

Planning Committee

Town Hall, Colchester
4 November 2010 at 6.00pm

This committee deals with

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

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Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

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Material Planning Considerations

The following are issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
4 November 2010 at 6:00pm**

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Andrew Ellis, Stephen Ford, Philip Oxford,
Peter Chillingworth, Helen Chuah, John Elliott,
Jackie Maclean, Jon Manning, Ann Quarrie and Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Mary Blandon, John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope, Wyn Foster, Bill Frame, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Beverley Oxford, Gerard Oxford, Lesley Scott-Boutell, Paul Smith, Terry Sutton, Jill Tod, Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

3. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting held on 31 October 2010 will be submitted to the next meeting on 18 November 2010.

7. Planning Applications

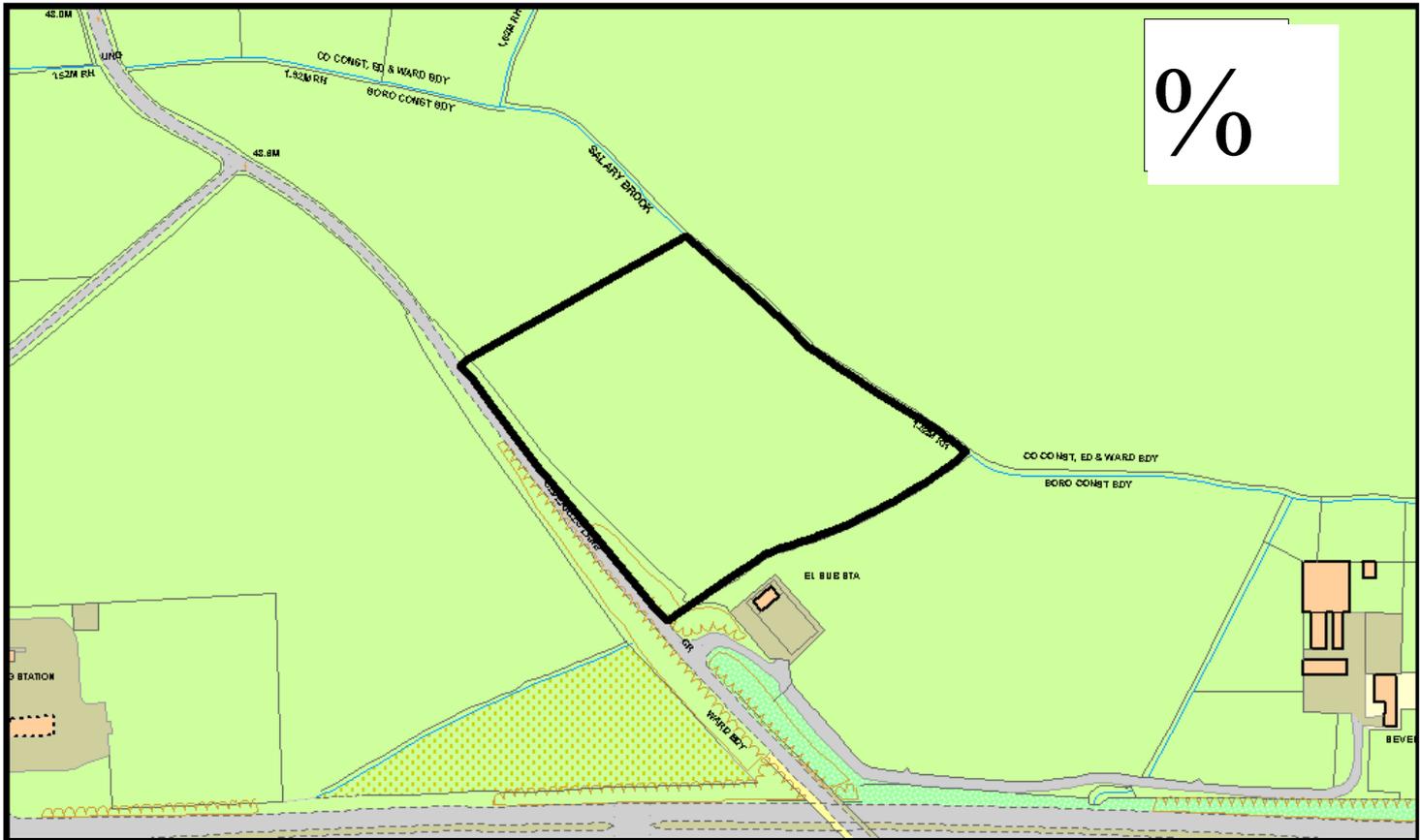
1. 101761 Land North of Electricity Sub Station, Severalls Lane,
Colchester
(Highwoods)

1 - 18

Renewal of permission F/COL/05/2085 for a new travellers site comprising 1 site office, 12 amenity blocks (lounge, kitchen and bathroom), new access road from Severalls Lane East, internal roads and footpaths, site fencing, services, foul and surface water drainage, hard and soft landscaping and play area.

8. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



Application No: 101761
Location: Land north of Electricity Sub Station, Severalls Lane, Colchester
Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **4 November 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

7.1 Case Officer: David Whybrow

EXPIRY DATE: 18/11/2010

MAJOR

Site: Land North of Electricity Sub Station, Severalls Lane, Colchester

Application No: 101761

Date Received: 19 August 2010

Agent: Mr Andrew Yelland

Applicant: Mr Stephen Andrews

Development: Renewal of permission F/COL/05/2085 for a new travellers site comprising 1 site office, 12 amenity blocks (lounge, kitchen & bathroom) new access road from Severalls Lane East, internal roads and footpaths, site fencing, services, foul and surface water drainage, hard and soft landscaping and play area

Ward: Highwoods

Summary of Recommendation: Conditional Approval subject to receiving confirmation from Natural England/Essex Naturalists Trust and the Environment Agency that their concerns have been satisfactorily addressed by the submission of additional information

1.0 Planning Report Introduction/Synopsis

1.1 This application, registered on 19 August 2010, has been submitted to extend and replace previous full planning permission, ref: F/COL/05/2085, which expired on 23 August 2010. For Members' information, before the expiration date, all pre-commencement conditions had been discharged in respect of the earlier application.

