

Planning Committee

Town Hall, Colchester
31 March 2011 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.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

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.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

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Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, 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 among the most common issues that 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
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other 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
31 March 2011 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, 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 **1 - 13**

To confirm as a correct record the minutes of the meeting held on 3 March and 17 March 2011.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 110023 Land to west of 21 Regent Street, Rowhedge, CO5 7EA (East Donyland) **14 - 21**

Proposed new dwelling on land adjacent to 21 Regent Street, Rowhedge.

2. 110166 Land to rear (north of) 164-168 Greenstead Road, Colchester (St Andrew's) **22 - 33**

New residential development of four units.

3. 102682 Land to rear of Bower Grove, West Mersea (West Mersea) **34 - 48**

Planning application to erect three bungalows, outbuildings and associated works.

4. 110219 Proposed car park, Conifer Close, Colchester, CO3 3LW (St Andrew's) **49 - 53**

Change of use from concrete based communal drying area (not used) to residential car park.

5. 110222 Proposed concrete play area, Camelia Court, Hickory Avenue, Colchester, CO4 3PG (St Andrew's) **54 - 58**

Change of use from a concrete based, unused drying area, to a childrens play area, fenced off from any public road.

6. 110385 Prettygate Road, Colchester (Prettygate) **59 - 65**

Application for prior approval for the installation of a new shared

mobile telephone mast of 11.8 metres (to top height) with six antenna located within GRP shroud at top of the pole along with one ground level street works cabinet measuring 1.89metres x 0.79metres x 1.65metres.

7. 110342 Birch Airfield, Blind Lane, Birch
(Birch and Winstree)

66 - 88

Anaerobic digestion (AD) and in Vessel Composting (IVC) facility for treatment of 25,000 tpa of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tpa of compost material and power generation. The facility comprises of a waste reception and preparation building, mixing hall, anaerobic digestion concrete tunnels, IVC concrete tunnels, power generation compound, office buildings, weighbridge, water storage lagoons and tanks, maturation pad, 7 car parking spaces including one disabled space and associated hard and soft landscaping.

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).

PLANNING COMMITTEE 3 MARCH 2011

Present :- Councillor Ray Gamble* (Chairman)
Councillor Helen Chuah* (Deputy Mayor)
Councillors Peter Chillingworth*, John Elliott*,
Andrew Ellis*, Stephen Ford, Theresa Higgins*,
Jackie Maclean*, Jon Manning, Philip Oxford* and
Laura Sykes*

Substitute Member :- Councillor Wyn Foster for Councillor Ann Quarrie*

Also in Attendance :- Councillor Margaret Fairley-Crowe
Councillor Martin Goss
Councillor Mike Hardy
Councillor Henry Spyvee
Councillor Anne Turrell

(* Committee members who attended the formal site visit.)

193. Minutes

The minutes of the meeting held on 3 February 2011 were confirmed as a correct record, with the exception of minute no. 182 which was not agreed because the applications have been found to be invalid and the decisions being void are therefore rescinded in the light of planning and legal advice.

Councillor Jon Manning (in respect of being a member and coach of Colchester Rugby Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

194. 100035 Severalls Hospital, Boxted Road, Colchester, CO4 5HG

The Committee considered an application for a variation of conditions and addition of conditions following granting of planning permission under O/COL/01/1624. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer understood that there were concerns regarding the use of Mill Road particularly by construction traffic, and he referred to conditions which would restrict the times of use of the access and require wheel washing of construction vehicles.

Councillor Turrell attended and, with the consent of the Chairman, addressed the Committee. She understood the strategic reasons for commencing the development in advance of the Northern Approach Road (NAR)3, which would be built by March

2012, but she considered it would be safer to wait for the NAR3 before the occupation of any houses on this site because of the traffic issues. She also believed that residents would become used to using the Mill Road access and would have to adjust to a different access once the NAR was built.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He referred to the opening of the new A12 junction in connection with the subsequent increase in traffic into Mill Road and this proposal would make that situation worse. This proposal was not tied to a time schedule which in the economic climate could be problematic. Local residents had been promised that this road would never be open to residential traffic from this site, although he acknowledged it would not be forever. He believed that residents would feel aggrieved and considered that attempts should be made to find an alternative way.

The planning officer referred to the application progressing an important regeneration area and that it would be difficult to refuse the application on the basis of additional traffic in Mill Road because the Highway Authority were satisfied that since the new A12 junction had been opened the traffic had dispersed into the town. He also referred to the likelihood that the junction with Mill Road would be closed early. He suggested that it would be possible to request that the developers ensure that purchasers were advised that access to Mill Road would be temporary.

Some members of the Committee were concerned that if the condition to require access via the NAR3 was to be relaxed to enable access via Mill Road for up to 75 properties the traffic in Mill Road would increase to an unacceptable level when it was already very busy. Furthermore, if funding was withdrawn from the NAR3 budget and the project was halted, there was a danger that the access onto Mill Road could become permanent. There were also concerns that although there would be children in the 75 properties, there would be no local school as the new school for the area would not be built by then. There was a suggestion that the number of properties be reduced from 75. Other members considered the proposal to be acceptable and that if it went to plan residents would not suffer a great deal because there would be very little additional traffic within the relatively short timescale.

The planning officer explained that in the mid-1990s there was a commitment that the scheme would be accessed from the NAR and, although there was no condition to that effect, it was confirmed that the Council had made that undertaking. The original agreement allowed the NAR3 to be built in phases with up to 475 units being built without the NAR link in place. The prospects of getting a completed route had improved now that the Highway Authority were accelerating funding for it. It was noted that this project would support other community and social infrastructure. The landowner was seeking to get some housing built early to provide capital receipts which could start to pay for the social infrastructure. Members were being asked to decide whether 75 dwellings would cause so much nuisance that it was worth stalling the progress of this residential development, particularly as it was considered that not many of the 75 dwellings would be occupied and the traffic was likely to be negligible. The applicant had wanted more than 75 dwellings but officers wanted to limit the impact on residents. The officer view was that an access to the development would be essential when marketing the units otherwise prospective purchasers would

deterred. The parking of construction vehicles on site would be part of the method statement and members were referred to Conditions 19 to 21. Essex County Council was likely to forward fund early provision of a primary school and there was additional investment which it was believed would be spent on a new secondary education facility. In any event, education was not an issue on either of these applications but it was covered in the original agreement.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Jon Manning (in respect of being a member and coach of Colchester Rugby Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

195. 100502 Severalls Hospital, Boxted Road, Colchester, CO4 5HG

The Committee considered a reserved matters application for 248 residential units which represented Phase 1 of the Severalls Hospital Development. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Vincent Pearce, Planning Services Manager, and David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. The planning officer provided up to date information in respect of the following matters:- some of the issues of overlooking and daylight in respect to Thomas Wakley Close and Oxley Park have been addressed in the submission of amended plans; remaining concerns are drainage, height and overlooking windows in the new dwellings into Thomas Wakley Close dwellings, and the landscaped strip to the rear of Mill Road and Thomas Wakley Close not being subject to good levels of maintenance; the back to back distance between Thomas Wakley Close properties and the new development being 25 metres in all cases; a schedule of off-site works which had been produced was without costings and this matter could be dealt with by way of Grampian conditions for no works to commence until costings were agreed; and the brick wall alongside 190 Mill Road needed to be secured by condition because not all the issues had been resolved at the southern tip of the development.

Mr Russell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of residents of Thomas Wakley Close who objected to the development in its current form. The basis of their objection was the height and proximity of new dwellings to the rear of dwellings in Thomas Wakley Close. They believed that Thomas Wakley Close bore the brunt of the development as it had the smallest gardens and the adjoining new properties would be 2.5 storeys. He stated that within the Essex Design Guide the back to back distance of two storey properties is 25 metres, and for 2½ storey

properties it is 35 metres. His other concerns were the significant reduction of daylight and quality of life, and the increased area of tarmac resulting in a greater water run off. He requested that a covenant be placed on the new houses to prohibit any future increase in height or extensions towards their properties, and for the maintenance of the landscaped buffer. Finally, he considered that footpath 69 should be on the other side of the stream.

John Dodson, Associate Director of Broadway Malyan Architects, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had provided a full detailed design for the site owners who were looking for an exceptional scheme which had much higher space standards to achieve Lifetime Homes Standard and to be tenure compliant so that all the homes were the same quality. They had also been briefed to deliver Sustainable Homes Code 4 which was in excess of current building regulations and would qualify for a Building for Life certificate. From the outset they had worked with the borough council to deliver appropriate family housing with good sized gardens, and landscaping for the public realm which merged into the green fingers. They had consulted with landscape and highways officers to bring together a new standard for the wider Severalls development.

Councillor Turrell attended and, with the consent of the Chairman, addressed the Committee. She appreciated that this site had outline permission and she considered that in some ways it was a good application but she asked that it be deferred for further consideration of some issues. She understood that the green link from High Woods Country Park to the A12 had been agreed previously and was a policy which may have been carried forward to the Local Development Framework. However, she asked for reassurance that this application had not broken that agreement and that appropriate provision had been made. She considered that some of the new houses were too close to dwellings in Thomas Wakley Close, a situation which was exacerbated by the lie of the land. She requested that the developer be advised on measures to reduce any impact on existing residents from construction, for example the prohibition of bonfires. She also referred to drainage issues which needed to be overcome and to the blind wall between the NAR3 and Mill Road which would be part of the NAR3 applications.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He asked for details of the community infrastructure referred to in the report. He had been unable to find any mention of 2½ storeys in the report, but in any case considered that 2½ storeys was too high. He requested information on the proportion of 2, 3 and 4 bedroom houses and that litter bins be provided. He also wanted the green spaces to be adopted and a condition imposed to ensure they would be maintained by a management company. He was disappointed that the affordable housing appeared to be in one area, and he would have preferred that it had been pepper potted throughout the development. He referred to the bus lane which would be built on land owned by HCA and although he was aware of a trigger point but there was no mention of it in the report. He also wanted the drainage issue to be resolved.

The planning officer explained the design and height of the new dwellings at the rear

of Thomas Wakley Close and confirmed that the back to back distance of 25 metres was achieved and that permitted development rights had been removed from the new dwellings. In respect of water run off, swales and attenuation points were provided and the rate of run off would be no greater than that for a greenfield site. He described the route of the green link which included the diversion of footpath 69. He referred to the off site works and that the developer was aware of these requirements; a condition could be added to prevent any development until the works were agreed. He confirmed that there were conditions in place to avoid nuisance related to working practices including hours of operation, wheel washing and other aspects of development. He confirmed that the express bus lane would be triggered by a certain number of houses; that the affordable housing units were integrated across the development; and he gave information on the numbers of one, two, three and four bedroom dwellings.

Members of the Committee had a number of outstanding concerns including:- the provision or otherwise of a shop or community centre; concern that the landscaped buffer did not appear to have been worked out properly; and that paving over more driveways would increase the run off. There was also a suggestion that some of the bungalows could have been located at the rear of Thomas Wakley Close and that the two metre buffer could be given to Thomas Wakley Close as compensation. It was considered that the 2 ½ storey houses were bland and blocky and that these taller buildings should be located more towards the centre of the site with the lower buildings towards the edge of the site. There were queries about how the two metre belt would be maintained, whether the designs of dwellings fitted in with the Myland Village Design Statement and whether there was anywhere for ball games. The Committee considered that the only open spaces appeared to be play areas for small children and the Committee asked if was there a trigger point for the play areas and whether there was more open space in the later phases. A preference was expressed for patterned bricks where plain walls were currently shown.

In the light of the Committee's request for additional information on a number of issues, planning officers considered that it would be appropriate to defer consideration of the application to allow the applicant to provide the information and slides requested.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for the following matters to be resolved:-

- the green link from Highwoods Country Park to Tower Lane to be reinforced;
- information on the off site drainage requirements to be provided;
- the relationship between the new dwellings and those in Thomas Wakley Close to be improved so that privacy, outlook and day light are safeguarded. Also better detailing required to the blank rear elevations of these houses;
- clarification on the relationship with later phases and the connectivity with community infrastructure that this will provide;
- a means of securing the landscape belt to the rear of Mill Road/Thomas Wakley Close be investigated to ensure maintenance of a screen of adequate height in perpetuity;
- play areas to be provide for all ages and areas, to be delivered in a timely

- manner;
- an explanation of the bus gate;
- a reference to the NAR3 programme.

