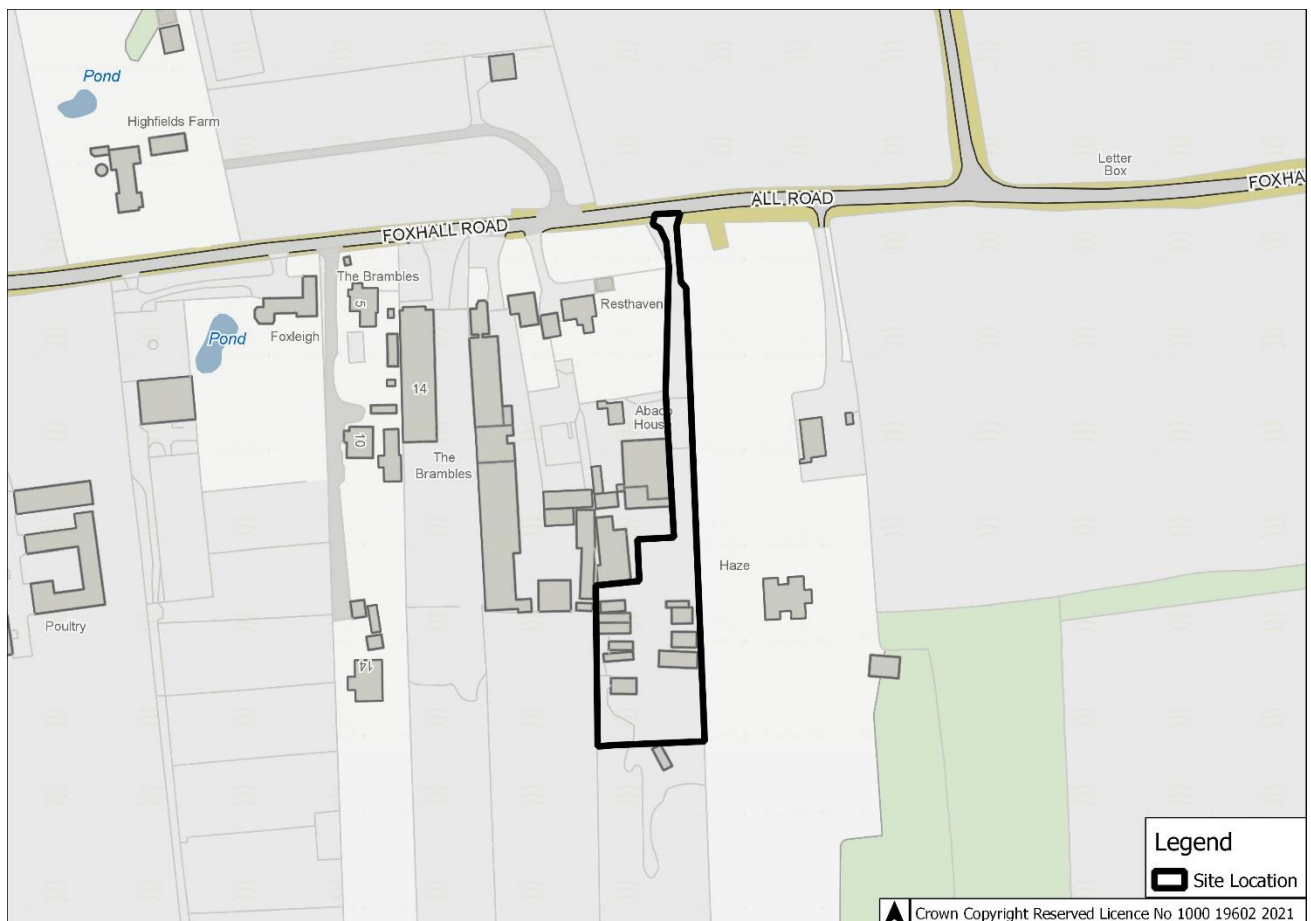
Applicant: C&H Skip Hire

Location: Abaco House, Foxhall Road, Southminster, CM0 7LB

Report author: Chief Planning Officer (County Planning and Major Development)

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The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

There is a limited planning history at the site. A lawful development certificate was granted by Maldon District Council in 2003 (ref: LDE/MAL/03/00491) for 'use of a workshop building for the manufacturing, repairs and storage of equipment, machinery and other materials. Use of land for ancillary storage up to a height of three metres and parking of vehicles associated with the principle use of the site'. This was granted for land immediately to the north of the application site, which shares the same access and the same plot as the proposal site.