1.2 The application has attracted a large number of representations and these along with the up-dated views of the relevant consultees, will be considered in the following report. The transition from the policies of the former County Structure Plans and Approved Borough Local Plan to those of the Local Development Framework (LDF) will also be taken into account.

2.0 Description of Proposal

2.1 This is an identical application to that previously approved and its main features are:-

1. Site office of 7m x 2.4m dimensions and brick and tile construction sited close to site access.
2. 12 amenity units consisting of lounge, kitchen and bathroom in 6 semi-detached blocks, 12.8m x 5.7m, finished in either brick or timber boarding and slate or tiled roofs.
3. Each plot includes a paved driveway, caravan parking area (providing bedroom accommodation) and amenity space.
4. New access road in north west part of the site with internal loop road and turning areas.
5. Central children's play area.
6. Hard and soft landscaping within site and woodland planting, including earth bunding to north and west.
7. Foul and surface water drainage system.

2.2 The application as originally submitted included an Ecology Survey and Report, Road Safety Audit, Landscaping Proposals and Site Management Report. Additional information submitted later included further ecology reports and a Feasibility Statement accompanied by the document "Travellers Site Relocation" which accompanied the initial public consultation in June/July 2004, as justification for the site selection process.

2.3 Members will recall that the original consultation exercise was a response to the loss of traditional stopping places for Travellers and the closure of the Hythe site, together with a desire to adopt a "firm and fair" policy on Travellers issues. A shortlist of sites was identified by a team of independent experts, based on the following 7 criteria:-

1. Ease of acquisition.
2. Notional costings.
3. Satisfaction of identified need.
4. Impact on amenity of existing residents.
5. Impact on gypsy/travellers residents' amenity.
6. Level of obtrusiveness.
7. Site appraisal/description.

2.4 The consultation exercise considered numerous site options which finally produced a shortlist of 3 sites having regard to Development Plan policies and national and regional plan requirements applicable at that time. That shortlist was finally whittled down to the present application site.

- 2.5 This is a site of 2.6 ha which lies on the eastern side of Severalls Lane, north of where it crosses the A12 trunk road and north of an electricity sub-station. The land is rough grassland which for planning purposes is regarded agricultural. The site is surrounded by farmland and good mixed, native hedgerows enclose its south, east and west boundaries. The southern boundary alongside the electricity substation includes a number of mature trees.
- 2.6 The Severalls Lane frontage is embanked as the highway rises up to the south towards the A12 crossing. This embankment contains dense vegetation.
- 2.7 Members will be aware that since the granting of the first planning application extensive works have commenced and are carrying on in pursuance of the A12 junction works to the west of the site. There has also been continuing residential development in the Severalls Lane area, notably the flats and business units at Cuckoo Point.

3.0 Land Use Allocation

- 3.1 Rural - no notation
Archaeological Area 02

4.0 Relevant Planning History

- 4.1 F/COL/05/2085 - New Travellers site comprising 1 site office, 12 amenity blocks (lounge, kitchen & bathroom) new access road from Severalls Lane East, internal roads and footpaths, site fencing, services, foul and surface water drainage, hard and soft landscaping and play area - Approved 23 August 2007

5.0 Principal Policies

- 5.1 Adopted Core Strategy
H5 - Gypsies, Travellers etc
UR2 - Built Design and Character
ENV1 - Environment
TA1 & TA2 - Access, Accessibility; walking and cycling
- 5.2 Development Policies DPD
DP1 - Design and Amenity
DP17 & DP19 - Accessibility and Access; parking standards
DP20 - Flood Risk and Management of Surface Water Drainage
- 5.3 Site Allocations DPD
SAH2- Gypsy and traveller accommodation
- 5.4 Circular 1/2006 - Planning for Gypsy and Travellers Caravan Sites.

6.0 Consultations

- 6.1 The matter has been considered by the Corporate Development Team who raised no objections and confirmed the proposals were in conformity with the LDF site allocations and development policies DPD.

- 6.2 The Planning Policy team confirm that despite a number of changes in national and local policies since the original consent was granted this application accords with adopted Core Strategy policy H5. It also conforms with Policy H2 in the recently adopted Site Allocations DPD in which 30 pitches are allocated for Gypsy and Traveller accommodation across the Borough, including the 12 pitches here. The Inspector's report confirmed he was satisfied with this provision.
- 6.3 Environmental Policy team's comments are crucial to the determination of this application and are therefore reproduced in full below:-

“Since the approval of application F/COL/05/2085 there have been a number of changes in national and local policies.

Colchester's Core Strategy was adopted in December 2008 and includes a policy on Gypsy and Traveller Accommodation. In seeking suitable locations for Gypsy and Traveller accommodation Core Strategy Policy H5 sets out that the Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. The application site is located outside the settlement boundary but is within reasonable proximity to the main urban area of Colchester as required by Policy H5. The residents would have reasonable access to shops, schools and other community facilities in the town. Policy H5 also requires the provision of adequate space for vehicles and appropriate highway access which appears to be incorporated into the site design. The site is also specifically identified in Adopted Core Strategy Policy H5 which states that a suitable site for Gypsies and Travellers is being provided in Severalls Lane.

