



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

**Item No:** 7.4

**Application:** 213353

**Applicant:** Colchester Borough Council

**Agent:** Mr Martin Leek

**Proposal:** Demolition of existing baling shed and construction of new baling shed.

**Location:** Shrub End Depot, 221 Shrub End Road, Colchester, CO3 4SA

**Ward:** Prettygate

**Officer:** Mr Daniel Cooper

**Recommendation:** Approval subject to recommended conditions

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Homes Ltd.

## **2.0 Synopsis**

- 2.1 This application seeks consent for the demolition of the existing bailing shed to be replaced with a new replacement bailing shed. The proposal is not considered to impact upon the character and appearance of the area of highway safety.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site relates to a well-established recycling/refuse centre located in Shrub End.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the replacement of the existing bailing shed with a new bailing shed at the same location and with a slightly larger footprint.

## **5.0 Land Use Allocation**

- 5.1 Employment Land

## **6.0 Relevant Planning History**

- 6.1 F/COL/05/1475 - Liquid Petroleum Gas (LPG) storage facility, waste transfer site, recyclable material handling facility, staff car parking area and ancillary works including lighting, small works team workshop, compound and vehicle access. Approved 25/10/2005.
- 6.2 210492 – The erection of 4 canopies to replace temporary canopies. Approved 28/5/2021.

## **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) and National Planning Policy for Waste 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 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP5 Employment
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

## 7.3 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
CE1 - Centres and Employment Classification and Hierarchy  
CE2 - Mixed Use Centres  
CE3 - Employment Zones  
UR2 - Built Design and Character  
ENV1 - Environment  
ER1 - Energy, Resources, Waste, Water and Recycling

## 7.4 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP17 Accessibility and Access  
DP19 Parking Standards

## DP20 Flood Risk and Management of Surface Water Drainage

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:  
SA CE1 Mixed Use Sites

- 7.6 The area is not subject to a Neighbourhood Plan.

- 7.7 Submission Colchester Borough Local Plan 2017-2033:  
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. The exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

External Materials in New Developments  
EPOA Vehicle Parking Standards  
Sustainable Construction

## 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.
- 8.2 Highway Authority - The Highway Authority does not object to the proposals as submitted. Recommended Informative:  
Informative1: All work within or affecting the highway is to be laid out and

constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

- 8.3 Minerals and Waste – No objections and notes that the proposed development will increase waste management capacity.

- 8.4 Environmental Protection - Should planning permission be granted Environmental Protection wish to make the following comments:-

Should permission be granted for development, Environmental Protection recommends inclusion of the following advisory note: -

NOTE: Demolition and Construction

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

ZGR - \*Light Pollution for Minor Development\*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

- 8.5 Contaminated Land Officer – No objections subject to the following precautionary informatives:

Informative - Ground Gas Risks

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land ('Shrub End'). Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason - The site lies within 250m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

#### Informative - Asbestos in Existing Buildings

In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, an appropriate pre-demolition asbestos survey should be undertaken, by suitable qualified and experienced persons, and any relevant identified material managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

Reason – insufficient detail has been supplied in support of this application and the potential presence of asbestos containing materials (ACM's) on the site therefore cannot be discounted and Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

- 8.6 Archaeological Officer – No grounds for refusal however, site is located close to potential archaeological assets therefore the following condition will be required:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the

development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

## **9.0 Parish Council Response**

### **9.1 Non Parished**

## **10.0 Representations from Notified Parties**

### **10.1 None received.**

## **11.0 Parking Provision**

### **11.1 The proposal does not change the parking provision on site.**

## **12.0 Accessibility**

### **12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In terms of the proposal, the bailing shed does not include any steps. Based on the submitted information, the scheme is not considered to cause discrimination in terms of The Equality Act.**

## **13.0 Environment and Carbon Implications**

### **13.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that as the proposal makes provision for the recycling of waste, on balance the application is considered to represent sustainable development.**

## **14.0 Open Space Provisions**

### **14.1 Not applicable**

## **15.0 Air Quality**

### **15.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.**

## **16.0 Planning Obligations**

- 16.1 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.