An application was made to the Waste Planning Authority in October 2019 (ref: ESS/88/19/MAL) for the provision of a waste transfer station for the sorting of up to 6,000 tonnes of waste per annum including the erection of a sheltered area for the sorting of skips. The application was subsequently withdrawn as the site was considered to be unallocated agricultural land not suitable for waste development.

Following this, a change of use application was made to Maldon District Council in May 2020 for the change of use of the site from agriculture to a B8 use (storage and distribution of skips) and an open fronted storage building. Whilst the officer report recommended refusal, the application was approved at the Maldon District Planning Committee in September 2020 and the decision notice was issued in October 2020.

The site owner purchased the plot in early 2007. The applicant has rented the site subject of this application since 2013 and has continuously stored and stacked skips in this location, ranging from mini 2 cu yard skips to 16 cu yard maxi skips. Between 2013 and now, the applicant has delivered skips from this location to customers within Maldon District ranging from private residential homes to construction sites. The skips are then collected from customers and taken to licensed waste transfer stations for processing and recycling depending on the contents and nature of the waste.

2. SITE

The site is located on Foxhall Road approximately 1.5km northwest of Southminster. Immediately to the west lies a number of industrial-style buildings. Industrial uses have taken place on sites adjacent to the application site for at least 30 years, such as plant hire businesses, storage, large vehicle transport companies and other B1 and B2 uses.

To the east lies a residential property named Hazelville, approximately 30m to the east of the site boundary. The property was historically located towards the northern end of the site by Foxhall Road, however, was demolished and rebuilt in 2012 in its current location. There is another residential property named Resthaven located 25m west of the site access road close to Foxhall Road. To the north lies the site entrance off Foxhall Road, with agricultural fields beyond. To the south lies open agricultural fields. The general topography of the site slopes downhill to the south down towards Asheldham Brook, then rises beyond towards Southminster across open fields. The eastern site boundary is bordered by established hedgerows.

The site is currently used by the applicant as the base for a skip hire business which provides private hire of mini-skips. The site benefits from B8 use for the storage and distribution of skips and has recently been granted permission for a storage building from Maldon District Council. The plot in which the application site is located also houses a large industrial-style building utilised by Abaco Transport Ltd, a company that specialises in the transportation of mobile homes and static caravans. This is a separate business but shares the same site entrance onto Foxhall Road. There are a number of portable buildings and mobile homes currently stored on the site in relation to this. An area of the eastern boundary of the site is set aside for the storage of empty skips.

The site is not situated within any statutory sensitive or designated areas

3. PROPOSAL

The proposal seeks the handling, processing and sorting of up to 6,000 tonnes of recyclable inert waste (household and construction waste), utilising the recently approved open-front storage building, as well as a parking area and a 2.5 metre high acoustic barrier.

The process would involve the delivery and temporary storage of returning skips to be placed within the purpose-built building. The waste would mainly be hand sorted, with the utilisation of a mini-excavator for heavier items and placed into designated material-type 40 cu yard skips for further distribution. The entire sorting process would be carried out within the building only. It is proposed that no waste would be stored or placed on the ground and would only be transferred from one skip to another. It is anticipated that 60% of the waste would be sorted for recycling on-site and 40% would be taken to a specialist processor for further recycling.

No organic or putrescible waste is proposed to be accepted or handled on-site. Any soils or aggregates which may be generated from construction sites are proposed to be separated at user source into dedicated skips for each waste type and transported directly to either aggregate processors or soils processors for specialist recycling.

3no. 12x4 metre parking spaces are proposed for rigid skip lorries as well as 6no. car parking spaces and 9no. cycle parking rack, all along the western site boundary. Skips are proposed to be stored in a designated area along the eastern boundary.

It is anticipated that up to 12no. skips would be collected and sorted at the site per day, with 2no. skips per hour being processed at peak capacity. The site would use 2no. skip lorries which would leave the site in the morning, each with 6no. empty mini skips to be delivered to customers around the District.

As well as daily mini skip vehicle movements, a 40 cu yard skip delivery would be made to a larger recycling facility at a rate of 4no. bi-monthly deliveries (1no. movement every two weeks on average).

The acoustic barrier would be 2.5m in height and 60m in length along the eastern boundary.