Colchester's Site Allocations DPD was adopted by the Council on 13 October 2010 following public examination in the early part of 2010. During the course of the examination the East of England Plan was revoked by the Secretary of State on the 6 July 2010. As the revocation of the RSS occurred whilst the examination of Colchester's Site Allocations DPD was still on-going, the revocation of the plan was taken into account and minor changes were proposed to the Gypsy and Traveller section to reflect the change in circumstances. The revised text recognizes that although the East of England Plan has now been revoked the evidence behind the Plan and the Single Issue Review remain as relevant guidance. The final policy therefore allocates sites to provide 30 pitches for Gypsy and Traveller accommodation in the borough including the site at Severalls Lane, Colchester. The allocated sites are identified in Policy SA H2 of the Site Allocations DPD and shown on the LDF Proposals Map. The site at Severalls Lane is allocated as suitable for 12 pitches.

The Inspector's binding report was received on 27 September 2010. In the report the Inspector states that he is “*satisfied that the document makes adequate provision at the present time for sites for Gypsies and Travellers in policy H2*”.

The Development Policies DPD was also adopted by the Council on 13 October 2010. Policy DP1 (Design and Amenity) requires all development to be designed to a high standard. Guidance on the design and layout of Gypsy and Traveller sites is contained in the Communities and Local Government Good Practice Guide on ‘*Designing Gypsy and Traveller Sites*’ (May 2008). The Good Practice Guide includes the previously approved application on the Severalls Lane site as an example of good practice in site design.

The Severalls Lane site is formally allocated for Gypsy and Traveller accommodation in the Site Allocations DPD. The ‘Assessment of Open Countryside between Settlements in Colchester’ report (2009) found that the vegetation on the North and East sides of the application site is particularly significant in avoiding visual intrusion. It will therefore be important that this screening is maintained or similar mitigating measures provided.

DC0901MW 01/02

The intention to provide Gypsy and Traveller Accommodation at Severalls Lane is well established in development plan policy. The site is formally designated for Gypsy and Traveller accommodation by Site Allocations Policy SA H2. Planning Policy recommend approval.”

- 6.4 The Landscape Policy Officer is satisfied with the landscape content of the proposal and recommends approval subject to the conditions previously applied.
- 6.5 Environmental Control wished to ensure that the Environment Agency was consulted regarding treatment/management of foul and surface water drainage (see below).

They also note that management of the site should be subject to the terms and conditions of the ECC licence issued in accordance with the Caravan Sites Act and go on to recommend conditions in respect of contaminated land, lighting, site boundary noise levels and sound insulation of any external plant, equipment and machinery.

- 6.6 The Environment Agency objected to the proposal as originally submitted insofar as the submitted Flood Risk Assessment, FRA, did not comply with current guidance in PPS25 on assessing surface water flood risk issues. An amended FRA has now been submitted incorporating the following findings and recommendations:-

Findings

- The development is located in Flood Zone 1, ‘a zone defined as having a low annual probability of flooding’ and therefore unaffected by either fluvial or tidal flooding via the nearby watercourse (Salary Brook).
- The site does not appear to be significantly affected by fluvial or surface water flooding from storms with a return period of 1 in 75, or 1 in 100 years. Modelling indicates that a 1 in 1,000 year storm event could negatively affect the southern and eastern aspects of the site.
- Searches indicate that there is negligible probability of flooding from groundwater.
- The site is supported by good road infrastructure, which provides excellent opportunities for safe access and egress.

Risk Assessment

- There is no rise of direct inundation via the Salary Brook, which runs adjacent to the site’s northern boundary and very little risk of surface water flooding via the adjacent highway or drain infrastructure.
- The proposed development will reduce overall permeability of the site, however the prevailing ground conditions are already relatively poor due to the cohesive nature of the underlying clay soils. While infiltration techniques such as soakaways, would not be capable of managing the surface water discharge from the site, a combination of Swale and Detention Basis have been used to reduce post development discharges to a minimum.

Recommendations

- Based on the extremely low risk of flooding no further investigations are deemed necessary and no flood proofing or mitigation measures are indicated. Based on our detailed micro-drainage modelling we would recommend that the development’s future surface water discharge is managed via a swale and detention basin, with a total capacity of 372m³. A flow control will also be required to reduce the site’s range of discharge to 4.0l/s.”

Any further response by the Agency will be reported at the meeting. In the event that planning permission is granted a further condition is recommended regarding foul water drainage.

6.7 The Highway Authority raise no objection to the proposal and recommend conditions relating to the specifications of the access road and visibility splays, the gradient of the access/egress and associated footway works.

6.8 The Ramblers Association comment as follows:-

“Walking lines from the new housing along Mill Road to the open countryside are currently very difficult with the A12 forming an impenetrable block and the provision of the footway along part of Severalls Lane will be a boon. How much better if it could be extended by a creation either alongside the site and through to Runkin’s Corner or continuing along Severalls Lane to its straighter section from Langham Lane. This would enable easier progress between Public Rights of Way Langham 45, Boxted 38 and Myland 69.”

6.9 Natural England recommends that any permission is withheld on the basis that there is a reasonable likelihood that legally protected species may be present and adversely affected by the development. In particular they note that the application includes ecological survey information for bats and great crested newts informed by surveys undertaken more than 4 years previously. In addition water voles and otters have recently been reported in the Salary Brook area. The agent has been requested to furnish updated reports and any further response by Natural England will be reported at the meeting.

7.0 Parish Council Response

7.1 Myland Parish Council have commented at length on the application. Their views may be summarised as follows:-

- Myland Parish Council is strongly opposed to the application. Considerable changes have taken place in residential and business development close to the site, in weight of traffic and bus usage of Severalls lane and in national policy reform proposals.
- The proposal is for permanent development on visually exposed greenfield land, physically divorced from the built up area of Colchester where it would introduce sporadic urban sprawl in an incremental and unplanned way.
- The site is within metres of major recent residential and business development.
- Travellers sites should not be located close to areas of high population density especially where new housing having a young population profile creates an unsustainable pressure on local school provision.
- Conflict with current and emerging policies due to potential pollution, development out of character with rural surroundings, poor accessibility, detriment to local ecology and rural resources and adverse effect on adjoining flagship Business Park.
- Will increase the perceived fear of crime.

