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Item No: 7.1

Application: 223045

Applicant: RMPA Services And MOD

Agent: Mrs Rebecca Howard

Proposal: 2 no. Chinook simulators proposed for training purposes.
Resubmission of 222000

Location: Garrison Building L03, R M P Barracks, Circular Road West,
Colchester, CO2 7NZ

Ward: Berechurch

Officer: John Miles

Recommendation: Approval, subject to conditions.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Harris for the following reason:

Local people in Henry Everett Grove and nearby roads have read the document which gives no info of how loud this will be, and indeed the papers seem to give little assurance at restricted times of day or night

To approve this there needs to be answers on how the noise control can be controlled and ways of monitoring disruption to houses near the site.

*Written assurances are needed for all these residents on non operational hours
Call in is in response to calls by residents of the local neighbour association and individual members of Henry Everett Grove.*

2.0 Synopsis

- 2.1 The key issue for consideration is potential impacts on neighbouring amenity from the development proposed.
- 2.1 For the reasons outlined in the main body of the report it is concluded that, subject to the imposition of appropriately worded conditions, the amenity of the surrounding area can be suitably preserved, and neighbouring amenity protected. The proposals are also not considered to give rise to any concerns with regard to other wider material planning considerations.
- 2.2 The application is subsequently recommended for approval, subject to conditions.

3.0 Site Description and Context

- 3.1 The application site forms part of the Merville Barracks site, which is under active MOD use. The nearest residential properties to the application site are those on Monkwick Avenue to the east and those on Henry Everett Grove to the south. There are existing MOD buildings beyond the south and west of the proposed location of the simulators and an earth bund to the east.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for two Chinook simulators to be used by military personnel. The information supporting the application advises that the simulators will provide the means to practice, develop and validate low level air skills, mounting/dismounting vehicles, securing vehicles/kit and personnel in a safe and controlled environment. The simulators do not have engines or rotors that would be found in actual aircraft, instead they are formed from replica fuselages, which operate on a hydraulic system.

5.0 Land Use Allocation

- 5.1 Unallocated (active MOD use).

6.0 Relevant Planning History

- 6.1 Of most relevance is application 222000. This application also sought permission for two simulators on the same site. This application was refused on the basis that the proposed simulators were anticipated to give rise to significant adverse impacts to neighbouring amenity as a result of noise and disturbance associated with their proposed operation.
- 6.2 Since this previous application it is however important to note that the proposals have been amended with a view to overcome the concerns previously raised. Most notably, while the chinook simulators previously included a speaker system which would replicate the noise of the actual aircraft and wider environmental conditions, the speaker system has now been removed. Detailed acoustic modelling has also been undertaken in respect of the proposals as revised under this application.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 Local Plan 2017-2033 Section 1
The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:
- SP1 Presumption in Favour of Sustainable Development
 - SP7 Place Shaping Principles
- 7.3 Local Plan 2017-2033 Section 2
Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:
- ENV1 Environment
 - ENV5 Pollution and Contaminated Land
 - DM15 Design and Amenity
 - DM16 Historic Environment
 - DM22 Parking
 - DM23 Flood Risk and Water Management
- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
EPOA Vehicle Parking Standards

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

Archaeological Advisor: No archaeological issues.

Contaminated Land Officer: No objections.

Environmental Protection: No objections – conditions covering noise levels and hours of operation recommended.

9.0 Parish Council Response

9.1 The site is non-parished.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Consultation exercises have resulted in two objections, from two local residents. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- Concerns about proximity to residential dwellings
- Potential for noise and disturbance
- Impacts on wildlife
- Potential for the speakers to be installed after planning is granted

11.0 Parking Provision

11.1 The proposal is not considered to have a material impact on existing parking provisions or the demand for such.

12.0 Accessibility and Equality Duties

12.1 It has been identified in representations received that were the proposed development to result in noise pollution, local residents with an identified protected characteristic may suffer specific disadvantage as a result of their identified disability and subsequent heightened sensitivity to sources of noise and disturbance. A standalone Equality Impact Assessment [EQIA] has been undertaken and is held on the planning file.