Proposed hours of operation are between 0730hrs and 1800hrs Monday to Friday, 0800hrs and 1300hrs Saturdays, and no working on Sundays or Bank Holidays. 4no. fulltime on-site employees are proposed.

4. POLICIES

The following policies of the Essex and Southend-on-Sea Waste Local Plan (WLP) adopted July 2017 and the Maldon District Local Development Plan (MLDP) adopted July 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN (WLP) 2017

Policy 1 – Need for Waste Management Facilities

Policy 4 – Areas of Search

Policy 5 – Enclosed Waste Facilities

Policy 6 – Open Waste Facilities

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

MALDON DISTRICT APPROVED LOCAL DEVELOPMENT PLAN 2014 – 2029 (MLDP) 2017

Policy S1 – Sustainable Development

Policy D1 – Design Quality and Built Environment

Policy E1 – Employment

Policy T1 – Sustainable Transport

Policy T2 – Accessibility

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Maldon District Local Development Plan is considered further in the report.

5. CONSULTATIONS

Summarised as follows:

MALDON DISTRICT COUNCIL – No objection.

The main issues to be considered should be the principle of development, impact on the character and appearance of the area, impact to residential amenity and parking/highway safety.

Consultation with Environmental Health has raised concerns regarding the impact of noise on the nearest noise receptor, however no objection is raised. An environmental permit would be required from the Environment Agency and noise would be considered as part of the application process.

Additional comments regarding acoustic fence: – The documents show the fence would be 2.5 metres in height and 60 metres in length and therefore concern would be raised regarding the impact of the fence on the character and appearance of the countryside.

ENVIRONMENT AGENCY – No objection.

The applicant will require an environmental permit

Care needs to be given to the construction and design of the site for drainage. If there were spills or a fire, the gradient needs to be sufficient in conjunction with any bund/curbing to contain runoff.

HIGHWAY AUTHORITY – No objection.

The site already operates a skip hire business and the Transport Statement indicates that the proposal would only marginally increase the number of trips already generated by this land use. The additional vehicle trips capacity should not give rise to any capacity concerns on the local highway network and although some concerns have been raised locally regarding the proximity of the site access to the junction of Foxhall Road with Batts Road, this is located some 100 metres to

the east of the site access and would not give rise to any concerns from a highways viewpoint.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to conditions. Any consent should require the installation of a barrier along the eastern site boundary. It is considered a 2.4m high barrier represents proportionate mitigation for the proposals and should be considered as the minimum required height. Barrier should be in accordance with guidance from BS5228 (mass per unit area to be at least 7kg/sqm; no gaps at the joints; no gaps at the base where it should touch the ground; no part of the noise source should be visible from Hazelville). The consent issued by Maldon District Council requires noise mitigation measures which are as yet unspecified.

Additional comments regarding acoustic fence:– The proposed acoustic fence is 2.5m high with a density of at least 10kg/sqm. The 'Environfence' details show that a tongue and groove construction would limit the potential for gaps between boards. Board lengths would be joined within the upright posts. A 'part buried gravel board' is also shown, ensuring no gaps with the ground at the fence base. The lateral extent of the barrier shown on the plans appears to block the line of sight from the new building and majority of working area to Hazelville. I therefore have no objections to the barrier proposals. The fence would require ongoing maintenance to ensure that its integrity is not compromised such as by future growth of the hedge plants/trees.

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection. Given that the site is already used for storage and light industrial use with a range of units, any additional visual impact arising from the proposed use is likely to be limited.

It is important to ensure that the proposed use does not extend any further south within the sider site and that any debris arising from the activity is contained within the area. It might be necessary to erect a fence across the site along the western part of the application boundary to assist. A fence with a height of 1.4/1.6 metres timber palisade to give a partial screen and act as a trap for any escaping debris might be sufficient.

Skip storage should be placed so that it does not have any impact on boundary hedgerows.

Additional comments regarding acoustic fence:– As the activity and possible damage to the hedge from the close proximity of fence uprights, concrete platforms, and hardstanding has commenced it is clearly not feasible to request that the fence be erected further into the site, unless the operator removes that work/structures which have been undertaken/erected. It is likely that the acoustic fence will not cause further damage (other than careful pruning) when erected and we entirely understand why it will be needed. It is therefore suggested that if the operation/use is approved then this addition can also be approved.

COUNTY COUNCIL URBAN DESIGN CONSULTANT – No objection.

SOUTHMINSTER PARISH COUNCIL – Objection.