196. 102455 Priory Farm, Braxted Road, Tiptree, CO5 0QB

The Committee considered an application for the subdivision of the existing dwelling into two separate residential units. The Committee had before it a report in which all information was set out.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Andrew Tyrrell, Development Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Rebecca Parry addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. They had received numerous letters of support demonstrating the excellent community spirit. The house was currently underused with only two occupants and this proposal to sub-divide the existing large dwelling would provide two smaller housing units for smaller families without increasing the floor area. The borough needed additional units to accommodate growth, provide for local needs and to allow people to live where they wanted. The homes allowed full DDA accessibility. She referred to the site being close to the B1022 which also gave access onto the A12 and to a number of bus stops. The site was not isolated and did not harm the countryside because it would be integrated with the surrounding properties. The concern regarding setting a precedent ignored the big picture.

Councillor Fairley-Crowe attended and, with the consent of the Chairman, addressed the Committee. This property is adjacent to the B1022 and is closer to a bus route than any property on other estates in Tiptree. Three letters of support had been received from nearby addresses together with support from the Parish Council. She referred to the very long time that the residents had lived in the house and worked on the farm, but that the house was now too big for them. The family business was now being run by the rest of the family and living in this property enabled the applicants to see their family and get a feeling of being part of the business.

Some members of the Committee supported the application although they understood the policy reasons behind the recommendation for refusal. They considered the proposal would cause no harm and believed that there were good reasons for granting a permission in this case on the grounds of strong personal social reasons which were sufficient to assert that this would not create a precedent. They considered the property had good access to public transport, the footprint of the dwelling would not increase, a small dwelling would be created which might be affordable for someone, and there would be less traffic because there would be fewer occupants living in the property as it would decrease from a five bedroom property to three bedrooms contained within the two properties.

Other members of the Committee were sympathetic with the applicant but did not believe that there were sufficient reasons to warrant an approval. They considered the recommendation was soundly based on planning policy and believed that if the application was approved there was the likelihood that it would set a precedent for the future. The position of the site in relation to the village envelope was queried.

The planning officer explained that the policy objections were set out clearly in the report. This was not an isolated issue, as there could be many elderly people in the borough who might wish to stay in the family home although it had become too much to manage. This site was not within the settlement boundary for the main village or the minor settlement boundary of Tiptree Heath, somewhat away from Tiptree. This proposal was the creation of a new dwelling within a countryside area and as such should not be divorced from any other situation for the erection of a new dwelling. The Committee were reminded that planning permission went with the land rather than the inhabitants. Personal circumstances should not be the outstanding factor in the Committee's deliberations.

RESOLVED (MAJORITY voted FOR) that the application be refused on the grounds as set out in the report.

197. 102070 3 Roman Road, Colchester, CO1 1UR

The Committee considered an application for the conversion of an existing three bedroom house into two one-bedroom flats and the insertion of a new conservation roof light to the rear elevation. The Committee had before it a report in which all information was set out.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee on behalf of the Residents' Association which had submitted objections. He was concerned principally about the on street car parking situation. If this flat conversion was allowed the council may have to allow similar proposals elsewhere with consequent repercussions upon this and other residents' parking areas. Whilst this was a sustainable location where it was possible to live without a car, he believed the reality was otherwise. This residents' parking scheme was already oversubscribed by 50% and whilst the occupants of this flat may have more than one car, there was a requirement for provision of only one car parking space, and that was an addition to the current demand. He was aware that the policies supported this application but asked that the Committee reject it.

Members of the Committee were also concerned about the on street car parking situation and they drew attention to the apparent existence of a separate entrance to a basement area which appeared to be a separate, unauthorised flat.

The planning officer explained that there was no authority for the creation of a

basement flat and it should be the subject of further investigation. If there was a basement flat it would have a knock on effect on this application in terms of car parking requirements. In such circumstances a three flat property would be likely to constitute over-use, both in terms of car parking requirements and amenity space.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for clarification of the situation regarding the existence of a basement flat at the premises and to take account of this in relation to parking requirements.

Councillor Stephen Ford (in respect of being acquainted with the agent and applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

198. 102561 and 110047 The Royal British Legion, The Quay, Wivenhoe, CO7 9BX

The Committee considered a planning application 102561 and a companion listed building application 110047, both relating to alterations to the front/south and side/west elevations of the Royal British Legion Building, including internal alterations to the ground floor and first floor rooms creating an additional disabled w/c and kitchen, and moving and altering the existing staircase to provide stairlift access to the first floor. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Chapman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was the owner of the adjacent property and his concern was in respect of the main entrance and access to the first floor being relocated. The stairs would lead to a function room for up to 150 people who would use this entrance which was close to the only window on the ground floor facing the front. For at least 60 years the ground floor had been accessed via a door between three and four metres distant from his property. His concerns were that smokers may congregate outside the repositioned door, a metre from his window. He was aware that the building was badly in need of renovation and he wished the applicant well but there appeared to be no acoustic, fire or smoke measures to protect his property.

Mr Bielecki addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The renovation of the building would improve its layout and utilisation of the space. The existing stairs were extremely steep and there had been a number of accidents; the new staircase would include a stairlift. They were moving a kitchen away from the adjoining wall and on the first floor moving a galley away from the wall. They also needed to change the toilet arrangements to include a disabled toilet. They had been on good terms with the

previous, long standing occupant and they wished to maintain their good relations. They were happy to comply with insulation and building regulations and hoped that if in the future the neighbour renovated his property he may install insulation on his side of the building.

Members of the Committee noted that the report stated that the proposal would not seriously affect the resident's amenity. There were concerns however regarding the staircase. They were aware that the current wooden staircase was very steep and dangerous and the new staircase would incorporate a stair lift to provide access to the first floor for disabled users. There were concerns that the use of the relocated wooden staircase to access the first floor would create noise and considered this issue should be dealt with comprehensively in accordance with local codes and guidance. Also of concern were the relocated entrance doors because of the likelihood that smokers may congregate outside the entrance doors. Members suggested that a notice on the inside of the doors could ask people not to smoke just outside the doors and encourage them to use the public shelter, and also that the side doors and staircase could be used as the main entrance. Reference was also made to the potential fire risk but this was a building regulations matter not a planning matter.

The planning officer referred to a noise attenuation scheme which would be required if permission was granted. She had accompanied the client and the agent to the adjoining premises to clarify the neighbour's concerns regarding the party wall. As a result the agent was now aware of the issues, which were that the party wall was partly brick and partly lathe and plaster and that the building would be used by significant numbers of people. These issues would need to be taken into account when designing the sound insulation measures. She also explained that the internal alterations would be subject to a building regulations application and Building Control and the Environmental Teams would be consulted to make sure the insulation was adequate. With regard to smokers, the planning officer also explained that there was a public shelter used as a smoking area close to the waterfront, but in any event the issues in respect to smokers may not be significantly different from the former level of this activity. Finally, it was explained that although it would be possible for the side entrance to be used as the main entrance, it was not possible to impose a condition to require that use. It would be possible, however, to add an informative note which summarised that the Committee was looking to the Royal British Legion to show good neighbourliness in respect of this facility particularly in regard to smoking.

RESOLVED (UNANIMOUSLY) that –

- (a) Planning application 102561 be approved with conditions and informatives as set out in the report and on the Amendment Sheet, together with an additional informative for the Royal British Legion to advise smokers to avoid congregating outside the window of the adjacent residential property and use the other staircase.
- (b) Listed building application 110047 be approved with conditions and informatives as set out in the report and on the Amendment Sheet.

Councillor Peter Chillingworth, Councillor John Elliott, Councillor Andrew Ellis, Councillor Wyn Foster and Councillor Jackie Maclean (in respect of the neighbour, Councillor Jill Tod, being an acquaintance) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

199. 110032 Fairfields, 74 Chitts Hill, Colchester, CO3 9SX

The Committee considered an application for a new vehicular access which comprised changes to an extant permission for a new access drive to a domestic dwelling. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Vincent Pearce, Planning Services Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

John Kerry, the owner of Fairfields, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the two amendments to the earlier scheme. The first amendment was to the access from Cooks Lane which would achieve a smoother turn onto the drive. The second amendment was at the lower end of the drive where it avoided a route through the trees and took a line which would save over a dozen trees. The provision of a turning circle at the lower end of the drive would save visitors from having to reverse back up the drive if no-one was at home.

Members of the Committee referred to a request for a hedge to be planted on the western side to shield the drive and vehicles from the houses in Chitts Hill. However, they believed the red line extent of the development may not be sufficient to allow such a hedge and in that case it could only be achieved by agreement with the owner of the land and the applicant. Some members wanted more trees to be included in the scheme.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until after the expiry of the consultation period for the receipt of any objections from the Arboricultural Officer, the Landscape Officer and local residents.
- (b) After the expiry of the consultation period and subject to there being no additional material planning considerations raised by the Arboricultural Officer, the Landscape Officer and local residents that relate to matters not previously considered, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

200. Planning and Listed Building consents 1011541 and 101543 // Lower Park, Colchester Road, Dedham

This item was withdrawn by the Head of Environmental and Protective Services to allow further investigation into some new issues that have been raised by a third party.

**PLANNING COMMITTEE
17 MARCH 2011**

- Present :-* Councillor Ray Gamble* (Chairman)
Councillors Peter Chillingworth*, Helen Chuah*,
John Elliott*, Andrew Ellis, Stephen Ford,
Theresa Higgins*, Jon Manning, Philip Oxford,
Ann Quarrie* and Laura Sykes*
- Substitute Member :-* Councillor Wyn Foster for Councillor Jackie Maclean*
- Also in Attendance :-* Councillor Paul Smith

(* Committee members who attended the formal site visit.)

201. Minutes

The minutes of the meeting held on 17 February 2011 were confirmed as a correct record.

202. 102229 Dedham Vale Business Centre, Manningtree Road, Dedham, CO7 6BL

The Committee considered an application for the erection of 268 square metres of B1 business floor space comprising four single storey business starter units, associated parking and boundary planting. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

203. 110198 Corner of Parsons Heath and Welshwood Park Road, Colchester

The Committee considered an application to determine whether prior approval was required for the installation of a new street works telecommunication mast of 12.5 metres to the top with three antenna located within a GRP shroud at the top of the mast along with one ground level streetworks cabinet measuring 1.89 metres by 0.79 metres by 1.65 metres in the location indicated on plan numbers 100, 200 and 300. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