12.2 It is the conclusions of this assessment that subject to the imposition of a condition which imposes limits that the development hereby approved shall not exceed 0dB above background noise levels at the boundary with noise sensitive premises the Council can suitably discharge their duties under the Equality Act.

12.3 Specifically, it is concluded that the action proposed to be taken by the Council removes potential disadvantages suffered by people due to their protected characteristics, as with the imposition of the condition outlined no discernible sound from the development is permitted at the boundaries with neighbouring dwellings. This is considered to provide the necessary security that the development (if approved) would not have an adverse impact on neighbouring

amenity, regardless of whether a resident is particularly sensitive to sources of noise or disturbance owing to an identified protected characteristic.

12.4 The proposal is also not considered to present further conflict with any other arms of the Public Sector Equality Duty.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area (AQMA) and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Impacts on Neighbouring Properties
- Design
- Other Matters

Principle

16.2 There is policy support for development that promotes public safety and supports wider security and public defence operations, including under Paragraph 97 of the National Planning Policy Framework [NPPF] (2021).

16.3 In this instance the site is an operational MOD site and the proposed development is required in connection with these existing operations and is understood to be supportive of military training. The proposed development therefore receives in principle support.

Neighbouring Amenity

16.4 Paragraph 130 of the National Planning Policy Framework (2021) requires planning decisions to ensure development creates places with a high standard of amenity for existing and future users, while Paragraph 185 further requires planning policies and decisions to ensure that new development is appropriate for its location taking into account likely effects and potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new

development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 16.5 Section 2 Policy DM15 states that all development must be designed to a high standard and protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Section 1 Policy SP7 echoes these sentiments, requiring all development to protect the amenity of existing and future residents, including with regard to noise and vibration.
- 16.6 In this instance the site is an operational MOD site, however as discussed there are residential properties in the area, including those along Monkwick Avenue to the east and Henry Everett Grove to the south. The nearest residential properties on Monkwick Avenue and Henry Everett Grove are respectively approximately 70m and 200m from the proposed location of the simulators. Particular attention therefore needs to be paid to ensuring that any noise from the operations of the simulators is not detrimental to the amenity of neighbouring properties.
- 16.7 In this regard, it is important to note that a previous application was refused for simulators on the site, owing to concerns about potential adverse impacts to the amenity of neighbours. Since this previous application the proposals have however been revised with a view to overcome the concerns previously raised. Most notably while the chinook simulators previously included a speaker system which would replicate the noise of the actual aircraft and wider environmental conditions, the speaker system has now been removed. Detailed acoustic modelling has also been undertaken in respect of the proposals as revised under this application.
- 16.8 The submitted noise reports outlines that the noise from the simulators will be generally constant, although levels may vary slightly throughout the simulator's different phases of use. Importantly however noise levels are predicted to be below background noise levels at the boundaries with residential properties, meaning existing established background sound levels are not expected to be exceeded by the development.
- 16.9 The acoustic modelling undertaken predicts that between the hours of 07:30 and 18:00 noise levels from the simulators at the boundary with residential properties on Monkwick Avenue and Henry Everett Grove would be 10dB and 4db **below** background noise levels. During the proposed evening use (18:00-23:00) the simulators are expected to generate noise 7dB and 1dB **below** the background noise levels at the boundary with residential properties on Monkwick Avenue and Henry Everett Grove, respectively.
- 16.10 For comparison the acoustic modelling for the scheme previously proposed and refused (which included the use of speakers) predicted noise levels at the boundary of neighbouring residential properties would be **above** background noise levels.
- 16.11 The acoustic assessment submitted under this current application has been scrutinised by Environmental Protection and no objections have been raised

to its proposed methodologies or conclusions. At the sounds levels predicted - all of which are below background noise levels at the boundary with noise sensitive premises – it is considered the proposed development would operate without any material harm to the amenity of the area, including in terms of the amenity of neighbours.