Concerns of vehicle movements on a very busy road and also the location is close to a junction.

ASHELDHAM AND DENGIE PARISH COUNCIL – No comment to make.

LOCAL MEMBER – MALDON – SOUTHMINSTER – Any views received will be reported.

6. REPRESENTATIONS

26 properties were directly notified of the application. No letters of representation have been received.

7. APPRAISAL

The main issues to be considered are as follows:

- A. Principle of development and need;
- B. Impact to character and appearance of surrounding area;
- C. Impact to local amenity;
- D. Impact to highway network.

A PRINCIPLE OF DEVELOPMENT AND NEED

NPPF Paragraph 7 states, inter alia, that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*.

NPPF Paragraph 11 states, inter alia, that there should be a presumption in favour of sustainable development. This notion is also reflected in MLDP Policy S1 which states, inter alia, that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

As per WLP Policies 3 and 4, the proposed site does not fall within a Strategic Site Allocation or Area of Search. Paragraph 8.12 of the WLP states that:

“Locational criteria establish guiding principles for locating new waste development outside allocated sites or designated Areas of Search outlined in this Plan. As with the Areas of Search, locational criteria seek to provide greater flexibility to the waste industry to react to change and meet demand. They support the Plan-led approach to providing sustainable waste management opportunities to meet the identified future capacity needs in the Plan area.”

The proposal includes an open-faced operational building meaning the proposal would be part-open and part-enclosed, thus both WLP Policy 5 and 6 are relevant to the proposal. Both policies set out the locational criteria for enclosed and open waste facilities on unallocated sites or outside Areas of Search. It is stated in both policies that enclosed/open waste facilities would be permitted where:

- *“the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;*

- *Although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and It is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan”.*

Paragraph 8.13 of the WLP states that proposals for waste management development on unallocated or non-designated sites would need to evidence

- *“that the proposals would need to deliver the capacity to provide for Essex and Southend-on-Sea’s waste management needs;*
- *That the site allocations and Areas of Search are not appropriate sites for the delivery and operation of the proposed facility, and/or are unavailable.”*

The vast majority of waste that would be processed at the site within this proposal would originate from within the District of Maldon. At present, there are no Site Allocations or Areas of Search within the District. The closest designated site is located in Sandon approximately 24km away. The existing operation takes the majority of filled skips to Cleanaway Waste Management in Basildon approximately 27km away. The proposal seeks to process up to 6,000 tonnes of waste per year; which is considered as a relatively small-scale operation. As the origin of waste would mostly be local, it is considered appropriate that a waste transfer station be located close to the source of waste in order to function as a sustainable development and in line with the proximity principle encouraged by the NPPW, as opposed to one of the Site Allocations or Areas of Search farther away.

From a land use perspective, the proposal represents a Sui Generis use. The proposed land benefits from a B8 Use Class allocation granted by Maldon District Council. MLDP Policy E1 identifies areas reserved for employment development of B1, B2, B8 and Sui Generis uses.

Whilst Maldon DC’s planning committee overturned the officer recommendation and planning permission was granted for the “Change of use of land from agriculture to B8 storage and distribution and construction of storage building” at the site, the officer report concluded:

“The proposed development is located on an area of undeveloped land and there is no policy consideration which would support the change of use in this locality. Furthermore, the development results in an unacceptable form of development into the countryside with no mitigation of harm proposed through sufficient screening or landscaping of the site. Additionally, due to noise the proposed development would impact upon the neighbouring amenity of ‘Hazelville’ to the east, to the detriment of the neighbouring occupiers. Therefore, the development is an unwelcome visual intrusion into the open and undeveloped countryside and the benefits of the proposal do not outweigh the harm to the character and appearance of the rural area or neighbouring occupiers.”

The proposal site is not designated as ‘employment land’ but does now benefit from a planning permission that allows a B8 use. MLDP Policy E1 however, states that “...the Council will support and encourage the development of better quality

and flexible local employment space to meet the employment target including live work accommodation in both urban and rural areas in accordance with other policies in the Plan. All new employment space should seek to meet the needs of local businesses and attract inward investment.” It is considered that the proposal would help meet the waste disposal needs of local businesses and, from a land use perspective, is acceptable in principle, subject to compliance with other development management policies within the MLDP and WLP.

B IMPACT TO CHARACTER AND APPEARANCE OF SURROUNDING AREA

WLP Policy 10(h) states that *“proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact...on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness”*.