- Following the revocation of Regional Strategies local authorities are responsible for determining the right level of site provision in their area, reflecting local need and historic demand.

7.2 Boxted Parish Council also object and recommend refusal. They offer the following observations:-

- There have been no changes since the granting of the original permission which would make the application any less inappropriate and if anything the provision of school places has become more of a problem with the extent of new housebuilding in the locality. The problems of safe pedestrian and cycle access also remain unresolved.
- The access will be dangerous and recent and probable future changes to the use of Severalls Lane due to the stadium, new housing, park and ride etc have rendered the 2005 traffic impact assessment obsolete. The new A12 junction will increase use of the road as access to the junction.
- The only material change in circumstances is that there are no longer regional targets requiring Essex County Council to provide a travellers site in the area.
- The Parish Council remain concerned at a danger of planning “creep” to the north of the A12.

7.3 Langham Parish Council also maintain their objection to the development and consider it conflicts with policies relating to: protection of rural character, ecology and agricultural land; pollution of land, water and natural resources; accessibility by pedestrians, cyclists and public transport; flood risk; local employment at Severalls Business Park and other rural businesses and education.

In summary the Parish Council considers that the site represents an unsuitable location for a travellers site, that the associated site selection process was fundamentally flawed and that major recent changes in local residential and business developments, weight of traffic and national planning policy reforms have all added to its unsuitability since the original application was submitted. Should the Borough be minded to support this proposal they request that the matter be called in for consideration at a public inquiry in order that the validity of the site selection exercise be fully scrutinised and the merits or otherwise of the site and possible alternatives be considered.

8.0 Other Representations Received

8.1 Councillor Anne Turrell’s comments are set out in full below:-

“I wish to lodge my objection to the renewal of the planning application for a travellers site on Severalls Lane, Highwoods, Colchester.

Since this application was first agreed 5 years ago much of CBC planning policy and the actual area around the proposed site has changed.

The original policy called for a site with access to local facilities such as schools, doctors etc. The situation in this part of Colchester has become much worse and we now do not have any space in either Primary Schools or Secondary Schools for the children who already live in the area for example. Local shops and facilities are no closer than they were 5 years ago but the population close to the site has increased by 100%. I say that

because a new housing estate has now been built a few yards away from the proposed travellers site.

Severalls Lane is now a very busy road and can hardly cope with the increase in traffic already using the road, so a travellers site with the extra vehicles and their caravans using the road regularly will only add to the already congested and dangerous situation.

This part of Colchester has already experienced massive growth and that growth is unsustainable, more housing (travellers site) should not be imposed on this area. As I said above the facilities in the local area can hardly cope with those already living in the area.

A travellers site needs access to the major routes, in order for anyone using the site to get to it from the major route the A12, they will have to travel through one of the most congested areas of Colchester, the site needs to be much closer to the A12, with direct access to the A12.

If Colchester needs a travellers site then this is one of the worst sites that could have been chosen for the reasons explained above.

I urge the planners to look carefully at the new planning policies, and the Highway Authority should look at the traffic impact such a site will generate before this application is decided.”

8.2 Councillor Garnett comments as follows:-

“I have received adverse comments on the fresh proposal for a Travellers Site, off Severalls Lane from my own constituents and those in the neighbouring wards of Highwoods, Boxted and Myland.

- a) The principal objections revolve around the lack of an adequate footpath and cycleway between the existing routes and this new extension.
- b) It is difficult to see how suitable sight lines can be incorporated into the entrance/exit from this site.
- c) Severalls Lane is now a bus lane for the circular route, Colchester, Ardleigh, Dedham, Langham, Colchester and is becoming increasingly unsafe, especially first thing in the morning and at 4pm daily when work ends, due to large traffic jams from Severalls Industrial Estate onto the Old Ipswich Road.
- d) The site is now closely overlooked by 174 flats which have been built since the original permission was granted. The local schools and surgeries are now full. Any permission should include a S106 using S106 Agreement monies to build a larger school in one of the neighbouring villages.
- e) Access onto the A12 is increasingly difficult and the new junction will do little to help travellers leaving this site.
- f) Strong conditions would be required preventing the poisoning of the Black Brook being a principal feeder into the Ardleigh Reservoir. See Colchester Borough Council's costs for clearing the site after the travellers had pitched on an adjacent site for 3 days, dumping rubbish in the Black Brook.
- g) Development of this site will remove an important open space between the Borough and its neighbouring villages. This greenfield site is north of the A12 and should be preserved.”

8.3 In excess of 1075 letters have been received in “standard” format, including versions by Highwoods Independent Group and Mile End Liberal Democrats. Many of these are signed by 2 or more householders. As a foreword these state:-

“Essex County Council has lodged a fresh application based on the same documentation as last time but the situation has changed considerably in the past three years in that the new national coalition has scrapped all regional targets for pitches – this means the decision to proceed is purely a local one. Councillor Jowers (ECC) stated in the press that this site was selected because it wasn’t close to anybody. This is far from the truth. North Colchester is the most densely populated area of the Borough with residential properties within metres of the proposed site. In addition the flagship Colchester Business Park, the largest in the Borough, is also metres away and they are concerned about the adverse impact on their businesses.”

