

AMENDMENT SHEET

**Planning Committee
30 July 2015**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 151298 – Castle Park, High Street, Colchester

Historic England

Comments from Historic England are summarised below:

The proposal will cause harm to the setting of the scheduled monument for the duration of the event but this is reversible. In view of the fragility of the earthworks and the buried archaeological remains, the proposals have been developed giving due regard to protection measures to ensure that its construction, use and dismantling can be achieved without any harm to the significance of the scheduled monument. Given that the development is of a temporary nature, Historic England has reviewed these proposals and considered that the safeguards specified will ensure that the event can take place in this location without permanent harm to the scheduled monument.

The development will also require schedule monument consent from the Secretary of State, advised by Historic England. We have recommended that SMC should be granted subject to appropriate conditions.

Resident Objection

An objection letter has been received from one local resident and their comments are summarised below:

- The length of this event is excessive; four days maximum would suffice. November is too soon and no one will be interested in January. 10am to 10pm is too long and 9pm on Sunday is too late.
- The weather conditions are not good in winter and will cause problems with access etc.
- The whole thing will attract undesirables
- The extra traffic and noise nuisance will cause problems
- The park can be enjoyed without all this extra commercialism.
- The Wimbledon event has shown that the length of events does not work. Events not held near residential areas are fine and there are plenty of park areas that are not near housing and do not affect the residents.

The Dutch Quarter Association (DQA)

The DQA has raised an objection to this application on the following grounds:

The noise from generators, music and crowds will subject nearby households to an unacceptable level of disturbance for a period of six weeks. This is evidenced from other proposals, namely:

- The ice rink in York was forced to move to a location away from the City centre because of complaints from the nearby Crown Court that the associated noise was disrupting its operation.
- An attempt to relocate the ice rink in Cambridge to Christ's Pieces was scrapped because the City Council backed the residents' opposition on the grounds of noise and damage to the location.

There will be disruption to residents from construction and service vehicles as well as the abuse by visitors of residents parking and the infringement of yellow line restrictions. There is no provision for the enforcement of parking regulations in the evenings.

The DQA also raise objection on the grounds of the archaeological sensitivity of the site and the adverse effect on the natural habitat because of noise and light pollution.

The proposed ice rink should be at the Community Stadium or a similar location. Besides being far from residential areas the Stadium benefits from adequate parking and could also be served by the Park and Ride bus.

Roman and Castle Road Residents Association (RCRRA)

The RCRRA have made the following comments:

Environmental Protection

Many Castle Park events produce sound levels such that residents cannot escape them by closing all doors and windows. Under normal circumstances residents accept and tolerate this without complaint in the knowledge that the event will last for a few hours at most. The proposed Winter Wonderland event will however be playing amplified music twelve hours a day seven days a week for six weeks. The levels of sound pollution from park events which is routinely tolerated by neighbouring residents would very quickly become intolerable.

The permitted sound level at the boundaries should be set significantly lower than is normally allowed for park events and that this is monitored frequently throughout the entire period of operation to ensure that this level is not exceeded. There needs to be a system by which individual residents are able to directly contact a park ranger or other responsible persons, so that sound levels can be monitored immediately inside any property where noise intrusion is felt to be unacceptable by the occupants.

A similar event in the centre of York was refused permission this year because noise levels inside nearby buildings were deemed unacceptable at this event in 2014. If the Colchester Winter Wonderland event is to become an established part of Christmas celebrations in the centre of Colchester then effective control of sound levels will be crucial.

Deliveries

The applicant state that the use of a banksman will be part of the process of delivery and removal of materials used in the construction of this event and that no specific mention is made of the Castle and Roman Road access in this process. We ask however that if deliveries are made via Roman and Castle Road then the banksman will escort vehicles in and out of our streets to ensure that no damage occurs.

Parking Provision.

The Greyfriars public car park has its entrance in Castle Road and we have found in previous years that the increase in use of this car park during the Christmas shopping period results in occasions where queues form in the southern section of Castle Road and around the corner into Roman Road.

The Winter Wonderland event is likely to increase the popularity of this car park, because it is the nearest to the event and also the most convenient for traffic approaching from the east side of town. Since the changes made during the Review

of Parking in 2015 this southern section of Castle Road now has residents parking bays. This means that any queuing for this car park will immediately involve blocking the road and thereby making it impossible for any traffic (including emergency vehicles) to get in or out of Roman and Castle Road. This situation needs to be monitored (either by PCSOs or Parking attendants) throughout this Christmas period to ensure that any blockages are dealt with promptly.