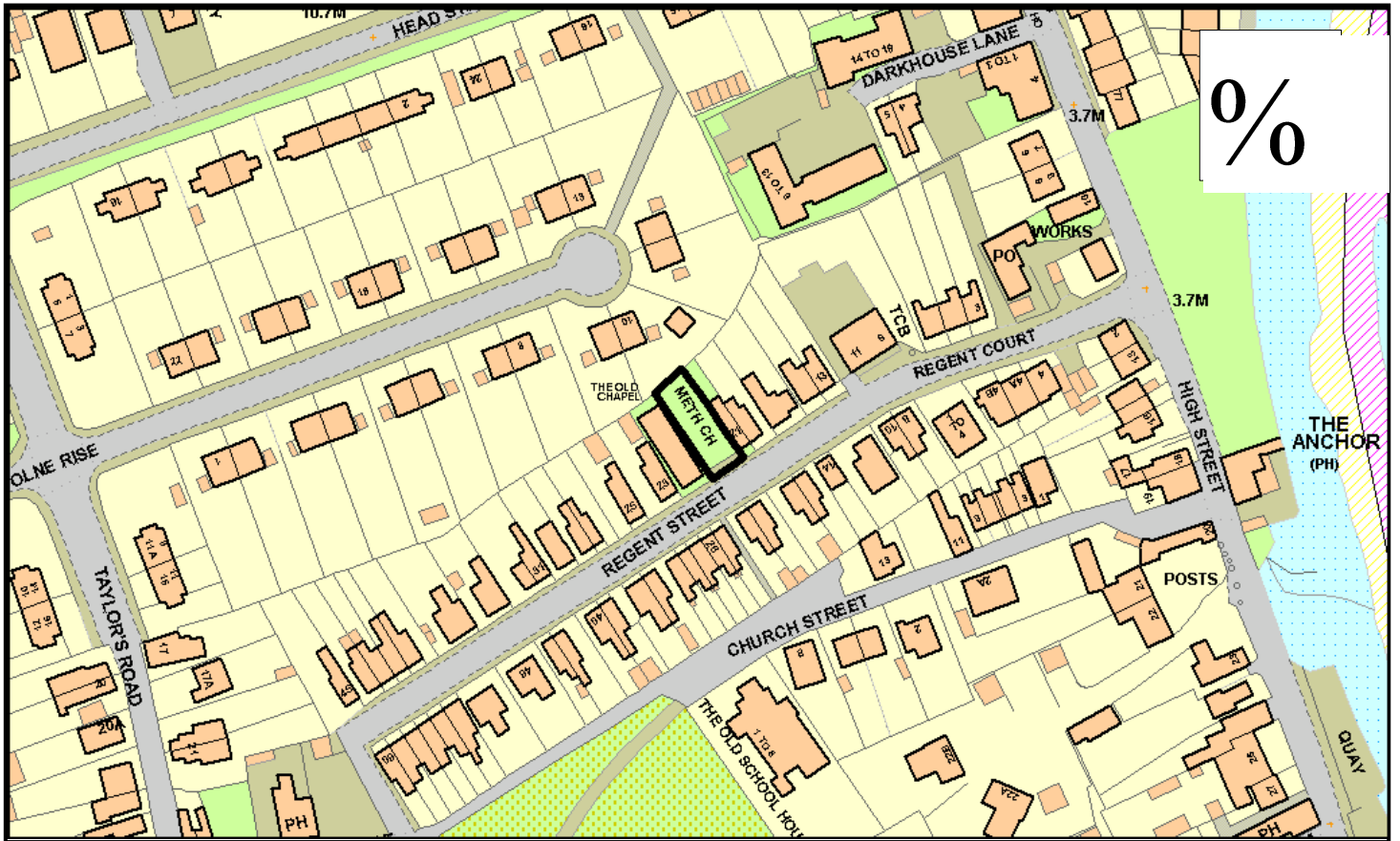
Mr Peartree addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He made reference to his medical condition which was diagnosed in 2003 when he was advised to minimise the use of mobile phones and other wireless equipment. He had removed all such equipment. When he moved into his current home next to the site he had all connections hard wired and since 2003 he had not experienced any symptoms, and scans showed that his condition had remained stable. Despite claims that these masts cause no problems his experience suggested otherwise. He was dismayed at this proposal for a mast just metres from his home and referred to other sites which had been looked at and not chosen. He identified the most suitable alternative sites either near the Bromley Road roundabout or north of the railway land.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to the public speaker's medical condition and that it seemed ironic that such a mast should be sited next to his property when there appeared to be a very clear link between his condition and sensitivity to radio emissions. He referred to other sites which warranted further investigation but they were on private sites and would require a rental to be paid whereas this site required no rental. He believed there were serious health issues in this case.

In response to a Committee member's query regarding whether a perception of a health issue was a material planning consideration in the same way as the fear of crime is, the planning officer referred to the clear Government advice that the local authority cannot take account of health issues. She reminded the Committee that the required Declaration of Conformity with the ICNIRP certificate had been submitted with the application which confirmed that emissions from this mast and others in the area were below the guidelines and thus complied with the limits set by Government and Europe. She explained that on a prior approval application the only issues which could be taken into account were siting and design of the equipment. The applicants had investigated alternative sites and disregarded them for various reasons; some because there were more obvious in the landscape others because they were nearer to residential properties.

Members of the Committee were sympathetic towards the public speaker and his health issues but were constrained because such issues could not be taken into account in consideration of a prior approval application. However, the applicants had let it be known that they would be willing to relocate the cabinet further towards the rear of the site. The Committee considered the proposed location to be too intrusive and preferred the alternative site because they considered it to be less intrusive. The Committee were aware that there were only 56 days in which to determine the application otherwise it would be deemed to have been approved and if they refused this application they hoped that the applicant would submit another, slightly amended, application rather than appeal against a refusal on this application.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds of the unacceptable siting of the cabinet because it was too prominent in the street.



Application No: 110023

Location: Land to West of, 21 Regent Street, Rowhedge, Colchester, CO5 7EA

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **31 March 2011**
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: Nick McKeever

MINOR

Site: 21 Regent Street, Rowhedge, Colchester, CO5 7EA

Application No: 110023

Date Received: 11 January 2011

Agent: Chris Robards

Applicant: Mr D Wright

Development: Proposed new dwelling on land Adjacent to 21 Regent Street

Ward: East Donyland

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because of an objection by The Rowhedge Society and a local resident. The objections include concerns about parking provision. In view of this concern, and the fact that that the proposed parking is not in accordance with the recommended levels in the Council's adopted parking standards, the application is submitted to the Planning Committee for determination.

2.0 Synopsis

- 2.1 The principle of the development of this infill development was established in 2004 by the approved outline application O/COL/04/0810. This outline application was supported by an indicative layout and front elevation drawing showing the new building as being attached to 21 Regent Street. The elevation drawing was excluded by condition. This Committee report will consider the proposed scheme having regard to this previous approval and the current planning policy context and will conclude that the development is acceptable in terms of its layout, detailed design and impact upon residential amenity.

3.0 Site Description and Context

- 3.1 The site forms part of the garden of 21 Regent Street, Rowhedge, which is within an established residential area. The existing dwelling is a two storey, semi-detached dwelling of the late Victorian/early Edwardian period. It is constructed in red brick with a slate roof.
- 3.2 The property is surrounded by other residential properties, although the building to the immediate west is a Methodist Chapel.
- 3.3 There are trees along the northern site boundary.

4.0 Description of the Proposal

- 4.1 It is proposed to erect a detached, two storey dwelling on this plot having a stated area of 210 square metres. The dwelling is to be finished in red facing brick, stone cills and lintels and a slate roof. The ground floor accommodation includes a kitchen/diner, lounge and conservatory; the first floor provides three bedrooms and a bathroom.
- 4.2 One parking space is to be provided on the site.

5.0 Land Use Allocation

- 5.1 Residential/Conservation Area

6.0 Relevant Planning History

- 6.1 O/COL/04/0810 – Severance of garden to form a building plot for one two bedroomed dwelling. Approved 22/06/2004

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP14 Historic Environment Assets
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP18 Transport Infrastructure Proposals
 - DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction Open Space, Sport and Recreation
 - Extending your House
 - The Essex Design Guide
 - External Materials in New Developments

8.0 Consultations

8.1 The Design and Heritage Unit comment:-

“The principle of infilling this plot on the rising hill of Regent Street is acceptable in principle. The small plot has been given an appropriately scaled and proportioned dwelling that appears appropriate in the rhythm of the other dwellings in the street. I would suggest that the front room window becomes a bay window, which will ground the building visually. I would also suggest that the form will need a chimney to disguise the junction of the two roofs. The application should be considered and justified against our current car parking standards.”

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

9.0 Parish Council Response

9.1 It is hoped to have the Parish Council’s comments prior to the Committee meeting and these will be reported on the Amendment Sheet

10.0 Representations

10.1 The Rowhedge Society comment that:-

“The design of the dwelling proposed is out of keeping with the surrounding area which is mainly of traditional Victorian design and layout. Impact on a conservation area - Any development on this site should be sympathetic to and contribute positively to the conservation area in which the site sits. The design of the proposed dwelling would have a detrimental impact upon this conservation area. It is important that open space is retained in the area; this very small site should not be built upon. The lack of parking space in Rowhedge, particularly in the vicinity of this site, is a significant issue for all residents. The parking planned in this application is totally inadequate for the dwelling proposed. The streets in the immediate area are of mainly Victorian layout and design and any planning application which suggests that this area will have to accommodate an increase in the parking of vehicles must be rejected on the basis of the impact this will have on this conservation area and existing residents. Health and safety - For the reasons stated above it is our belief that development of this site as submitted will generate increased traffic and parking and as such an increased risk to health and safety especially as it is so close to the village shop which obviously attracts a great many pedestrians.”

10.2 The occupier of 36 Regent Street considers that a new building will create the need for extra parking space. The majority of parking here is on-street and this is limited, making existing parking a problem. It follows that any additional vehicles will only increase the problem. As Regent Street is part of the old village, any new development will not be in keeping with the existing houses.

11.0 Parking Provision

- 11.1 The application proposes the provision of one parking space to be located adjacent to the front projecting wing of the new building. This space is shown as being 28m wide and 5.4m long.
- 11.2 The current adopted standard for a new three bedroom dwelling is normally two spaces plus one visitor space. The visitor space can be provided within the adjacent highway where there are no parking restrictions. The recommended size of a parking space should normally be 5.5 metres x 2.9 metres.
- 11.3 In considering the proposed one parking space due account has been taken of the following circumstances:
- (1) The previously approved scheme made provision for one parking space within a car port attached to the side of the dwelling.
 - (2) A large number of the existing older properties along Regent Street do not have any on-site parking. Other properties mostly have only one but where space permits some have two spaces although these are in the minority.
 - (3) The parking standard does allow for spaces that are below the recommended size (i.e. the old standard of 2.5 metres x 5.0 metres) as an exception. In this case the size is only marginally below the recommended 5.5 metres x 2.9 metres.

12.0 Open Space Provisions

- 12.1 The application includes the required Unilateral Undertaking for a contribution towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD.

13.0 Report

- 13.1 The layout plan shows that the new building is to occupy much the same position as that shown on the layout plan submitted with the approved application 04/0810. In terms of site area the Design and Access Statement states that the ground floor plan will occupy 55 sq. metres of the total site area of 210 sq. metres. The submitted ground floor plan 1497- 02C shows that the building is to be located one metre from the boundary with No.19 Regent Street and one metre from the boundary with the Methodist Chapel. In terms of space between the buildings the development complies with the Council's normal standard.
- 13.2 Given the particular characteristics of the existing development within this older, established residential street, it is considered that the development would not appear cramped in its setting.
- 13.3 The design of the new dwellings has evolved through discussions between the applicant and the urban design officer. Subject to the recommended minor modifications it has now reached a standard of design that is compatible with the majority of the Late Victorian/early Edwardian properties that give this street its particular character. The external materials are also in keeping.

- 13.4 It is noted that the Decision Notice for the permission 04/0810 advised that the submitted design was not acceptable given the detail of the garage and the linking of the new building to the existing dwelling at No.21 Regent Street. This Notice further advised that a new dwelling with a gable facing the road may provide an acceptable form of development. The current application has addressed these matters.
- 13.5 In general terms the scale, height and massing of the proposed building are sympathetic to its setting.
- 13.6 There are no privacy issues as there is only a bathroom window in the east facing flank wall, and this should be obscure glazed.
- 13.7 Given the layout of the existing dwelling at No.21, together with the fact that the other adjoining building is not a dwelling but is a Methodist Chapel, it is considered that the proposed dwelling does not raise any issues in terms of overbearing impact, loss of outlook or overshadowing. In this respect the development complies with the Council's adopted policies and SPD.

14.0 Conclusion

- 14.1 The principle of this infill development has been agreed by the 2004 consent. The layout, scale, design and external appearance are considered to be acceptable in this particular setting. Whilst the provision of on-site car parking does not comply with the recommended standard, it is considered that the proposed provision is acceptable having regard to the site history and its particular context.
- 14.2 The applicant has been asked to incorporate the provision of a front bay window and the chimney. Amended plans will need to be received prior to presentation to the Committee.
- 14.2 The development is acceptable in terms of visual and residential amenity.

15.0 Background Papers

- 15.1 SPG; Core Strategy; CBDP; PPS; DHU; PTC; NLR; OTH

15.0 Recommendation

1. APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:
 - A contribution towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD
2. On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

1 – A1.5 Full Perms (time limit for commencement of Development)

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 – C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the development preserves and enhances the character and [or appearance/visual amenity] of the Conservation Area.

3 – C12.2 Details of Walls or Fences

Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

4 – D1.9 Visibility Splays

A 1.5 metre x 1.5 metre pedestrian visibility sight splay, free of obstruction above a height of 600mm, and relative to the back of the footway / overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use and thereafter retained.

Reason: To avoid overdevelopment of this site.