The site and surrounding area is largely characterised by storage and light industrial use with a range of industrial-style units to the west. Beyond the southern boundary there is an expansive area of open countryside heading towards Southminster. Given the existing character of the immediate area, it is considered that any visual impact that may arise from the proposal is likely to be negligible. The design of the proposed building is not considered to be out-of-place within the context of its neighbouring sites.

The County Council landscape consultant raises no objection to the proposal, stating that additional visual impact arising from the proposed use is likely to be limited. Similarly, Maldon District Council raise no objection to the proposal with regards to the design and visual appearance of the building and its operation.

The plot under the landowner's ownership extends further south beyond the red line boundary defined in this application. It is important to note that the proposed waste use and its associated activities must only take place within the defined red line boundary in order to prevent any potential extension of activity to the south. The County Council landscape consultant has suggested the erection of a fence across the southern boundary of the application site to act as a physical boundary and as a trap for any escaping debris. It is considered that the proposed activities could be restricted to the red line boundary and the sorting of waste from skips could be contained within the purpose-built building, all of which may be secured by condition.

The landscape consultant has also recommended that the eastern boundary hedge should be retained. This shall also be secured by condition, including a requirement for replacement planting if necessary.

Following consultation with the Council's noise consultant and the recommendations put forward in the submitted noise assessment, an acoustic barrier has subsequently been proposed along the eastern boundary in front of the existing hedge measuring 60m in length and 2.5m in height. The barrier would be constructed of horizontal timber panels. Maldon District Council raise concerns that the fence could impact on the character and appearance of the countryside. The Council's landscape consultant raises no objection to the fencing from a

landscape perspective. The occupants of the neighbouring residential property to the east (Hazelville) was also re-consulted regarding the erection of the fence but have made no comment.

On balance it is considered that, given the industrial backdrop of the site and surrounding area when viewing the site from the open countryside to the south, the visual impact of the fence would not have an unacceptable impact of the character and appearance of the countryside. The noise attenuation that the fence would provide is deemed to be necessary and would positively outweigh any perceived harm to the local area from a landscape character perspective.

C IMPACT TO LOCAL AMENITY

WLP Policy 10(a) states that *“proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact...on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration)”*.

MLDP Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

Noise

The two residential receptors considered to be sensitive to potential impact from the proposal are Hazelville located 30m east of the site boundary and 60m east of the sorting area, and Resthaven located 25m to the west of the site access road on the northern side of the existing industrial-style building associated with Abaco Transport. Noise levels at both these receptors are likely to be influenced by the surrounding existing commercial uses and road traffic from Foxhall Road. It is considered that Hazelville would be most likely to experience any potential noise impacts from the proposed development.

The County Council noise consultant comments on the revised noise assessment supporting the application. The consultant states that the assessment suggests that the existing noise levels at the ground floor of Hazelville are approaching a level where an adverse impact may be expected (+5dB). However in terms of context, the report suggest that the predicted noise levels associated with the waste transfer activities and mitigation are lower than the existing situation therefore proposals should be viewed as an improvement in the acoustic conditions for the receptor. The consultant agrees with this interpretation however points out that the ‘mitigation’ required by the recent Maldon District Council consent has not been provided. With that said, it cannot be ruled out that the excess of rating level over background noise level may be slightly higher than shown in the noise assessment, however it is unlikely on balance that the excess would be more than 10dB which would result in a significant adverse impact.

Taking this into consideration, and following the recommendations made in the noise assessment, it is considered that securing noise mitigation through the provision of an acoustic barrier along the eastern boundary of the site would be appropriate and proportionate to the development and would likely result in noise

levels being lower than those currently experienced by residents of Hazelville given the existing approved use of skip storage and other industrial activities and vehicle movements associated with the site. The County Council noise consultant raises no objection to the proposal subject to such a barrier being installed.

Following the comments made by the Council's noise consultant, the applicant provided updated plans to include an acoustic barrier with the certain noise attenuation specifications laid out and recommended by the noise consultant. After re-consultation, no objection has been raised by the Council's noise consultant, subject to ongoing maintenance to ensure the integrity of the fence is not compromised by future growth of plants/trees.