8.4 They go on to draw attention to policies considered to be breached by the proposals i.e.

- a) ARCBLP DC1 (General Development Control principles)
Pollution to land, water and natural resources; out of keeping with rural character of the area; lack of facilities for cyclists or pedestrians; limited public transport, road network cannot safely accommodate the extra traffic generated; degradation of ecological and rural resources; potential flood risk; adverse effect on local businesses (no longer applicable).
- b) ARCBLP CO1 (The Countryside)
Proposal fails to protect open countryside and agricultural land. (No longer applicable).
- c) ACS, TA2 (Walking and Cycling)
Does not promote walking and cycling as part of a sustainable transport approach. No cycle route is proposed.
- d) LDFDP DP8 (Agricultural Development and Diversification)
Proposal removes the land as agricultural land.
- e) DP17 (Accessibility and Access)
Insufficient priority given to pedestrians, cyclists and public transport; all the nearest primary schools to the site are full.

8.5 SUSTRANS, the sustainable transport charity, raise objection, as follows:-

“SUSTRANS objects to the application on the basis that it is outside the established settlement leading to virtually all journeys being made by car. There is no adequate infrastructure shown on the drawings for making safe and convenient journeys to school, shopping, leisure facilities and for other reasons by walking, cycling and public transport. The only provision shown is a short section of path at the entrance which does not connect with any path system within the site. Nor is there any means of connecting with the paths further east in Severalls Lane, thus reinforcing the fact that the only means of transport is the car. No travel plan is listed in the application.,

If, however, the Council is mindful to approve the application, Sustrans requests that proper facilities be provided for walking, cycling and links to public transport with a condition requiring the applicant to provide a shared, unsegregated foot/cycleway to the usual ECC standard from the site entrance to link with the similar path on the east side of the A12 bridge. For safety the 30mph speed limit should be extended at least to the western boundary of the site with a suitable gateway feature. The shared use path should extend to the western boundary for the National Cycle Network to continue off-road, facilitating an extension in due course to Langham Lane away from the busy Severalls Lane. Sustrans would be pleased to liaise further on these matters as part of our good relationship with the Highway Authority on cycling town and other cycling issues throughout the County.”

8.6 A further 63 letters, e-mails and on-line objections have been received from local businesses and residents from all the adjoining parishes including Myland, Langham and Boxted. Many raise the same issues as before. Additional concerns include:-

1. There is no longer a national obligation to provide facilities for travellers.
2. The site will make insufficient provision for parking etc, what will happen to the resultant overspill parking?
3. A further flood risk assessment is necessary to take account of all the additional building carried out locally.
4. We, as taxpayers, should not fund the traveller lifestyle.
5. There is very little green space left on this side of town in what was once a pleasant place to live.
6. Local businesses fear increased crime and guarding against this will involve extra costs in an already tough economic climate. It is considered that the proposal will have a negative effect on business in an already suffering market.
7. Surely a better, brownfield site can be found?
8. The proposed access road is just before a hill and will create an accident black spot in addition to that existing a short distance to the north.
9. Increased noise and disruption caused by use of site.
10. Increased pressure on local services already subject to cuts – e.g. schools, GP surgeries and refuse collection.
11. We can recall how travellers “trashed” the site at Whitehall Road. The Hythe would still be a better site until development starts.
12. The land is part of a natural buffer zone between Colchester and the villages to the north.
13. It is likely that if permitted, the site will be expanded in time.
14. A “transit” site is required here rather than a permanent site.
15. I live close to the proposed site and feel very uneasy at the prospect of living in close proximity.
16. The site is of wildlife interest – bats, reptiles and insects – but no recent surveys have been carried out.
17. We have no confidence in the applicant’s ability to police the site effectively or to prevent further expansion in the future.
18. A travellers site adjacent to a business park is incongruous and the image it portrays is inconsistent with the growth of the Park and its ability to attract and retain businesses.
19. This area drains to Ardleigh Reservoir and pollution must be taken seriously.
20. Will attract other Gypsies to the area with no respect for land ownership or the condition of the site.

8.7 Letters/e-mails of support have been received from Tendring and Colchester Minority Ethnic Partnership and a resident of Colchester. The former write:-

1. Gypsies and Travellers are one of our largest ethnic minority communities, many belonging to and living in Essex for as long as 500 years. Colchester does not provide an adequate number of pitches for the population living here, particularly since the closure of the Hythe site.
2. There are cost benefits to the taxpayer insofar as Council and police costs for dealing with unauthorised encampments and evictions are avoided. Gypsies and Travellers who live on authorised sites pay for rent, council tax, road tax and utilities.
3. Approval would benefit the Gypsy population in terms of education and health where at present they are disadvantaged and their human rights compromised.
4. There is no evidence that community safety will suffer or that there is a higher rate of criminal activity in the Gypsy and Traveller community.
5. This is a good quality site design, following best practice principles and taking into account reduction of noise and disturbance, landscaping, site safety, good trailer layout and road access.
6. Extensive research has shown that having a permanent site is the key factor for increasing life choices alongside the opportunity for local authorities to save taxpayers money.

8.8 The author of the 2nd letter make the following observations:-

1. It is Colchester Borough Council's duty to provide its quota of suitable sites for travellers.
2. Continued failure to provide these sites means that travellers are condemned perpetually to occupy a series of unsuitable and unauthorised sites.
3. Some objectors to the application claim that in recent years many houses have been built in the vicinity of the chosen site, making it unsuitable for a travellers site. But the site has been designated for that purpose for at least the last 5 years, which means that the occupants of the new houses expected travellers to move in. Therefore the objections on their behalf are irrelevant.
4. Most of the objections displayed on your website have identical or near-identical wording, and appear to have been orchestrated by a tiny group of individuals. Therefore they do not merit consideration in proportion to their volume.

9.0 Parking Provision

9.1 Each pitch contains a 7m x 9m gated parking facility capable of accommodating at least 2 vehicles and consistent with the adopted "residential" standard of 2 spaces per dwelling. In addition separate parking spaces are provided for visitors alongside the proposed site office.