## **17.0 Report**

### Principle

- 17.1 The site relates to an existing recycling and waste processing centre, which is very well established within Colchester. While the proposal would not result in any expansion of the recycling/waste centre or additional activity, it would assist the recycling centre in continuing to meet the needs of local customers by assisting with waste management overall and increasing capacity, which is considered to be in accordance with the principles of the NPPF and National Planning Policy for Waste.

### Impact on Residential Amenity

- 17.2 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 17.3 Given the site is already in active use as a waste sorting and recycling centre and the proposal is for a replacement (albeit larger) bailing shed, impact upon residential amenity is considered to be minimal. The new bailing shed will not result in significant additional vehicle movements and is located a good distance away from the nearest neighbouring dwelling. In addition, the new bailing shed will be in the same location as the existing therefore, additional impact through introduction of new built form will be minimal and not incongruous with the existing setting. Given the above and nature of the proposal, the proposal is considered to be acceptable in this regard.

### Impact upon Surrounding Area

- 17.4 Core Strategy policy ENV1 seeks to conserve and enhance Colchester’s natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context. Core Strategy policy UR2 seeks to enhance Colchester’s unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development.



- 17.5 The scheme will replace a dilapidated structure that has come to the end of its life and is not considered to be of good quality due to its age and condition. The replacement bailing shed will be located within the existing site at the same location as the existing bailing shed. Wider public views will be limited to those approaching the site by road from the West heading East, with the majority of other angles well screened from the public. Therefore, the proposal is not considered to create a harmful impact upon the street scene or the wider area. On balance, the proposal is considered to be of an acceptable design and appearance is in compliance with the aforementioned policies.

#### Highway Safety and Parking

- 17.6 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraph 109 of the NPPF confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments.
- 17.7 In this instance, the proposal is located away from the access road and designated parking. The Highway Authority has been consulted and does not raise an objection to the scheme. As such, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

#### Contamination

- 17.8 Development Policy DP1 requires all development to avoid unacceptable environmental impacts. The Council's Contaminated Land Officer has not objected or identified any significant risks and has recommended precautionary informatives to be included as part of this approval.

#### Landscape

- 17.9 The Council's Landscape Officer has not objected to the proposal however, it is important to ensure that the new bailing shed does not harm the landscape character of the surrounding area. While it is stated above that the new shed will replace the existing at the same location, it is noted that the rear (West) boundary is in a poor condition with a chain link fence that has fallen down in some sections. The applicant has verbally advised that they may want to replace the existing fence to secure the site with new boundary treatment therefore a

condition shall be included for details of this to be submitted in writing to the Local Planning Authority to ensure appropriate design and materials are used.

## **18.0 Conclusion**

18.1 To summarise, the proposal is considered to be acceptable and in conformity with relevant plan policies and is consequently recommended for approval.

## **19.0 Recommendation to the Committee**

19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. ZAA - 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. ZAM - \*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 003 REV P01, 004 REV P01 dated October 2021, 611 REV P04 and 612 REV P04 dated September 2021.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **3. ZBB - Materials As Stated in Application**

The external materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area

### **4. Z00 – Archaeological**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works.
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The

development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

## **5. ZPD - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

## **6. ZGR - \*Light Pollution for Minor Development\***

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

## **7. Z00 – Landscape Boundary Treatments**

No boundary fence, wall or any other boundary treatment shall be constructed until a scheme of enclosure has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include details of the boundary enclosure to the site, specifying the type and height of fencing in a green RAL colour complementary to the wider rural landscape. The implementation of the enclosure works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any enclosure which is removed or seriously damaged shall be replaced without delay, like for like, with enclosure of similar specification, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

## **20.0      Informatives**

### **1. INS – Ground Gas Risks**

The applicant is advised that the site to which this planning permission relates is recorded as being within 250 metres of filled land ('Shrub End'). Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason - The site lies within 250m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

### **2. INS – Asbestos in Existing Buildings**

In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, an appropriate pre-demolition asbestos survey should be undertaken, by suitable qualified and experienced persons, and any relevant identified material managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

Reason – insufficient detail has been supplied in support of this application and the potential presence of asbestos containing materials (ACM's) on the site therefore cannot be discounted and Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

### **3. INS – Archaeological**

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information: [www.colchester.gov.uk](http://www.colchester.gov.uk)

### **4. INS - Highways**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

## **5. ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.