5 - Non-Standard Condition

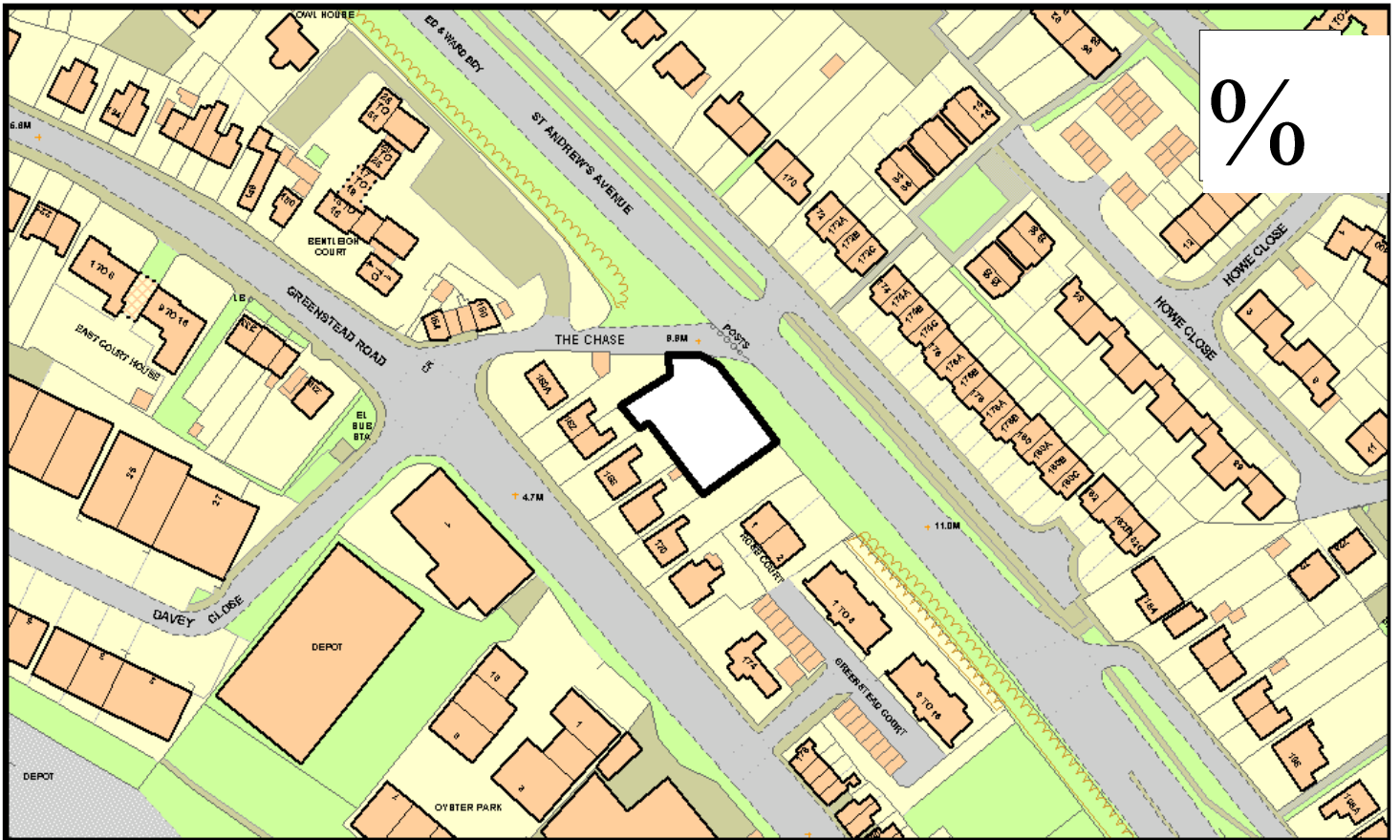
The car parking space hereby approved shall be provided prior to the occupation of the new dwelling and thereafter shall be retained for parking of vehicles ancillary to the development

Reason: In the interest of highway safety and the amenity of the existing residential properties

17.0 Informatives

(1) 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 110166

Location: Land to Rear (NE of), 164-168 Greenstead Road, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

MINOR

Site: Land to rear (north of) 164-168 Greenstead Road, Colchester

Application No: 110166

Date Received: 3 February 2011

Agent: Richard Johnson Chartered Architect Ltd

Applicant: Chase Court Developments Ltd

Development: New residential development of 4 units.

Ward: St Andrews

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because an objection has been received from the Highway Authority as the proposal does not accord with current parking standards and could lead to parking in Greenstead Road contrary to highway safety and efficiency.

2.0 Synopsis

2.1 Planning permission 072854 was previously granted for this same scheme in January 2008. That permission has now lapsed. With the adoption of higher parking standards in 2009, the level of parking provision which should normally be provided in accordance with the new standards has risen. However, the site is in close proximity to the Hythe Urban Gateway where high densities of development are normally encouraged and, in this instance, a reduced level of parking (1 space per dwelling) is considered acceptable. The application is recommended for approval.

3.0 Site Description and Context

3.1 The application site is a rectangular shaped parcel situated between St Andrews Avenue and three properties on the Greenstead Road. Land levels fall away from St Andrews Avenue toward the Greenstead Road. A cul-de-sac known as The Chase, connected to the Greenstead Road, provides vehicular access to the site. The site is within a predominantly residential area, where there is a mix of flats, houses and bungalows. However, the site also enjoys close access to the Hythe rail station and to Hythe Tesco's.

4.0 Description of the Proposal

4.1 The proposal is for three 1-bedroom dwellings and one 2-bedroom dwelling and provides 4 parking spaces. The design takes full cognisance of the drop in land levels, with a single storey aspect to the rear (backing onto the Greenstead Road properties) and one-and-a-half storey to the front (facing St Andrews Avenue).

5.0 Land Use Allocation

5.1 Predominantly Residential

6.0 Relevant Planning History

6.1 072854 – new residential development of 4 houses, permitted January 2008

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction Open Space, Sport and Recreation
 - Extending your House
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing

8.0 Consultations

- 8.1 The Highway Authority raised an objection to the application for the following reasons:

“The Highway Authority considers this proposal to be overdevelopment. The proposal does not appear to be in accordance with the current parking standards which would require 5 spaces plus 1 for visitor parking. This deficiency will lead to further parking in Greenstead Road contrary to the safety and efficiency of the highway.”

- 8.2 Environment Agency – no comments

- 8.3 Environmental Control – Recommends that all the suggested noise mitigation measures within the Noise Assessment Report are conditioned in order to comply with the standards set out in BS8233. Also recommended conditions that require further contamination assessment and remediation and validation.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website.

9.0 Representations

- 9.1 None received

10.0 Parking Provision

- 10.1 Policy DP19 specifies a minimum of 1 car parking space for each 1-bedroom dwelling or 2 car parking spaces for each dwelling of 2 or more bedrooms, in addition to 0.25 spaces per dwelling for visitors. However, the policy also goes on to state that a lower standard may be acceptable where it can be clearly demonstrated that there is a high level of access to services. In this instance a total of four spaces are provided. This will be discussed further in the main body of the report.

11.0 Open Space Provisions

- 11.1 Policy DP16 seeks a minimum of 50 square metres (sqm) of private amenity space for 1 and 2-bedroom houses (although this standard can be reduced to 25 sqm for the most accessible developments). The scheme provides 50 sqm for the 1-bedroom dwellings and slightly above this standard for the 2-bedroom dwelling; this accords with the standard. A unilateral undertaking has been provided towards public open space, sports and recreation facilities in accordance with the adopted SPD.

12.0 Report

Relevant History

- 12.1 The proposal put forward is similar to a proposal for four dwellings previously approved in January 2008. The developer undertook site clearance works with a view to commencing the development; unfortunately the submission of details to discharge the pre-commencement conditions was not submitted until 1 working day before the expiry of this permission. The developer has stopped work and has submitted the current application, along with a revised unilateral undertaking that takes into account the requirement to provide a contribution towards community facilities, as well as towards public open space, sports and recreation. The developer has also supplied details such as land levels, noise mitigation measures and contamination land restoration, which were, required by the previous decision, and these are currently being given consideration.

Design and Layout

- 12.2 The pattern of development along this end of the Greenstead Road is of established properties with fairly tight rear gardens and groupings of flats and houses to the rear of these properties sandwiched between St Andrews Avenue and the Greenstead Road.
- 12.3 This is a tight knit site to the rear of three properties fronting the Greenstead Road, which have very shallow rear gardens set below the level of the application site. The design and layout of the proposal is generally considered acceptable, providing a frontage onto St Andrews Avenue and respecting the amenity of the properties to the rear, which front onto the Greenstead Road.

Parking

- 12.4 The principal change in circumstances since the earlier application was approved relates to the new adopted car parking standards. Whereas in 2008, the Highway Authority raised no objection to the scheme, they do now.
- 12.5 Policy H2 in the Core Strategy states that locations with good access to centres, particularly the Town Centre and the Urban Gateways, are more suited to higher density development and Table H2a indicates that densities of over 75 dwellings per hectare will be appropriate within 400m of Urban Gateways. The application site is 200m distance (as the crow flies) from Hythe Station, which is identified as an Urban Gateway and 400m (walking distance) away. The site is also just over 400m walk from the Hythe Tesco and is on a good bus route. It is therefore a site where the Core Strategy would encourage relatively high density development. The density proposed in fact equates to 60 dwellings per hectare.
- 12.6 Policy DP19 in the Development Policies specifies a minimum of 1 car parking space for each 1-bedroom dwelling or 2 car parking spaces for each dwelling of 2 or more bedrooms, in addition to 0.25 spaces per dwelling for visitors. However, the policy also goes on to state that a lower standard may be acceptable where it can be clearly demonstrated that there is a high level of access to services.

12.7 This development would normally require 5 parking spaces plus 1 visitor parking space (total of 6 spaces); whereas only four are provided. However, this is a site where a higher density of development should be expected in accordance with Policy H2. A consequence of higher density development is that it is more difficult to provide a high level of parking in a visually acceptable manner. This is the case in this instance. The scheme that has been put forward proposes individual dwellings rather than flats, in order to respect the adjoining dwellings along the Greenstead Road frontage; a consequence of this is there is not sufficient space to provide any more than four parking spaces on site. The adverse recommendation of the Highway Authority is noted; however, in this instance it is considered appropriate to recommend approval of the scheme as submitted.

Neighbouring Amenity

12.8 The proposed design takes note of the fall in levels of the site down toward the rear aspect of the dwellings fronting the Greenstead Road. The new dwellings are to be cut into the site and will be single storey to the rear and one-and-a-half storey to the front. The Essex Design Guide suggests that acceptable daylight in interiors is achieved if a 25 degree vertical angle from a point 2 metres above the floor at the façade is not obstructed. The proposal respects this guidance. Windows on the rear aspects of the proposed dwellings are principally ground floor, with high level rooflights for the proposed 2-bedroom dwelling and rooflights for the proposed 1-bedroom dwellings set back from the bedrooms to provide light above the ground floor living space.

Other Matters

12.9 The noise assessment report submitted with the application found the site to be within NEC Category C where planning permission would not normally be granted. Environmental Control has recommended that the suggested mitigation measures contained within the report are conditioned in order to comply with the standards set out in BS8233.

12.10 The report into land contamination submitted with the application stated there are not considered to be any significant sources of contamination associated with the site. There are however, possible concerns over an area used for bonfires. The report does not go on to detail where this was or how it relates to the proposed garden areas. Environmental Control therefore recommended conditions to ensure additional assessment and remediation works are carried out as necessary.

13.0 Conclusion

13.1 Planning permission 072854 was previously granted for this scheme in January 2008. That permission has now lapsed. With the adoption of higher parking standards in 2009, the level of parking provision which should normally be provided in accordance with the new standards has risen. However, the site is in close proximity to the Hythe Urban Gateway where high densities of development are normally encouraged and, in this instance, a reduced level of parking (1 space per dwelling) is considered acceptable. The application is recommended for approval.

14.0 Background Papers

14.1 PPS; Core Strategy; DPD; SPG; HA; NR; HH

15.0 Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Public open space sports and recreation facilities
- Community Facilities

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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 Condition

The development hereby permitted shall be constructed strictly in accordance with drawing no. 131/10D dated January 2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the effect of this permission.

3 - Non-Standard Condition

The development hereby permitted shall be constructed using Terca Warnham Red bricks and Spanish natural roof slates, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To harmonise with the character of existing development in the area.

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.

6 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the parking and turning area shown on the approved plans enabling a motor car to enter and leave the highway in forward gear shall be constructed, surfaced and made available for use, and they shall thereafter be retained for that sole purpose.

Reason: In the interest of highway safety.

7 -Non-Standard Condition

Each of the 4 dwellings hereby permitted shall be allocated one of the four parking spaces shown on the approved drawing.

Reason: To ensure that each dwelling is provided with one off-street parking space, in the interest of highway safety.

8 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, 1.8m high close-boarded timber panel fences (as measured relative to finished ground levels on the application site) shall be provided adjacent to the gardens of the adjacent residential properties, and shall thereafter be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

9 - A7.4 Removal of ALL Perm Devel Rights (residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, iterations and associated development.