Dust and Odour

With regards to dust and odour, the proposal includes the installation of a Micronfog misting and fogging system which forces pressurised water through nozzles to create a fine mist. Dust and odour particles and water droplets combine and fall out of the air. Hand-held hose pipes would also be used periodically if the need arises to control any potential dust. An existing 3000 litre catchment tank within the site boundary would collect any water runoff from within the processing building, which would be emptied by a licensed waste water recycling company. No putrescible waste is proposed to be handled or brought onto the site however, as mentioned previously, any such waste would be separated at the user source into dedicated skips and transported directly to the appropriate facility for specialist recycling.

Litter

In terms of the possibility of litter escaping the sorting area, the proposal includes a fabric mesh screen on a roller shutter installed at the top of the front opening of the building which would be lowered whilst sorting takes place and at the end of each working day. It is considered that this would control any lighter windborne waste such as paper blowing from the premises.

Lighting

No additional external lighting is proposed to be installed as part of the application. It is considered that the proposed operation would largely be controlled by daylight hours considering the proposed operational hours.

It is considered that any potential impacts to local amenity generated by the proposed development would be negligible. It is considered that, with the provision of noise mitigation, the development would actually result in an overall net improvement in the noise environment experienced by the nearby residential receptor. As such, the proposal is considered to conform with WLP Policy 10 and MLDP Policy D1.

D IMPACT TO HIGHWAY NETWORK

WLP Policy 12 states, inter alia, that proposals for waste management development would be permitted where it is demonstrated that the development

would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

MLDP Policy T1 alludes to sustainable transport for new development and, among other things, requires Transport Statements to have regard to the adopted Essex County Council development management policies.

MLDP Policy T2 states, inter alia, that development proposals should be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, as well as provide sufficient parking facilities with regard to the Council's adopted parking standards.

Southminster Parish Council raise an objection to the proposal due to concerns around vehicle movement on a very busy road as well as the location being close to a junction.

Foxhall Road is a largely straight road running east to west and is regularly used by farm vehicles and other heavy vehicles associated with the surrounding agricultural uses in the wider area. Visibility from the site entrance is considered to be good when looking in both directions. There is no junction near to the site entrance except for a T-junction with Batt's Road approximately 130m to the east. It is not considered that entering and exiting the proposal site would have any cumulative impact on the safety or capacity of the highway network in combination with vehicles exiting Batt's Road. The existing skip hire operation that has permission at the site currently operates with vehicles entering and exiting the site on a regular basis. The capacity and change to vehicle movement numbers and distances is considered below.

The application is supported by a Transport Statement. At present, the site operates as a skip hire and storage facility. There is currently one fulltime and two part-time staff which average four car journeys per day from the local area (two in and two out). The proposal would result in four fulltime staff whilst car sharing and cycling would be encouraged. The application predicts that, with the provision of car sharing and cycling, car journeys would remain at four per day (two in and two out). Assuming the worst case scenario that all staff would drive to work, this would result in eight journeys per day (four in and four out). This is considered to be a negligible rise and would not impact the safety or capacity of the local highway network.

In terms of daily skip vehicle movements, the current operation averages two lorries leaving the site in the morning with six empty skips each to be delivered to customers throughout the district, resulting in four vehicle movements (two in and two out). Daily collections are stated to be nine collections per day carried out by the two lorries. At present, filled skips are then taken to the closest waste transfer station which is located in Basildon approximately 28km away. This results in a daily travel distance of 252km (28km x 9 trips).

The proposal would allow filled skips to be taken back and sorted onsite. This would mean that vehicles would not have to go to and from the nearest waste transfer station in Basildon approximately 27km away and would allow twelve

collections to take place instead of nine, thus improving operational efficiency. The Transport Statement averages journey distances from collections within the district to the application site to be approximately 10km. Taking this into consideration, the daily travel distance for skip lorries would be significantly reduced from 252km to 120km (10km x 12 trips).

The bi-monthly collection of the bulk 40cu yd skip to be transported to recycling receptors would result in 48 journeys annually, resulting in an approximately annual distance of 542km (using the current site contracted location of Green Recycling Ltd, Maldon).

It is considered that the proposal would result in a 33% increase in skip collections thus improving the efficiency of the waste transfer operation whilst also reducing the distance needed to travel by skip vehicles by 132km daily. Taking all required trips into consideration, the total travel distance would be reduced from 70,686km to 55,010km per year (22% decrease) whilst allowing an increased staffing level of 100% and an increased number of skips handled by 33%. From a highway perspective, this is considered to be a net benefit and would improve the safety and capacity of the highway network overall.