7.2 150391 – Fairfield's Farm, Fordham Road, Wormingford

Comments received after 15th July 2015

- The Colne Stour Countryside Association (20th July 2015)
Stated that the amendments were not clear, also adding:
"Even with the revised layout, elevations and landscape mitigation proposals, the development would still amount to a large scale development in an inappropriate rural location. We must therefore stand by our previous objection of the 19th May 2015."

- Smart Planning - representing Dr Cowan (20th July 2015):

Voiced concern about lack of clarity within the amendments. Drawings are not to scale. Photomontages have not been updated, so how can the visual impact be assessed?

Asked whether the amended scheme could offer the same output;

Previous objections were re-iterated in terms of the sprawl of the development and setting of the Listed Building. Whilst it was acknowledged that improvements had been proposed, the development was still held to be unacceptable in terms of visual and residential amenity.

- Dr Cowan submitted a further objection (27th July 2015) regarding the lack of clarity and the reduced timescale available for comment on the latest amendments, claiming that the recommendation is pre-determined and that any comments made would not be taken in to account.

It was also pointed out that extra planting was now being proposed, whereas the development had already been described as being acceptable. Concerns were raised over the setting of listed buildings.

Concern was also raised that the recommendation had been reached via negotiation.

- Mr Durlacher of Archendines Farm, Fordham (4th July 2015) re-iterated his objection in terms of odour nuisance, increased traffic and pollution to farmland and wildlife.
- Mrs Gladwell of Main Road, Wormingford placed a new objection, voicing the same concerns as above, adding concerns about visual amenity and stating: "the cultivation of maize crops has a well-documented impact on soil erosion and run off."

- Mr Fenn, of Main Road Wormingford (27th July 2015) expressed his disappointment that approval had been recommended and re-iterated his previous objection.

Mr Fenn then sent a further letter (28th July 2015) stating concern at the amount of amendments. This also asked how the members of the Committee would be chosen and asked whether those associated with the applicant would need to disclose any conflict of interest.

- A letter of support was received from a Mr Andrews, also of Main Road, Wormingford, speaking in favour of agricultural diversification and stating that farm vehicle movements already existed. He also spoke of the positives for biodiversity.
- A three page letter from the applicant, addressed to Members of the Planning Committee, was delivered to this office on 27th July 2015 and forwarded to Members. This letter explained the background to the application, clarified issues around odour and listed the proposed benefits including reduced traffic and educational resource (this last point to be secured by condition).

The full text of all these representations is available to view on the Council's website.

Officer's Response:

- Fourteen days to respond to amendments is the standard timescale. At the time of writing (Wednesday 29th July 2015) sixteen days had elapsed and all comments received have been assessed and reported here.

Regarding the concern that the consultation period overlapped with the writing of the Committee report and that the recommendation was therefore "pre-determined", the only change from the previous submission was that the proposed buildings have been lowered, including the removal of a dome. Therefore, objectors cannot claim to have been disadvantaged as the only changes have been in response to, and in support of, the objections. The substantive matters at hand are as before.

- The matter which has arisen as a result of the amendments is the question as to whether the scheme would be as productive/still viable given that the tanks are to be reduced. The applicant has responded as follows:

"The larger tank will operate as digester within a digester. It will be sunk further into the ground, but will not alter its original output in terms of digesting feedstock material. The smaller tank will act as the gas store, which is adequate for the plant. This is instead of having the gas store on the roof which makes it higher. The same production / output figures apply as per the previous designs, this has not altered, it is just an alternative technology provider's means of producing the same gas output. It will not increase or decrease the amount of feedstock being brought in. The only impact of lowering the height of these tanks on the project is, an improvement in terms of visual impact."

- The contention that the drawings are unclear is noted, and partially accepted.

Whilst the heights are not explicitly stated, they can be calibrated with the information provided (e.g. the digester is shown as being two metres below ground, therefore it can be deduced that it is six metres above ground). It is also clear from the amendments that the digesters have been reduced in height and nothing else has changed.

However, for the avoidance of any doubt, the height of each building/structure is to be categorically spelled out (as it is in the Committee report) and contained within a very specific, detailed condition (below).

- The points raised about further landscape mitigation confuse the two matters of the wider landscape and the setting of nearby listed buildings. Our Landscape Planner was already supportive of the scheme as it stood, however our Historic Buildings & Areas Officer still raised concerns about the setting of the Grade II* Jenkins Farmhouse. Thus, as things stood prior to the amendments, the landscape impact was acceptable, but the impact on the listed building was not.

The amendments, including the copse to the north and the woodland belt planting across the road from Jenkins help to preserve and enhance the setting of that building as it will not be read alongside the development.