10 - B4.5 No Additional Windows in Walls/Roof Slope

No new window or other openings shall be inserted above ground floor level in any elevation or roof slope of the proposed dwellings without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

11 - Non-Standard Condition

The window to be provided above ground floor level in the southeast (side) facing elevation of the proposed dwelling adjacent to 170 Greenstead Road shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

12 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the existing redundant vehicular access shall have been removed and reinstated as grass verge.

Reason: In the interest of local amenity.

13 - Non-Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority, a 1.5 metre by 1.5 metre pedestrian visibility sight shall be provided on both sides of the proposed vehicular access, free of obstruction above a height of 600mm and relative to the edge of The Chase with the application site, prior to the first occupation of the development hereby permitted.

Reason: To ensure adequate visibility for drivers and to ensure the safety of pedestrians.

14 - Non-Standard Condition

The development hereby permitted is for three 1-bedroom dwellings and one 2-bedroom dwelling only. No internal alterations shall be made that will result in additional bedrooms being created.

Reason: The number of parking spaces provided for the four dwellings is lower than would normally be expected in accordance with the Council's 2009 adopted parking standards. Permission has been granted for the reduced standard on the basis that the site is close to Hythe rail station and other local services. However, the Local Planning Authority would not wish to allow additional bedrooms as this could result in a deficiency of off-street parking, leading to further parking in Greenstead Road, contrary to the safety and efficiency of the highway.

15 - Non-Standard Condition

All of the noise mitigation measures detailed in the noise assessment survey undertaken by Pace Acoustic Consulting submitted with the application shall be implemented prior to the occupation of any dwelling and shall thereafter be maintained as such, including:

- (i) all glazing and openable elements and alternative means of acoustic ventilation;
- (ii) roof and external walls capable of providing a sound reduction of 50dBA+; and,
- (iii) fencing along the boundary of plot 1 and the adjoining property and the fencing adjacent to parking space no.4 with The Chase shall be close-boarded with no gaps or cracks, particularly at the bottom of the fence.

Reason: To ensure an appropriate level of amenity for the future occupants of the dwellings.

16 - B6.6 Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The applicant's consultant has identified the potential for contaminants associated with bonfires on the site and Environmental Control wish to ensure that development only proceeds if it is safe to do so, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

17 - B6.8 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: The applicant's consultant has identified the potential for contaminants associated with bonfires on the site and Environmental Control wish to ensure that development only proceeds if it is safe to do so, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 - B6.9 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: The applicant's consultant has identified the potential for contaminants associated with bonfires on the site and Environmental Control wish to ensure that development only proceeds if it is safe to do so, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

19 - B6.10 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18.

Reason: The applicant's consultant has identified the potential for contaminants associated with bonfires on the site and Environmental Control wish to ensure that development only proceeds if it is safe to do so, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

20 - B6.13 Validation Certificate

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 17 above.

Reason: The applicant's consultant has identified the potential for contaminants associated with bonfires on the site and Environmental Control wish to ensure that development only proceeds if it is safe to do so, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 - B4.9 Cross Section Through Site Required

No development shall take place until cross sections of the site and adjoining land, including details of existing ground and buildings levels around the [building/s extension] hereby approved and any changes in levels proposed together with the proposed floor levels within the [building/s extension] have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections [and specified levels].

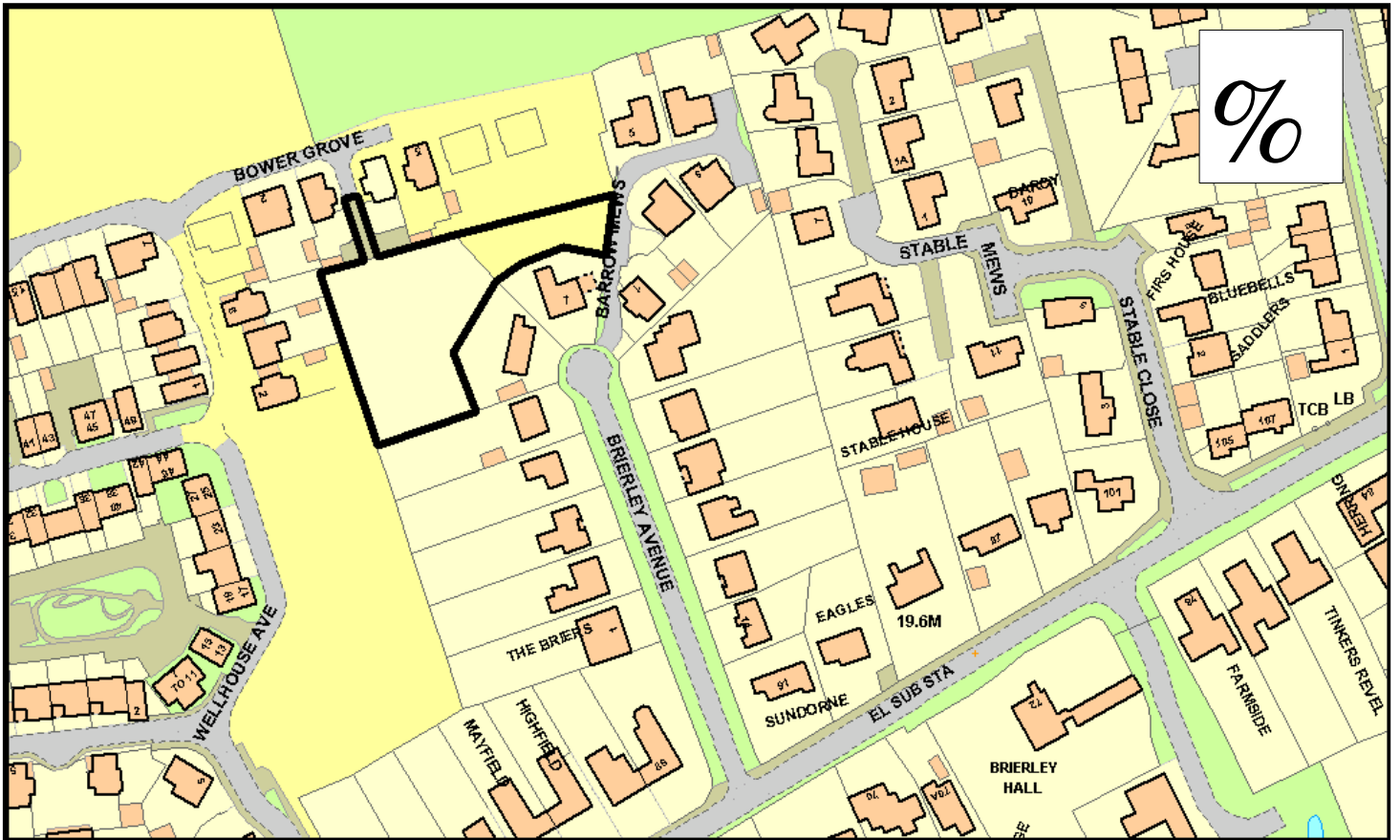
Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.

17.0 Informatives

(1) 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.

(3) The applicant is advised that Colchester Borough Council is in receipt of Murray Rix "Report on a Desk Study and Preliminary Risk Assessment at Land to the Rear of 164 to 168 Greenstead Road, Colchester, Essex". Ref: Vsjob/07-1765r, dated April 2008 which has identified the potential for sources of contamination to exist in areas used for bonfires on the site. The LPA 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.



Application No: 102682

Location: Land to the rear of Bower Grove, West Mersea, Colchester

Scale (approx): 1:1250

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7.3 Case Officer: Nick McKeever

MINOR

Site: Land to the rear of Bower Grove, West Mersea, Colchester

Application No: 102682

Date Received: 11 January 2011

Agent: Mr David Rose

Applicant: Mr Tye Harvey

Development: Planning Application to erect three bungalows, outbuildings and associated works

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because it is subject to a “call-in” by Councillor Fairley-Crowe on the grounds that it is an over development and the impact upon existing properties.

2.0 Synopsis

2.1 The application seeks to address the reason for the refusal by the Council of application 091107 and the subsequent unsuccessful appeal. The reason for this previous refusal was based on the fact that the proposal represented a cramped and compromised sense of place and failed to satisfy the Council’s adopted SPD on Backland and Infill Development.

2.2 Whilst the subsequent appeal was dismissed, the Inspector concluded that the proposal would not result in an over development or create a cramped or compromised sense of place and that it would not appear out of context with the character of the area.

2.3 The reason for the appeal decision was based upon the fact that the development failed to provide the minimum 3 metres wide protection zone either side of the access, together with the close proximity of the proposed garages and vehicular turning area, thereby having an adverse impact upon the amenity of the two existing dwellings located either side of the existing access. This protection zone is set out in the adopted SPD and is required to soften the impact upon the existing residential properties.

- 2.4 This appeal decision will be referred to in the body of the main report. In so doing the report will conclude that the revised scheme satisfies the relevant LDF policies and the Backland and Infill Development SPD. The recommendation will be for permission, subject to appropriate conditions.
- 2.5 Whilst this current application is for three dwellings, the development site incorporates additional land to provide a larger area.
- 2.6 The report will consider the new scheme in the context of the current policy and the aforementioned SPD relative to this appeal decision and in the context of the current objections from the Town Council and the residents of nearby residential properties. The report will conclude that this revised scheme has addressed the reasons for the dismissed appeal and is acceptable in terms of the Council's adopted policies and SPD.

3.0 Site Description and Context

- 3.1 The site lies within an area of a new housing development of 105 dwellings north of East Road, West Mersea. The plot lies to the north of the established dwellings Nos. 6 and 7 Brierley Avenue, to the east of more modern dwellings in Barrow Mews (a small housing development off Brierley Avenue), and to the immediate south of the new dwellings along Bower Grove.
- 3.2 The plot is an irregular shaped parcel of land incorporating part of the rear gardens of Nos. 6 and 7 Brierley Avenue. The total area of the site is stated as being 0.22ha.
- 3.3 The application proposes the use of an existing access between Nos.3 and 4 Bower Grove. This access has a tarmac surface leading to the two single garages and a turning area serving these existing dwellings. The southern boundary is currently enclosed by a 1.8 metre high close boarded fence.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of three detached, two-bedroom bungalows served by a private drive off the existing parking and turning area serving Nos. 3 and 4 Bower Grove. There will be a brick wall with entrance piers at the entrance to the private drive with a landscape strip either side of the entrance in excess of three metres.
- 4.2 The dwellings are to be constructed in red facing brickwork and weatherboarding and slate covered roofs.

5.0 Land Use Allocation

- 5.1 Bradwell Safeguarding Zone 2/Potential Contaminated Land/SSSI Consultation Zone. Residential.

6.0 Relevant Planning History

- 6.1 091107 – To erect two new residential dwellings and associated garages. Refused 24 November 2009. Appeal dismissed 18 August 2010.

6.2 100947 – Erection of three bungalows with associated garages and parking.
Withdrawn 13 July 2010.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Design and Heritage Unit comment that the access arrangement conforms to our guidance and would appear to overcome the reason for refusal for dismissal for the last application on this site. The proposed bungalows are of a satisfactory design, although plot three looks too large in the plot. It would be advantageous to the character of the scheme if plot three could be reduced in size, although there would be no effect on neighbours' amenity. The layout is well softened by planting and is acceptable.
- 8.2 The Highway Authority would not wish to make any comment further to the formal recommendation of 28 May 2010 (i.e. permission subject to conditions)
- 8.3 Environmental Control requests the inclusion of the standard informative on Demolition & Construction.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Town Council Response

- 9.1 The Town Council recommend refusal on the grounds of overdevelopment.

10.0 Representations

- 10.1 22 objections have been received. These objections are summarised as follows:-

- (1) The proposed development does not satisfy the Council's SPD.
- (2) Overshadowing, overlooking, loss of space around the buildings and adverse impact upon outlook from the existing dwellings.
- (3) The bungalows are too large.
- (4) The access should be via Brierley Avenue.
- (5) Possible change to two storey dwellings.
- (6) Plot 3 is too close to the boundary and is higher than previously proposed.
- (7) A previous application was refused and another withdrawn.
- (8) The access between numbers 3 and 4 Bower Grove will cause a loss of amenity due to the additional traffic and associated noise and disturbance.
- (9) This is not an improvement upon the existing street scene (i.e. the existing access and close boarded fencing at the end of this existing access.
- (10) There are already problems of parking on this development and the road up to Bower Grove is narrow, with poor lighting and not lack footpaths.
- (11) Needless removal of trees.