The Highway Authority raise no objection to the proposal, stating that the additional vehicle trips would not give rise to any capacity concerns on the local highway network. With specific regard to the concerns raised in the Parish Council objection, the Highway Authority state that the proximity of the site access to the junction with Foxhall Road and Batts Road is located some 100 metres away and would therefore not give rise to any concerns from a highways viewpoint.

In terms of parking, a total of three 12x4m parking spaces are proposed for the overnight parking of three rigid skip lorries, in line with the Maldon District Vehicle Parking Standards 2019 minimum bay dimensions for rigid lorries. A total of six car parking spaces and nine bicycle parking spaces have been proposed. The Maldon Vehicle Parking Standards advise on one car parking space for every 100sqm of floor space. The total floor space of the processing building is 188sqm which would require a total of two car parking spaces. If taking into consideration the entire site area, a total of 22 parking spaces would be needed. It is considered that these amounts would be disproportionate to the proposal and the six spaces that are proposed would be appropriate for the number of staff and any potential visitors to the site.

It is considered that the proposal is acceptable from a parking and highway safety perspective and conforms with WLP Policy 12 and MLDP Policy T1 and T2.

8. CONCLUSION

The proposal is for the provision of a waste transfer facility to sort and process up to 6,000 tonnes of waste per annum as well as the provision of vehicle parking.

The proposal is considered to be acceptable from a landscape and visual perspective and any potential impacts to local amenity are considered to be non-detrimental when appropriate mitigation is provided. In terms of highway safety and capacity, it is considered that the proposal would improve the overall capacity

of the highway network and would result in a net reduction in total travel distance compared with the existing situation.

As such, it is considered that the proposal conforms with WLP Policies 1, 4, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.

9. RECOMMENDED

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 [as amended].*

- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 28 September 2020 together with the following documents:

- Drawing No. 1185/02 Rev A, dated 20 January 2021;
- Drawing No. 1185/01, dated September 2020;
- Drawing No. 1185/03, dated September 2020;
- Drawing No. TCTC-17971-PL-03, dated January 2021;
- Drawing No. J7/01166, dated 19 March 2018.

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies E1, D1, T1 and T2.*

- 3 The development hereby permitted shall not be carried out unless during the following times:

0730 hours to 1800 hours Monday to Friday;
0800 hours to 1300 hours Saturdays;

and at no other times, including Sundays, Bank or Public Holidays.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies D1, T1 and T2.*

- 4 The throughput of waste from the site shall not exceed 6,000 tonnes per annum.

Reason: *To minimise the harm to the environment and to comply with WLP Policies 5, 6, 10 and 11 and MLDP Policies S1 and D1.*

- 5 From the date of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days, upon request.

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP Policies 10 and 11 and MLDP Policies S1, E1 and D1.*

- 6 All vehicular access and egress to and from the site shall be from Foxhall Road, as indicated on drawing ref. 1185/02 Rev A dated 20 January 2021. No other access shall be used by vehicles entering or exiting the site.

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

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

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

- 8 The Rating Noise Level at the ground floor of the noise sensitive property 'Hazelville' shall not exceed 49 dB LAr 1hr. Measurements shall be made no closer than 3.5m from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

- 9 The acoustic fencing shall be maintained in accordance with Drawing No. 1185/02 Rev A, dated 20 January 2021, Drawing No. J7/0116, dated 19 March 2018 and Document Ref: JSW 01 Issue 02 titled '12k Envirofence' for the lifetime of the development hereby permitted.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

- 10 No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with WLP Policy 10 and MLDP Policy D1.*

- 11 No retained trees or hedgerows shall be cut down, uprooted or destroyed, nor shall any retained trees branches, stems or roots be pruned.

Reason: *In the interest of the amenity of the local area and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

- 12 The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.28 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP Policy 10 and MLDP Policy D1.*

- 13 The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.31 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding and to comply with WLP Policies 10 and 11 and MLDP Policies S1 and D1.*

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

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

- 15 Waste brought onto the site shall be deposited and handled within the approved building.

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

- 16 No deposition, storage, processing, handling or transfer of waste shall take place at the site outside of the approved area defined on drawing ref 1185/02 Rev A dated 20 January 2021.

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

Informatives

Should the applicant engage with the Maldon District Environmental Health Officer with regards to a further noise attenuation scheme required under permission 20/00459/FUL Essex County Council would welcome the opportunity to review this scheme.

BACKGROUND PAPERS

Consultation replies
Representations

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

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

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

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

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

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

Maldon – Southminster