10.0 Open Space Provision

10.1 Each pitch has a 15m x 4m grassed private space as well as a block paved patio area. The site also includes the central, equipped children's play facility and incidental areas of soft landscaping.

11.0 Report

- 11.1 Many of the conclusions of the previous report remain applicable to this case and are reiterated here:-

Location and Prominence in the Countryside

- 11.2 The site falls in an area of no notation. It is not part of an Area of Strategic Open Land nor is it afforded any special protection other than by normal rural restraint policies. The site is relatively low-lying by comparison with Severalls Lane and an established hedgerow of generous depth provides a good degree of screening to the site frontage. While the provision of sight splays and footpath will reduce the depth of screening, the submitted landscaping proposals propose reinforcement planting behind the proposed frontage hedge and to the remaining boundaries in the form of earth mounding with supplementary "woodland edge" planting to the north and extensive new woodland planting in indigenous species to the east.
- 11.3 The buildings and structures within the site are all single-storey and no more than 4.6m high with sympathetic roofing and wall materials. They will not be unduly prominent within the open countryside and the perimeter of the site will be generously landscaped.

Accessibility to local services and alternative transport modes

- 11.4 The site is on the edge of the built up area but is not served by any public transport route. Essex County Council require a footpath from the site entrance to the roundabout to the south in order to enhance pedestrian access to the employment areas, residential areas and public transport routes in the Severalls Lane/Mill Road area. This solution would seem to be a reasonable form of mitigation of sustainability concerns given other reservations over proximity to residential areas and adverse effects on residential amenity frequently expressed by the local community.

Impact on residential amenity and levels of screening

- 11.5 The majority of land adjoining the site is used for agriculture; there are no immediately adjoining residential or commercial uses but these exist in the general locality. If permitted, the proposed use will inevitably generate a greater volume of traffic than the present low-key, pastoral use. The site will not however share residential estate roads and will gain access straight onto Severalls Lane. In terms of traffic generation, the proposed use is likely to have a limited effect on local residential amenity while in terms of on-site activity, its impact will be minimised through its position at the lowest part of the site where existing and proposed vegetation will provide substantial enclosure and sympathetic landscaping.

- 11.6 The submitted site management and supervision arrangements successfully displayed at other sites in the County, including Ridgewell and Wood Corner, should avoid the many adverse impacts of Travellers site provision referred to by objectors. In particular it should be noted that the site will be subject to 24 hours supervision by a dedicated resident manager with the support of Essex County Council's management infrastructure. In addition, all residents will be subject to control or regulation via the County's letting policy and licence agreement, enabling on-the-spot action or appropriate enforcement, in the event of breaches of policy or inappropriate activity.
- 11.7 Having drawn attention to matters considered previously, the emergence of new LDF policies and significant matters raised in the responses by statutory consultees, especially the Environment Agency and Natural England must be investigated further.

Current Planning Policy

- 11.8 Firstly it must be said that Government advice as contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" remains valid. The Government is committed to ensuring that members of the Gypsy/Traveller communities should have the same rights and responsibilities as every other citizen. The intentions of the Circular are to:-
- a) Create and support sustainable, respectful and inclusive communities where Gypsies and Travellers have fair access to suitable accommodation, education, health and welfare provision.
 - b) Reduce the number of unauthorised encampments and the conflict and controversy they cause.
 - c) Increase "significantly" the number of Gypsy and Travellers sites in appropriate locations in order to address under provision and
 - d) To recognise, protect and facilitate the traditional travelling lifestyle of Gypsies and Travellers while respecting the interests of the settled community.
- 11.9 In this spirit the adopted Core Strategy acknowledges there is a shortage of sites to accommodate the established needs of gypsies and travellers both in the Borough and the wider region. Policy H5 states that sites will be identified to meet the established needs of gypsies, travellers and travelling showpeople and notes that a suitable site is being provided at Severalls Lane with additional sites to be allocated in the Site Allocations DPD. Such sites should be in reasonable proximity to existing settlements with access to shops, schools and other community facilities.
- 11.10 It will be seen that during the course of the examination of the Site Allocations DPD the East of England Plan was revoked although the evidence base that supported it, the Countywide Gypsy and Traveller Accommodation Assessment, was still applicable and the Plan was altered in order to take account of the changed circumstances. The final policy therefore allocates 30 pitches for gypsies and travellers, identified at Policy H2 of the Site Allocations DPD and shown on the LDF Proposals Map. This site is shown as suitable for 12 pitches.
- 11.11 Members will also see that the Environmental Policy Team consider the proposals to be in conformity with Core Strategy Policy ENV1 – Landscape Character; Development Policies DPD Policy DP1 – design and amenity and recommend approval.

- 11.12 At the time of writing this report the agents were attempting to address flood risk and nature conservation issues as identified in the “consultations” section of this report. Dialogue is under way with the Environment Agency (an updated FRA has been submitted), Natural England and Essex Wildlife Trust and it is anticipated that both matters will be resolved in good time before the Meeting.
- 11.13 In respect of the impact of the A12 junction works on local drainage, it has been established that at the time of writing this report works are being carried out to clear ditches which lie between the junction and the ditch system running along the southern boundary of the application site. This will allow water to flow for the first time in probably a long while. It will be carrying more water than it did before because of the junction construction. The new FRA will take account of this changed circumstance.