- 16.12 To provide certainty that the proposed development operates as predicted and without detriment to neighbouring amenity, a condition is recommended specifying that the noise emitted from the simulators shall not at any time exceed 0dBA above the background noise levels determined at all boundaries near to noise-sensitive premises (i.e. it shall not be detectable).
- 16.13 A conditions is also recommended restricting the hours of operation to those applied for (and for which acoustic modelling has been undertaken), in addition to a further condition explicitly prohibiting the installation of speakers and/or the use of amplified sound in connection with the simulators.
- 16.14 The proposal also does not give rise to any concerns from a loss of light or overlooking perspective, taking into account the limited size of the proposed simulators and distance from neighbouring dwellings.
- 16.15 In conclusion, subject to the imposition of the abovementioned conditions the proposal is considered acceptable from a neighbouring amenity perspective with no material impacts to neighbouring amenity expected, including in terms of noise or other disturbance. At the noise levels predicted there are also no concerns the proposed development will result in material harm to the amenity of the area more widely from a noise or disturbance perspective.

Design

- 16.16 The NPPF and the Planning Practice Guidance recognise the importance of good design, with specifically paragraph 130 of the NPPF requiring planning decisions to ensure development is visually attractive as a result of good architecture. Paragraph 126 states that the creation of high quality and beautiful buildings and places are both fundamental to what the planning and development process should achieve.
- 16.17 Colchester Borough Local Plan 2013-2033 Section 1 Policy SP 7 requires all development to meet high standards of urban and architectural design, respond positively to local character and enhance the quality of existing places. Section 2 Local Plan Policy DM15 requires development to be designed to a high standard, respond positively to the context and achieve good standards of amenity.
- 16.18 The simulators have a utilitarian appearance, although this is to be expected taking into account their functional and relatively temporary nature. They would be visually well contained within the site and, where visible, would be viewed in conjunction with the wider military complex. In this context the

development is considered acceptable in design terms and would not result in any material harm to the character and appearance of the wider area.

Other Matters

- 16.19 As discussed, the site is on an existing operational military site and while the proposal would potentially increase the number of vehicle movements to and from the site as a result of the increased training operations located there, it is considered very unlikely any increase would be material such that it posed any issues from a highway safety or capacity perspective, particularly given the size of the current site. No new means of access are proposed and ample on site vehicle parking would be retained.
- 16.20 The proposal has been assessed in line with the NPPF and Natural England Standing Advice. The site is not considered to encompass suitable habitat for protected species, nor is the proposal considered likely to have a material impact upon protected species, or ecology more widely. The proposal is therefore considered acceptable in this regard.
- 16.21 The site is in flood zone one (at a low risk of flooding) and the proposed simulators would be sited on existing hard surfaces. The proposal therefore does not give rise to any concerns from a flood risk perspective.
- 16.22 Finally, in terms of other material planning considerations (e.g. damage to trees, contaminated land, archaeology etc.) the proposed development does not raise any concerns.

17.0 Planning Balance and Conclusion

- 17.1 The proposed development will bring clear social benefits in terms of supporting the MOD's existing operations on the site and the MOD's wider military operations. These benefits are afforded weight in the planning balance. For the reasons outlined above, subject to conditions to provide necessary certainty and control on noise levels, it is also considered it can be ensured the proposed development can take place without resulting harm to neighbouring amenity. In the absence of harm in respect of other relevant material planning consideration officers conclude that the planning balance tips towards an approval in this instance and a conditional approval is therefore the recommendation put forward to members.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers CHRTRA-IWD-XX-XX-DR-E-5100 P02, CHRTRA-IWD-XX-XX-DR-E-5101 P03 and CHRTRA-IWD-XX-XX-DR-E-5004 P01.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Noise levels

The rating level of noise emitted from the hereby approved simulators shall not at any time exceed 0dBA above the background noise levels determined at all boundaries near to noise-sensitive premises.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

4. Speakers and Amplified Sound

For the avoidance of doubt at no time shall speaker(s) be installed, or amplified sound used, in connection with the development hereby approved. Reason: For the avoidance of doubt, to ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

5. Hours of Operations

The development hereby permitted shall not OPERATE outside of the following times:

Weekdays: 07:30-23:00

Saturdays: 07:30-23:00

Sundays and Public Holidays: 07:30-23:00

Reason: As this is the basis on which the application has been considered, and in the absence of evidence to the contrary, it cannot be concluded that the development operating outside these hours would not be detrimental to the amenity of the area and/or nearby residents by reason of undue noise.

19.1 Informatives

19.1 The following informatives are also recommended:

ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester City Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.