11.0 Parking Provision

- 11.1 The scheme requires the provision of a minimum of two parking spaces for each of the three dwellings plus one visitor space. The development satisfies this requirement. Plot 3 provides one double garage and two parking spaces; Plot 2 has a detached single garage and two spaces, whilst Plot 1 has a detached single garage and one parking space.

12.0 Open Space Provisions

- 12.1 Each of the three new dwellings has more than the required policy provision of 100 square metres private amenity space. The application includes a Unilateral Undertaking for a contribution towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD.

13.0 Report

- 13.1 The site lies within a predominantly residential area of West Mersea, and within a reasonable distance of the facilities it offers, and in this respect it is acceptable in terms of being a sustainable site.

- 13.2 The previous application for the development of a smaller site accessed via the existing drive between the dwellings in Bower Grove was refused by the Council and subsequently dismissed by the Planning Inspectorate on appeal. A copy of this appeal decision is made available for Members information at Appendix 1.

- 13.3 The Inspector in arriving at his decision agreed that this constituted a backland development but did not concur with the Council's view that the development would appear cramped within its context or that this form of development was not acceptable in this location. He concluded that-

"The proposed dwellings would not result in an overdevelopment of the site or create a cramped or compromised sense of place in comparison with nearby housing. Neither would the proposed development appear dominant within the street scene or out of context with the character of the area"

- 13.4 The decision considered that the proposal did not conflict with the Council's policies which seek to ensure that developments are of a good design that reflect and enhance the character of the area.

- 13.5 On this basis a continued argument that this form of backland development would fail to satisfy the Council's policies and SPD in terms of being out of context, cramped or fail to enhance the character of the area, is not considered to be sustainable.

- 13.6 The development also satisfies the Council's requirements in terms of the provision of amenity space, parking provision and space around the buildings.

- 13.7 The overall size of the individual plots compares favourably to that of the new development in Wellhouse Green.

- 13.8 The design of the new dwellings has been considered by the Design and Heritage Unit and is considered to reach the standard required for this site.

- 13.9 In terms of the impact of the new dwellings upon the amenity of the adjoining dwellings, the new buildings are all single storey. Given that there is no significant difference in ground levels between the proposed and the existing dwellings, it is considered that there are no overlooking issues, subject to the provision of suitable screen fences to the boundaries. The submitted scheme shows that new 1.8 metre high close boarded fences are to be erected along the boundaries and that a hedge along the southernmost boundary is to be retained. However, given the concerns set out in the submitted objections, full details of all existing and proposed boundary treatments should be submitted in writing for approval before the development commences.
- 13.10 Concerns expressed by residents that the single storey dwellings may be extended to create two storey buildings are acknowledged. However this application has to be considered upon its particular merits rather than what could be proposed in the future. Notwithstanding this, it is considered that permitted development rights relating to loft conversions and the insertion of dormers and windows within the roof planes should be removed by condition in order to safeguard the amenity of the existing dwellings.
- 13.11 The comments relating to the size of the bungalow on Plot 3 are acknowledged. The Applicant has therefore reduced the overall size of this building in order to reduce any impact upon the existing dwellings that adjoin this part of the site.
- 13.12 Objections also include the fact that the access is via the existing roads and that these are narrow, lack pavements and street lights. Access should be via Brierley Avenue. In this respect it is noted that the Highway Authority does not raise any objection in principal to the proposed development with access via the new residential development at Wellhouse Green. Members will appreciate that the proposed development with access via Bower Grove has to be considered upon its own particular merits.
- 13.13 If it is considered that this type of development is acceptable within its context, the remaining issue that has to be addressed is the one reason why the previous scheme was dismissed on appeal.
- 13.14 Classic backland development usually requires the formation of an access between two adjoining dwellings where no such access already exists. This has an impact upon the amenity of these two dwellings by the introduction of vehicular traffic where none previously existed, and the consequent noise, disturbance and other associated forms of environmental pollution.
- 13.15 The adopted SPD indicates that a buffer zone either side of the access having a width of 3 metres is the minimum likely to be required to mitigate this impact. This was a matter that the Inspector referred to in his decision, together with the provision of the parking and turning area very close to the rear elevations of the adjoining dwellings in Bower Grove. The Inspector considered that “the noise and disturbance generated by vehicles passing so close to the side elevations, combined with the opening and closing of car doors and the starting of engines in such close proximity to the rear elevations would harm the living conditions of the occupiers of plots 50 and 51 Bower Grove”

- 13.16 These particular circumstances formed the only reason for the dismissal of the appeal.
- 13.17 The current application considers this particular issue and the Design and Access Statement (D & AS) highlights the reference of the SPD to the word “new” :-
- “ a protection zone each side of a new entrance will be required. The size of this zone will be influenced by factors such as the layout of existing buildings and the position of windows, but as a minimum a distance of 3 metres is the minimum likely to be required in order that the impact of a new access on existing residential property can be softened, for example by the introduction of soft landscaping”.
- 13.18 The submitted D & A S is correct in its statement that the current shared access that runs between the two existing houses is existing as opposed to a new access and that in these particular circumstances there is no scope for any design adjustments to satisfy the 3 metre wide buffer strip. It is noted that, whilst the garden areas of the existing dwellings are immediately adjacent to the existing access (and enclosed by 1.8m high bricks walls), these dwellings are separated by a side garden area. There are no windows within the flank walls of either of these two existing dwellings.
- 13.19 The layout of the new development has also sought to mitigate any impact. Either side of the new private access there are brick walls and piers. The three metre separation zone is incorporated at the new access, immediately behind the new walls, and shown on the submitted drawings as a landscaped area. The new turning area to serve Plots 1 and 2 is located approximately 12 metres beyond the rear garden walls of numbers 3 and 4 Bower Grove, behind this landscaped area. The new dwellings on these two plots are located approximately 20 metres away from the aforementioned garden walls. The proposed garage and parking spaces for Plot 3 are close to the rear boundaries of number 6 and 7 Bower Grove (i.e. approximately 2 metres) and as such will have some impact upon the amenity of these two existing properties although this is unlikely to be to the extent that would justify withholding permission solely on this basis. All of the aforementioned distances are as scaled from the submitted drawings.
- 13.20 It is in this context that the Design and Heritage Unit consider that the access arrangement conforms to the adopted SPD and appears to address the dismissal of the previous application.

14.0 Conclusion

- 14.1 The previous appeal decision considered that the proposed backland development, albeit on a smaller parcel of land, was acceptable in terms of its context, not cramped in its setting, and not contrary to the Council’s policies and SPD which require that all new development should enhance its setting.
- 14.2 In this context the current scheme satisfies the Council’s standards of design, provision of amenity space, provision of adequate space around the buildings, and the provision of on-site parking.
- 14.3 Given that the dwellings are single storey, with no accommodation within the roof voids, there are no privacy issues. Privacy can also be safeguarded by the provision of appropriate screen fences and this can be secured by condition. This was the view expressed by the Inspector in his appeal decision.

- 14.4 There is adequate separation between the existing and the proposed dwellings such that there will not be any significant overshadowing. This was also a conclusion drawn by the Inspector in his determination of the previous appeal.
- 14.5 The appeal decision was based solely upon the impact of the vehicular activity upon the amenity of the two existing dwellings that lie either side of the existing vehicular access leading to the detached garages beyond the rear gardens of these existing dwellings.
- 14.6 The current scheme seeks to address this issue as far as it is possible given the layout of the existing development.

15.0 Background Papers

15.1 PPS; DPDP; Core Strategy; SPG; DHU; HA; HH

16.0 Recommendation

1. APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:
 - The completion of the unilateral undertaking for a contribution towards the provision of Open Space and Community Facilities in accordance with the Council's adopted SPD
2. On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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 - C3.3 Samples to be Submitted

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity [and helps to reinforce local character and identity].

3 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building hereby approved and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

4 - C11.11 Landscape Design Proposals

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

5 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority 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.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

6 - Non-Standard Condition

The garages and car parking spaces shown on the approved plans shall be constructed and provided prior to the occupation of the approved dwellings and thereafter shall be retained for parking of vehicles ancillary to the development.

Reason: To ensure the provision and maintenance of on-site parking in the interests of highway safety and the amenity of the existing residential properties.

7 -Non-Standard Condition Reason

Prior to the proposed access being brought into use vehicular visibility splays of 43 metre east by 2.4 metre by 43 metres west as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

8 - Non-Standard Condition

Prior to the proposed access being brought into use, a 1.5 metre x 1.5 metre pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction. These splays must not form part of the vehicular surface of the access

Reason: In the interests of highway safety.

9 – Non Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety

10 – Non Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 595 BG.I.001,003E, 004, 005,006A, 007A,and 008A.

Reason: For the avoidance of doubt and in the interests of proper planning

11 – Non Standard Condition

The dwellings hereby permitted shall only be single storey in height with no habitable accommodation provided within the roof space

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenity and privacy of adjoining residential properties.

12 - A7R6 Removal of Perm Devel Rights (excp circum)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows or other openings shall be constructed in the roofs of the buildings hereby approved.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenity and privacy of adjoining residents.

17.0 Informatives

(1) 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Appeal Decision

Site visit made on 16 June 2010

by **Shaun J Greaves BA(HONS) DipURP**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
18 August 2010

Appeal Ref: APP/A1530/A/09/2119253

Land to the rear of Bower Grove, West Mersea, Essex CO5 8HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Allen Vince against the decision of Colchester Borough Council.
- The application Ref 091107, dated 18 August 2009, was refused by notice dated 24 November 2009.
- The development proposed is to erect two new dwellings and associated garages.

Decision

1. I dismiss the appeal.

Procedural matter

2. Regional Spatial Strategies were revoked by the Government on 6 July 2010. Therefore I have determined the appeal in accordance with the relevant adopted policies of the Development Plan.

Main issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the living conditions of occupiers of neighbouring residential properties.

Reasons

Character and appearance

4. The site was originally part of the rear garden to No. 7 Brierley Avenue, which is a cul-de-sac within an established residential area. However, the site has been fenced off from the garden to No.7. Access to the site would be between two dwellings currently under construction on Bower Grove, which are part of a new housing development of 105 dwelling houses north of East Road, West Mersea.
5. The appellant considers that the site is not garden land and questions whether the development constitutes backland development. However, I consider that works that have taken place have not resulted in the change of use of the land and that in land-use planning terms the site remains garden land. Also, as the site would be to the rear of existing dwellings on Bower Grove, albeit in different stages of completion, I consider the proposed dwellings would constitute backland development within the definition provided in the Council's adopted Supplementary Planning Document '*Backland and Infill Development*' 2009 (SPD). This recently adopted document has been subject to public consultation and I therefore give it significant weight.

6. The layout, form, scale and external appearance of dwellings within the vicinity of the appeal site varies. Whilst most dwellings in the area are in ordered lines facing the street, there are examples of private drives and backland developments that vary from this general approach. The proposed dwellings would not appear prominent from public vantage points, although they would be clearly visible from adjacent residential properties.
7. Whereas the size of the plots to the proposed dwellings would be significantly smaller than the established housing on Brierley Avenue, they would be similar in size to those within the new residential development north of East Road. Although the proposed dwellings would be very close to the boundaries with No. 7 Brierley Avenue and plots 50 and 51 on Bower Grove I consider that the development would not appear cramped within its context. Also, whilst I consider that the arrangement of the dwellings on the site differs from those nearby that face a street, I consider that this is acceptable in this backland location.
8. The Council has indicated that the proposed dwellings would appear contrived and fail to respect building styles in the area. Whilst most dwellings in the vicinity are a full two storeys in height, the dwelling at 7 Brierley Avenue also has first floor accommodation within the roof space. Also, I noted that dwellings in the immediate vicinity have varied designs and are finished in differing materials. In the circumstances, the proposed dwellings would not appear contrived or at odds with the design or style of buildings in the area. I consider, therefore, that they would not appear incongruous or cause harm to the character and appearance of the area.
9. I note the reference by the appellant to a site at Tile House Farm, Horksley, and that this was not considered as backland development by the Council. However, I have not been provided with precise details of this case to enable me to take an informed view. I have therefore given this matter limited weight in the decision-making process.
10. I conclude that the proposed dwellings would not result in an over-development of the site or create a cramped or compromised sense of place in comparison with nearby housing. Neither would the proposed development appear dominant within the street scene or out of context with the character of the area. Therefore, the proposal would not conflict with the aims of Policies DC1 (b), UEA11, and UEA12, of the adopted Review Colchester Borough Local Plan 2004 (LP), Policies SD1 and UR2 of the Core Strategy 2008, which seek to ensure that developments are of a good design that reflect and enhance the character of the area.