12.0 Conclusion

- 12.1 Members will of course have regard to the many matters raised in the numerous letters and e-mails objecting to this scheme. Nonetheless your officers and the main consultees have considered the matter in relation to up-to-date and relevant policies including those specifically related to Gypsy site provision and those under the headings of “transport and accessibility” and “environment and rural communities”. With regard to the former, the scheme ensures good accessibility and access, including the new footpath link to the established built up area and sets appropriate standards for on-site parking. In terms of the latter the scheme ensures the protection of the natural environment through the retention of existing soft landscaping, generous new planting with benefits both for the appearance of the area and of net benefit for local biodiversity. Also, subject to the final views of the Environment Agency, the proposal will incorporate appropriate water/flooding management measures. Finally, the site will be run in accordance with a best practice, management regime offering on-site, 24 hour supervision which has proven successful elsewhere at other ECC sites. In essence all residents will be subject to control or regulations via the County’s letting policy and licence agreement. This enables on-the-spot action or appropriate enforcement in the event of breaches of policy or inappropriate activity.
- 12.2 The foregoing report highlights that there are outstanding nature conservation issues which had not been addressed at the time the report was written, but subject to the satisfactory resolution of these matters before the meeting it is considered that despite changes to policy in the interim, the basic circumstances of the application remain as before. On this basis no objections are raised to the replacement of planning approval F/COL/05/2085 and approval is recommended on this basis. In the light of the discharge of conditions attached to the earlier consent, Members will note that the schedule of conditions set out below has been modified accordingly.

13.0 Background Papers

- 13.1 ACS; DPDPD; PP; HA; NR; TL; CBC; PTC; HH; Natural England/Essex Naturalist Trust, Circular 1/06

14.0 Recommendation

14.1 Upon receiving confirmation from Natural England/Essex Naturalists Trust and the Environment Agency that their concerns have been satisfactorily addressed by the submission of additional information, permission be GRANTED subject to the following conditions:-

Conditions

1 - A1.5 (Full Perms (time limit for commencement of Devel))

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

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2 – Non Standard (Non Standard Condition)

Unless otherwise agreed in writing by the Local Planning Authority the external materials and finishes to be used on the development shall be as agreed in connection with previous planning permission F/COL/05/2085 by letter to NPS Property Consultants Ltd dated 23/7/10.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

3 - Non Standard (Non Standard Condition)

The development hereby permitted shall be carried out strictly in accordance with the submitted application documents and shall be managed in accordance with the principles contained in the Site Management Report submitted with the application. In particular, 24/7 site management shall be maintained, including those periods where the resident manager is absent by reason of sickness, holidays or other absences.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure a suitable level of site supervision and management in order to safeguard local amenity.

4 - C10.16 (Tree & Natural Feature Protection: Entire Site)

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

5 - C10.18 (Tree and Hedgerow Protection: General)

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

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6 – Non Standard (Non Standard Condition)

All hard and soft landscaping works shall be carried out in accordance with those details agreed in connection with previous planning application F/COL/05/2085 by letter to NPS Property Consultants Ltd dated 15/7/10, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design and to ensure an appropriate standard of visual amenity in the local area.

7 - Non Standard (Non Standard Condition)

No occupation of the development shall take place until such time as the following have been provided or completed to the satisfaction of the Highway Authority.

- A priority junction off Severalls Lane to include a minimum access width of 6 metres, 2 no. kerbed radii (minimum dimension of 15 metres) and a visibility splay (minimum dimension 160 x 4.5 x 160 metres) maintained clear to the ground at all times. All as shown in principle on NPS Property Consultants Limited drawing number CD9352B/10 Rev. A.
- A footway along the eastern side of Severalls Lane between the proposal site access and the Severalls Lane/Axial Way roundabout.

Reason: In the interests of highway safety.

8 - Non Standard (Non Standard Condition)

The gradient of the proposed site access road shall be a maximum of 4% for the first 15 metres from the Severalls Lane carriageway edge and a maximum of 8% thereafter.

Reason: In the interests of highway safety.

9 - Non Standard (Non Standard Condition)

Space shall be provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use, further, in order to allow all vehicles to enter and leave the highway in forward gear.

Reason: In the interests of highway safety.

10 - Non Standard (Non Standard Condition)

Measures shall be provided to ensure no mud and/or debris is deposited on the highway by any vehicle associated with construction of the proposed development, details of which shall be agreed in writing by the planning and highway authorities before the development is commenced.

Reason: In the interests of highway safety.

11 – Non Standard (Non Standard Condition)

The approved drainage scheme for the site, as illustrated on Drawing No. 1E06/09/100 P1 as produced by J P Chick and Partners Ltd and submitted in support of the application, shall be implemented in its entirety prior to the occupation of the development.

Reason: To ensure adequate drainage and to ensure that flood risk is not increased as a result of the development.

12 - Non Standard (Non Standard Condition)

No commercial activities shall take place on the land, including the storage of materials, and, unless otherwise agreed in writing with the Local Planning Authority, no vehicle over 3.5 tonnes shall be stationed, parked or stored at the site.

Reason: For the avoidance of doubt as to the scope of the permission and to protect local amenity.

13 - Non Standard (Non Standard Condition)

No external lighting shall be installed or erected within the site until details have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in accordance with such details as are agreed.

Reason: To reduce the undesirable effects of light pollution on the amenity of the surrounding countryside.

14 - Any additional condition(s) as may be recommended by the Environment Agency.

15 - Any additional condition(s) as may be recommended by Natural England/Essex Wildlife Trust.

Informatives

1. Standard Note - Protection of Trees on Development Sites.
2. Standard Note - Selective list of BS's applicable to landscape works.
3. You are advised that this planning permission does not absolve the developer from complying with relevant legislation under the Wildlife and Countryside Act 1981, including obtaining and complying with the terms and conditions of any licenses required under Part IV B of Circular 06/2005.
4. Your attention is drawn to the following advisory comments by Essex County Council Highways Department:-
 - All highway related details shall be agreed with the Highway Authority.
 - Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further all cycle and motorcycle parking shall be convenient, covered and secure.
 - Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.
5. Your attention is drawn to the additional supplementary information and advisory notes by the Environment Agency as contained in their letter to the Local Planning Authority dated 27 August 2010 and copied to NPS Property Consultants Ltd.