- Regarding the point raised about a decision being reached via negotiation, it is the job of your Officers to negotiate matters to their logical conclusion – be it in terms of approving or refusing a scheme.
- In terms of the questions raised about Committee Members, all Members are required to declare interests (pecuniary or otherwise) prior to the discussion of any item.

Correction/Clarification

- i) Paragraph 4.5 of the Committee report describes the diameter of the two digester units as being 26 and 28 metres. The latter, whilst having an inner tank of 28 metres, actually has a total diameter of 38 metres. This is clearly illustrated on the submitted drawings.
- ii) The applicant has clarified that the height of the smaller digester/gas-store domed building is between 6.75 and 7 metres (this had not been explicitly stated in the Committee report).

Extra Conditions

- 16) Prior to the development hereby permitted becoming operational, the applicant shall provide, to the satisfaction of the local planning authority, details of the proposed dampened reversing alarm for the hopper feeder. Such measures shall be implemented prior to the development becoming operational and shall be retained at all times thereafter.
Reason: In the interests of residential amenity as this element is likely to be in use every day.
- 17) The heights of the proposed buildings/apparatus shall not exceed those confirmed by the applicant in his email of 28th July 2015, unless agreed in writing by the local planning authority, namely:

Flat roof digester (6 metres); small gas holding tank (7 metres); silage clamps (4 metres); feeder tank/hopper (4.5 metres); flare 8.3 metres (including a 300mm concrete plinth); surface water tank (6 metres); separator and digester (5.5 metres); gas upgrader (3.9 metres at eaves, 4.9 metres at apex); diesel tank (1.85 metres); carbon filter (3 metres); back-up generator (3 metres); CHP exhaust stack 10 metres; LV distribution, national grid compound and switching compound (2.5 metres); compressor (2.7 metres); GEU Unit (2.5 metres); propane storage (2.5 metres); national grid switch (2.5 metres); reception tank (4 metres); control room (2.5 metres).

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of the visual amenity of the area.

- 18) Prior to the development hereby permitted coming in to operational use, the applicant shall provide details of proposed information boards to the satisfaction of the local planning authority. Such boards shall be in place prior to the development coming in to operational use and shall be in place at all times thereafter.

Reason: In the interests of furthering knowledge of climate change, agriculture and gas production as the applicant has offered this education resource as part of this development

7.3 150213 – Land west of 58 Queens Road, Wivenhoe

Delete conditions 13 and 24 as they are duplicated.

Add conditions

No works shall take place until details of surface water drainage and foul drainage have been submitted to and, approved in writing, by the Local Planning Authority. The dwelling shall not be occupied until the agreed methods of drainage have been fully installed and are available for use.

Reason To minimise the risk of flooding and to ensure an adequate and satisfactory means of foul drainage.

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first USE/OCCUPATION of the development and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

7.4 143704 – Rowhedge Business Park, Fingringhoe Road, Rowhedge

In paragraph 15.2 it is noted that the applicant has vacated the site to the south. Following a site visit on the 28th of July it was clear that whilst some plant has been moved to the site that is the subject of this application and part of the site nearest to the access with Rectory Road has been cleared, the majority of the site to the south is far from clear with plant, parts and a number of other items still on site.

In addition, some minor changes to the conditions are suggested.

Condition 1 shall include plan numbers 1011/04C and 1011/13.

Conditions 5, 8 and 11 and shall be reworded from 'prior to commencement' to within 2 months of the date of decision.

Condition 12 shall reworded to require all works to cease if contamination is found on site during the investigation required for the drafting of the report for condition 11. Work on site shall cease until condition 12 has been approved.

Condition 13 shall be reworded to require all works on site to cease until the remediation scheme approved in condition 12 is carried out in full.

7.5 150923 – 31 Marlowe Way, Colchester

Reference to a replacement dwelling within paragraph 16.1 is a typographical error and should be read as a proposed extension.

The proposed extension will provide for a larger bedroom with en-suite facilities on the first floor, reference to providing an additional bedroom within paragraph 4.1 is a typographical error.

It is worth noting the application has been subject to re-consultation due to amendments being submitted, an objection has been received from the residents at 29 Marlowe Way and Boyer Planning who has also submitted an objection upon their behalf following the re-consultation period. A general comment was received from the residents from 46 Marlowe Way during the first consultation period but comments have not been submitted for the amended plans.

The proposed first floor extension would match the width of the existing garage and porch on the first floor. Reference to the proposed first floor extension matching the width of the existing garage within paragraph 15.1 is a typographical error.