Living Conditions

11. In respect of backland developments, the Council's SPD seeks to protect the residential amenities of occupiers of neighbouring dwellings, and requires a protection zone each side of a new entrance, the size of which is influenced by factors such as layout of existing buildings and the position of windows. However, the SPD indicates that a width of 3 metres is the minimum likely to be required to soften the impact on existing residential properties.
12. The appellant has questioned this minimum width standard in the recently adopted SPD. However, I consider that such minimum standards do not conflict in principle with national policies or design guidance produced by the Commission for Architecture and the Built Environment. Whilst there are no proposed or existing windows within the side elevations to the dwellings either side of the entrance, the landscaped strips to both sides of the access to the

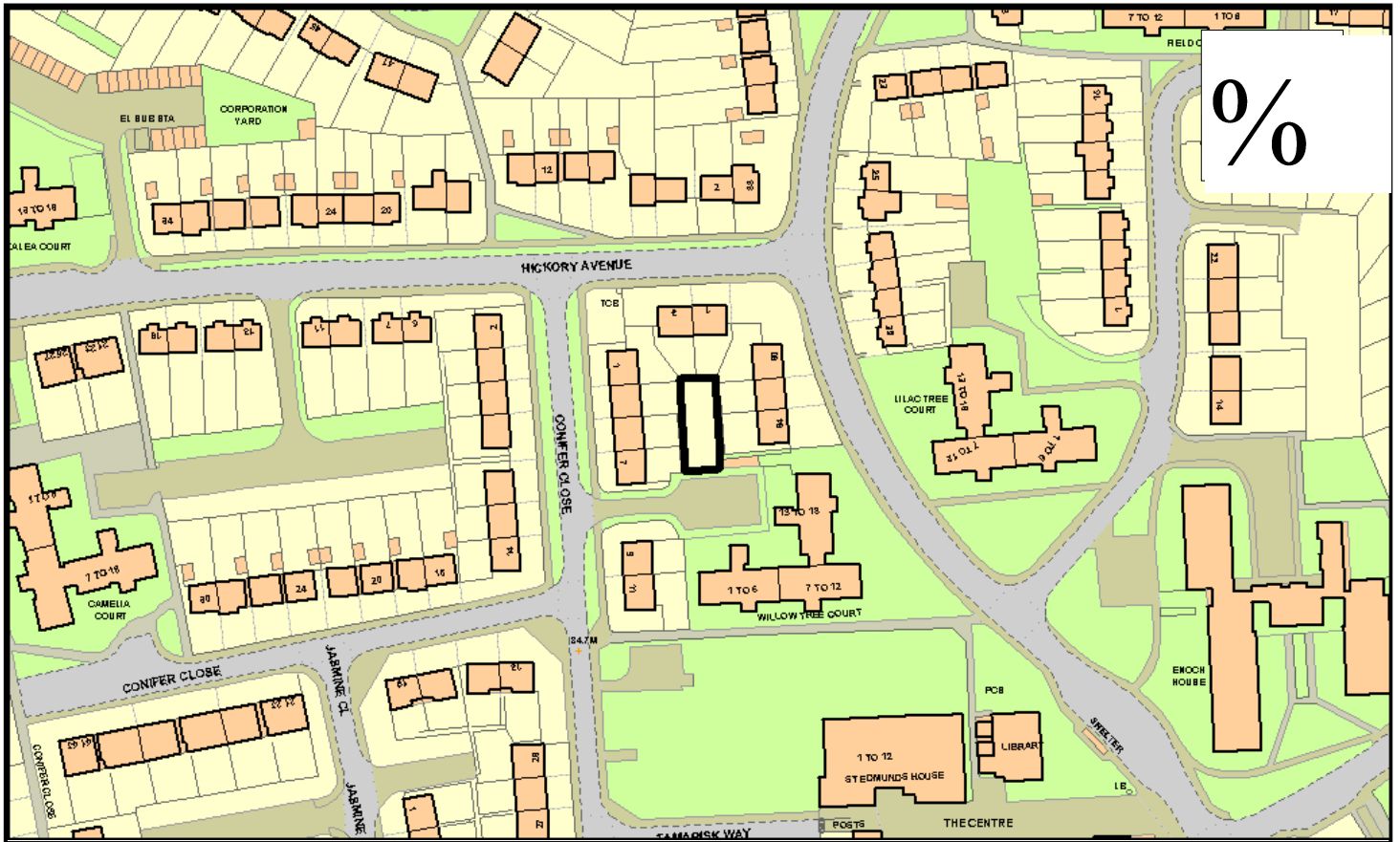
- proposed dwellings would be significantly narrower than the minimum 3 metres required by the SPD.
13. The parking area and garaging for the proposed dwellings would be very close to the rear elevations of the dwellings on plots 50 and 51 Bower Grove. Although the rear gardens to these properties would have boundary walls, I consider that the noise and disturbance generated by vehicles passing so close to the side elevations, combined with the opening and closing of car doors and the starting of engines in such close proximity to the rear elevations would harm the living conditions of occupiers of plots 50 and 51 Bower Grove.
 14. I note the appellant's view that the dwellings on Plots 50 and 51 are not completed or occupied and that therefore there are no existing residents affected. However, I consider that this does not alter the effect that the development would have upon the living conditions of future occupiers of these dwellings or the aims of the SPD.
 15. The appellant has referred to a recently approved development to the rear of 10 and 10a Suffolk Avenue, West Mersea. However, I have not been provided with details of the planning application and I note that planning permission was granted for this development before the adoption of the SPD in 2009. I have therefore given this matter little weight.
 16. I note that the occupiers of a nearby dwelling at 2 Barrow Mews have raised concerns about the effect of the proposed development in terms of overshadowing, loss of light, overlooking and boundary treatments. However, given the distance, orientation and relationship of the dwelling at No. 2 Barrow Mews and the proposed dwellings, I consider that there would not be any significant overshadowing, loss of light or overlooking that would cause significant harm to the living conditions of occupiers of No. 2 Barrow Mews. Also, boundary treatments could be adequately controlled by a planning condition.
 17. I conclude on this issue that the living conditions of future occupiers of the dwellings at plots 50 and 51 Bower Grove would be harmed by virtue of noise and disturbance generated by the occupiers of the proposed development. Therefore the proposal would conflict with the aims of the Council's recently adopted SPD and also LP Policy UEA12, which only permits backland development where, amongst other things, there is no significant loss of amenity to adjoining residential property by virtue of noise and disturbance caused by traffic generated by the proposed development.

Conclusions

18. Notwithstanding my conclusions on the first issue, the objections I have identified concerning the harm that would be caused to living conditions of future occupiers of Plots 50 and 51 Bower Grove, in my view, constitute convincing reasons why planning permission should be withheld. Having taken account of all other matters raised, including recent changes to Planning Policy Statement 3: *Housing*, I conclude that the appeal should be dismissed.

S J Greaves

INSPECTOR



Application No: 110219

Location: Proposed Car Park, Conifer Close, Colchester, CO3 3LW

Scale (approx): 1:1250

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7.4 Case Officer: Nick McKeever

Due Date: 04/04/2011

OTHER

Site: Proposed Car Park, Conifer Close, Colchester, CO3 3LW

Application No: 110219

Date Received: 7 February 2011

Agent: Mr Michael Gurton

Applicant: Colchester Borough Council

Development: Change of use from concrete based communal drying area (not used) to residential car park.

Ward: St Andrews

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the Applicant is Colchester Borough Council.

2.0 Synopsis

2.1 The proposed use of this unused external drying area surrounded on three sides by existing dwellings and adjacent to an existing car parking area within this established residential area will result in the loss of an existing amenity for the existing residents and could also have an impact upon the amenity of the properties whose rear gardens adjoin the site. However, it will result in the provision of additional car parking facilities for the residents and the amenity of neighbours can be safeguarded by the provision of screen fences. In this context the recommendation will be for permission.

3.0 Site Description and Context

3.1 The site is approximately 202 square metres of a concrete surfaced, external communal drying area enclosed on all four sides by existing residential properties forming part of a larger residential estate. The rear gardens of numbers 1 and 3 Hickory Avenue form the northern boundary; the rear gardens of numbers 1 – 7 Conifer Close form the western boundary; the rear gardens of 90 – 94 Hawthorn Avenue form the eastern boundary. To the south is an existing car parking court behind which are the existing flats at Willow Tree Court.

3.2 The southern boundary is enclosed by a 1.8 metre high brick wall containing an access gate into the drying area.

4.0 Description of the Proposal

4.1 The application proposes the formation of a new vehicular entrance through the aforementioned brick wall and a new dropped kerb off the existing car parking court. The rear gardens of the dwellings which enclose the former drying area are to be screened by the provision of a run of 1.5 metre high close boarded fencing.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 None

9.0 Representations

9.1 None

10.0 Parking Provision

10.1 The layout drawing submitted as part of the application shows the provision of 6 car parking spaces. There are no issues with this use as it will provide additional parking to that provided within the existing car parking court.

10.2 The submitted plan shows that each space is 2.4m x 4.8m, below the preferred bay size of 5.5m x 2.9m under the 2009 adopted standard. An amended plan has been requested for submission to the Committee meeting.

11.0 Open Space Provisions

11.1 The existing area was historically used as an amenity for the occupiers of the residential properties that adjoin the site. A site visit shows quite clearly that this small area of land is no longer used for this purpose.

12.0 Report

12.1 The two main issues with the proposed use as a car park are the loss of this space as an amenity for the existing residential properties and the potential impact of the vehicular activity upon the amenity of the properties which back onto the site.

12.2 The site no longer appears to be used for its original purpose. On this basis it is preferable for it to be put to a beneficial use to provide additional parking for the existing residents.

12.3 The use for the parking of up to six cars will have an impact upon the amenity of the adjoining dwellings. The application does however propose the erection of a 1.5 metre high close boarded fence along these rear gardens, where these are mainly enclosed by wire mesh fences. This close boarded fence will screen these gardens and afford them more privacy but will also allow surveillance of the new car parking area. It is noted that there have been no objections submitted by the existing residents to this proposed use.

13.0 Conclusion

13.1 This alternative use is considered to be acceptable subject to the provision and future maintenance of the proposed screen fencing.

14.0 Background Papers

14.1 PPS; Core Strategy; DPDP; SPG

15.0 Recommendation - Conditional Approval

Conditions

1 – A1.5 Full Perms (time limit for commencement of Development)

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 Condition

The development shall be carried out in accordance with the approved revised drawing CBH/1011/2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 – Non Standard Condition

The 1.5 metre high close boarded fences shown on the approved drawing number CBH/1011/2023 shall be erected prior to the use hereby approved.

Reason: In order to safeguard the amenity of the residential properties whose back gardens adjoin the site.

4 – Non Standard Condition

The bricks to be used in the alterations to the existing brick wall shall match the existing.

Reason: To ensure a satisfactory visual appearance.

Informatives

(1) 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 110222

Location: Proposed Concrete Play Area, Camelia Court, Hickory Avenue, Colchester, CO4 3PG

Scale (approx): 1:1250

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7.5 Case Officer: Nick McKeever

Due Date: 04/04/2011

OTHER

Site: Proposed Concrete Play Area, Camelia Court, Hickory Avenue, Colchester, CO4 3PG

Application No: 110222

Date Received: 7 February 2011

Agent: Mr Michael Gurton

Applicant: Colchester Borough Council

Development: Change of use from a concrete based, unused drying area, to a childrens play area, fenced off from any public road.

Ward: St Andrews

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the Applicant is Colchester Borough Council

2.0 Synopsis

2.1 This application relates to a small area used as a drying area for the adjoining blocks of flats at Camelia Court and Daphe Court, Greenstead. The area is not currently in use. There are no objections to the proposed use as a children's play area and there are no policy issues. Having regard to these particular circumstances permission is recommended.

3.0 Site Description and Context

3.1 The site is an area of concrete of approximately 168 square metres, located within this established residential area and adjoins the existing blocks of flats at Camelia Court and Daphne Court. The existing north facing boundary is enclosed by timber bollards, behind which is a small area containing two small trees. The other boundaries are enclosed by low walls and railings, the flank walls of Camelia Court and Daphne Court. The western boundary is adjacent to a hedge and fence that encloses the rear garden of 27 Hickory Avenue.