INDEX TO PLANNING APPLICATIONS CODES

A	Advertisements	K	Certificate of Lawfulness
AG	Agricultural Determination	LB	Listed Building
C	Change of Use	M	County Matter
CA	Conservation Area	O	Outline
CBC	Colchester Borough Council	PA	Prior Approval
CC	Essex County Council	RM	Reserved Matters
F	Full	S	Electricity Consultation (Overhead Lines)
G	Government Dept. Consultation	T	Renewal of Temporary Permission
J	Alternative Development	X	Demolition in Conservation Area

INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

Note: Any Document or Consultee not included in these lists will be specified in full.

ARC	Adopted Review Colchester Borough Local Plan March 2004
BOT	St Botolphs Development Brief
CHD	Colne Harbour Urban Design Framework SPG - Nov. 2000
CPS	Cycle Parking Standards
ERP	Essex and Southend on Sea Replacement County Structure
GAP	Gosbecks Archaeological Park Draft Management Plan
HCP	High Woods Country Park Management Plan
MSP	Essex County Council - Minerals Subject Plan
VEM	East Mersea Village Appraisal - 19 February 1996
VFC	Village Facilities Survey 1995
VFD	Fordham Village Appraisal - 31 August 1994
VFG	Fingringhoe Village Appraisal - 1 September 1993
VGT	Great Tey Village Appraisal - 19 July 1993
VLG	Langham Village Appraisal - 6 April 1994
VPL	Peldon Village Appraisal - 4 June 1994
VRH	Rowhedge Village Appraisal - 20 November 1995
VWG	West Bergholt Village Appraisal - 30 August 1995
WMW	West Mersea Waterside Study

INTERNAL CONSULTEES

BC	Building Control Manager
CD	Conservation & Design Manager
CF	Financial Services
CU	Head of Street and Leisure Services
DO	Disability Access Officer
HA	Highway Authority (ECC)
HD	Housing Development Officer
HH	Environmental Protection (Env. Control)
MR	General Manager (Museum Archaeological)
PP	Head of Housing & Environmental Policy
SE	Head of Enterprise and Communities
SL	Legal Services
TL	Trees & Landscapes Officer - Planning Services

REPRESENTATIONS ETC

CAA	Correspondence with applicant/agent
CBC	Colchester Borough Councillor(s)
LAS	Other Local Amenity Society(ies) (not listed elsewhere)
NLR	Neighbours or Local Resident(s)
OTH	Other correspondence
PTC	Parish & Town Council(s)

EXTERNAL CONSULTEES (2 character codes)

AB	Soc Protection Ancient Buildings	HG	English Heritage - Historic Gardens
AM	Ancient Monuments Society	HM	English Heritage (Hist. Mon. Section)(England)
AR	Ardleigh Reservoir Committee	HO	The Home Office
AT	Colchester Archaeological Trust	HS	Health & Safety Executive
AV	Civil Aviation Authority	IR	Inland Revenue (Valuation)
AW	Anglian Water Services Limited	LF	Environment Agency (Waste Regs)
BA	Council for British Archaeology	MD	Defence Estates (East)
BD	Braintree District Council	MH	NEE Mental Health Services Trust
BG	Transco (B Gas)	MN	Maldon District Council
BH	Babergh District Council	MS	Marine Safety Agency
BO	Blackwater Oystermans' Association	NC	English Nature
BT	British Telecom	NE	North Essex Health Authority
BW	Essex Bridleways Association	NF	National Farmers Union
CA	Cmsn for Architecture & Built Environment	NI	HM Nuclear Installations Inspectorate
CB	Churches Conservation Trust	NP	New Possibilities Healthcare Trust
CE	County Education Department (ECC)	NR	Environment Agency
CH	Country Highways (Surveyor ECC)	NT	The National Trust
CS	Colchester Civic Society	PD	Ports Division (DETR)
CY	Colchester Cycling Campaign	PT	Petroleum Officer (ECC Trading Standards)
DS	Department of Social Security	RA	Ramblers Association
DT	Route Manager - Highways Agency	RD	The Rural Development Commission
DV	Dedham Vale Society	RE	Council Protection Rural Essex
DW	Dedham Vale & Stour Valley Project	RF	Royal Fine Art Commission
EB	Essex Badger Protection Group	RP	Rowhedge Protection Group
EE	Eastern Electricity – E-On	RR	Roman River Valley Society
EH	English Heritage	RS	RSPB
EI	HM Explosive Inspectorate	RT	Railtrack East Anglia
EN	Essex Wildlife Trust	RY	Royal Yachting Association
EP	Essex Police	SB	Save Britain's Heritage
EQ	Colchester Police	SD	MAFF Fisheries Office/Shellfish Division
ER	Essex Rivers Healthcare Trust	SK	Suffolk County Council
ET	Fair Trading (ECC Trading Standards)	SR	The Sports Council – Eastern Region
EU	University of Essex	ST	Colne Stour Countryside Association
EV	Environmental Health (ECC - Env. Services)	TB	Tollesbury Parish Council
EW	Essex & Suffolk Water Company	TG	Tendring District Council
FA	Essex Police - Fire Arms Officer	TI	Department of Trade and Industry
FB	Essex Fire & Rescue Service	TK	Tolleshunt Knights Parish Council
FC	Forestry Commission	TW	20 th Century Society
FE	Feering Parish Council	VI	Vehicle Inspectorate (GVTS)
GA	Colchester Garrison HQ	VS	Victorian Society
GE	Government Office for the East of England	WS	The Wivenhoe Society
GU	HM Coast Guard	WT	Wivenhoe Town Football Club
HB	House Builders Federation	WA	Wormingford Airfield (Gliding Club)
HE	British Horse Society	WW	Society Protection Ancient Buildings (Wind & Watermill Section)



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.