4.0 Description of the Proposal

4.1 The application proposes that the existing surface is to be overlaid with a wet pour rubber safety surface. The western and northern boundaries are to be enclosed by 1.8 metre high galvanised steel, bow top fencing. The existing shrubbery area adjacent to the northern boundary is to be landscaped.

4.2 The application is accompanied by a drawing, and a photographic representation, of the proposed layout, although this layout is not necessarily the finished design.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
PR1 - Open Space
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP15 Retention of Open Space and Indoor Sports Facilities

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 None

9.0 Representations

9.1 None.

10.0 Parking Provision

10.1 Not Applicable

11.0 Open Space Provisions

11.1 The use as a children's play area can be supported under policy DP15 in terms of its contribution to the amenity of this residential area.

12.0 Report

12.1 From a visit to the site it is readily apparent that this area is no longer used for its original purpose to provide an outside drying area for the occupants of the adjoining flats. There are no longer any supporting poles for washing lines or rotary dryers.

12.2 The proposed play area will provide a useful alternative community use for this site. The application includes a statement to the effect that consultations have been undertaken with the residents of the adjoining flats and that the feedback has been positive. This is reflected in the lack of objections in response to the application consultation process.

13.0 Conclusion

13.1 No objections are raised in terms of land use for the proposed community use of this small area of currently un-utilised land.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG

15.0 Recommendation - Conditional Approval

Conditions

1 – A1.5 Full Perms (time limit for commencement of Development)

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 Condition

The development shall be carried out in accordance with approved drawing no. CBC/1011/2025, 01.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 – Non Standard Condition

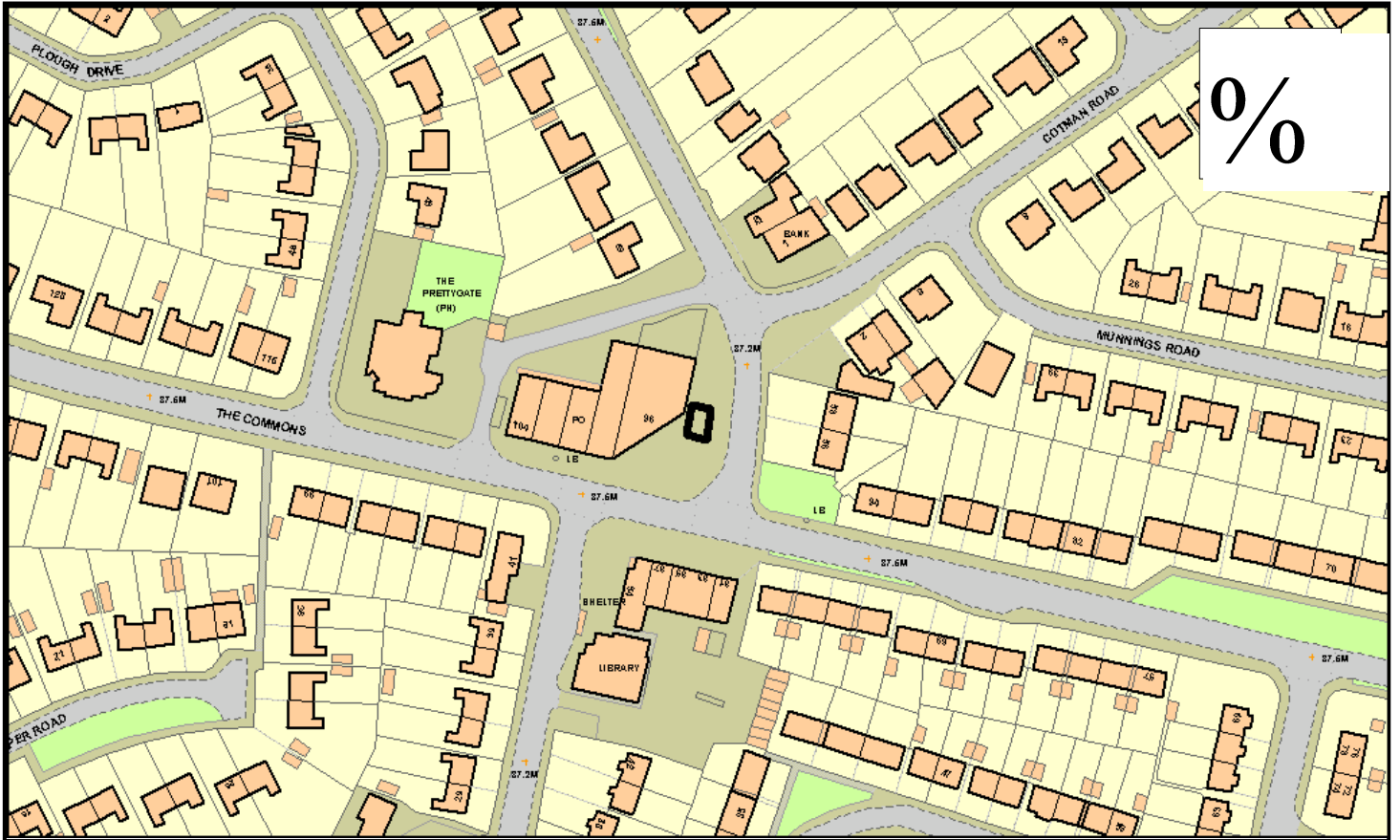
The landscape area shown on the approved drawing shall be provided prior to the use of the land as a play area, in accordance with a tree and/or shrub planting and implementation timetable submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Informatives

(1) 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 110385

Location: Prettygate Road, Colchester

Scale (approx): 1:1250

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7.6 Case Officer: Mr David Whybrow Due Date: 12/04/2011

OTHER

Site: **Prettygate Road, Colchester**

Application No: **110385**

Date Received: 1 March 2011

Agent: Galloway Estates Ltd Chartered Surveyors

Applicant: Vodafone Ltd & Telefonica O2 Uk Ltd

Development: Application for prior approval for the installation of a new shared mobile telephone mast of 11.8m (to top height) with 6 no antenna located within GRP shroud at top of the pole along with one ground level street works cabinet measuring 1.89m x 0.79m x 1.65m

Ward: Prettygate

Summary of Application: Refusal

1.0 Introduction

1.1 This is a "called-in" application for an application for prior approval for installation of a shared mobile phone mast and cabinet. The prior approval procedure relates to telecommunications proposals that are permitted development but afford the Local Planning Authority the opportunity to determine whether the proposed siting and design is acceptable.

1.2 The application has attracted a large number of letters and e-mails raising objections to the proposal and these will be considered as part of the following report.

2.0 Synopsis

2.1 The report gives a full description of the application site, the proposed development and relevant site history. It goes on to consider consultation responses and representations following which it is concluded that the prior approval of the details submitted should be refused.

3.0 Site Description and Context

3.1 The proposed site forms part of a paved area near the junction of Prettygate Road with The Commons, within the Prettygate Local Centre and alongside the Co-op Supermarket. The paved area includes a number of trees ranging in height between 5.3m and 7.1m and also contains various items of street furniture such as recycling bins, telephone kiosk, traffic barriers and lamp standards.

3.2 The majority of the buildings in the area are 2 storey with 2 semi-detached bungalows facing towards the site from the opposite side of Prettygate Road. Other residential properties lie a short distance away in Prettygate Road, Cotman Road and The Commons.

4.0 Description of Proposal

4.1 The proposal is for a mobile phone base station to be shared between 2 operators - O2 UK Ltd and Vodafone Ltd. The base station comprises a "street works" pole of 11.8m height with 6 antenna location within a GRP shroud along with a cabinet at street level of dimensions 1.89 x 0.79 x 1.65m.

4.2 The application is accompanied by an ICNIRP declaration confirming compliance with international emissions standards and supplementary information which may be inspected on the Council's web-site. Before the application was lodged alternative sites were considered and discounted, the reasons for which are set out below:-

- (a) Prettygate Pub Roof - Technical difficulties due to proximity to existing mast and other residential properties.
- (b) Parade of Shops including Co-op - Site provider will not allow telecoms equipment on their premises.
- (c) Streetworks near Library - Too central in street scene and no screening from trees.
- (d) Car park at ARK vets - Outside target area and little screening available.
- (e) Streetworks on Baden Powell Drive - Adjacent to childrens' playground.
- (f) Plume Avenue Church - Church not suited to support telecoms equipment.
- (g) Church of Latter Days Saints - Church not suited and too far from target area.
- (h) Land to rear of Church of Latter Day Saints - Archaeology and protected trees and proximity to residential property.
- (i) Land at Colcheter Chapel, Straight Road - Owner will not allow telecoms equipment on site.

5.0 Land Use Allocation

5.1 Neighbourhood Centre

6.0 Relevant Site History

6.1 PA/COL/02/1066 – Prior approval for erection of mobile phone base station with 12.5m monopole, cylindrical cluster antenna system and associated equipment cabin – Prior approval refused July 2002 on grounds of added visual clutter to the street scene.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Guidance 8: Telecommunications

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity

8.0 Consultations

8.1 Environmental Control recommend:

- That the installation of the antennae and associated equipment conform to the electromagnetic emission safety standards produced by the NRPB.
- Development shall proceed only if predicted levels of radiation at nearby premises are demonstrated *a priori* to conform to current public safety guidelines.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Representations

9.1 Letters and emails have been received from 20 local residents and businesses, details of which may be viewed on-line. A summary of the main points of concern is set out below:

1. This is not a suitable area for a mast near shops and local housing. The mast and equipment will not fit in with nice trees and low rise shops of Prettygate.
2. Mast would overshadow the walkway to shops and properties nearby and dominate the skyline while the ground level works will be obstructive and liable to vandalism.
3. The area has gone down a lot since I first moved here. The existing recycling bins are unnecessary as a result of domestic doorstep collections.
4. This would be an ugly eyesore. The mast would be in full view on a busy street with pedestrians passing all day.
5. Needs to be positioned away from this area. There are 2 large schools nearby and health risks to children are unclear.
6. Will not benefit local residents.
7. My living room window is directly in front of proposed site and the mast would be alongside bedroom window of flat above the Co-op store.

10.0 Report

- 10.1 This is not dissimilar to the proposal for which prior approval was refused in 2002. In that case a slimmer (single operator), but taller, mast was proposed and was refused for the following reason:-

“The Council considers that the erection of a 12.5m high mast and associated equipment to be installed in this prominent position fronting onto The Commons and Prettygate Road would be out of character and obtrusive in the street scene. The 12.5m monopole and associated equipment located at the base of the monopole will add to visual clutter to the street scene.

Colchester Borough Local Plan Second Deposit Draft Policy UT4 states planning permission for new development will be permitted provided:-

- It minimises its impact on the surrounding equipment and amenities through careful siting, design and screening.
- It harmonises new structures with the massing, outlines and design of any existing buildings or other installation at the proposed site.

The proposal has not been located to minimise the impact on the surrounding environment and amenity in the largely residential area. It is excessively prominent in the streetscene.”

- 10.2 Since that decision was taken, PPG8 maintains the Government’s policy to facilitate the growth of new and existing telecommunications systems while keeping the environmental impact to a minimum. Current LDF Policies UR2 and DP1 supersede Borough Plan Policy UT5 and their relevant provisions are:-

Policy UR2 promotes high quality design in all developments. Inter alia, it states, ‘developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.’

Policy DP1 states, inter alia:-

‘All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will

- (i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal.....
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area.’

- 10.3 In the present case the agent has considered alternative sites, especially those on buildings, but it will be seen that for various reasons these have not been possible to pursue. The scheme also proposes the lowest mast possible to provide the necessary coverage and the slimmest available to accommodate a shared facility.

- 10.4 On the one hand it might be considered that this open area, containing a number of trees and plentiful street furniture in the form of poles, lighting, recycling bins and traffic barriers and relatively remote from the majority of local dwellings, would serve to mitigate the visual impact of the mast and its associated cabinet. Conversely, it can be argued that the mast is higher than the surrounding buildings, trees and lamp posts and to that extent must be considered a discordant and obtrusive feature to the detriment of this prominent public space. On balance, it is considered that the latter view prevails and the proposed siting and design are unacceptable in this case.
- 10.5 Although health issues are raised in the representations Members will be aware that the ICNIRP certificate confirms that emissions are within tolerable limits even when the location of local schools and the cumulative effect of this proposal together with all radio base stations at, or near, the proposed location are taken into account.

11.0 Conclusion

- 11.1 On balance it is considered that the siting and design of the proposed mast and associated equipment is visually unacceptable and prior approval should be refused.

12.0 Recommendation

- 12.1 Prior approval is refused for the details as submitted for the following reason:-

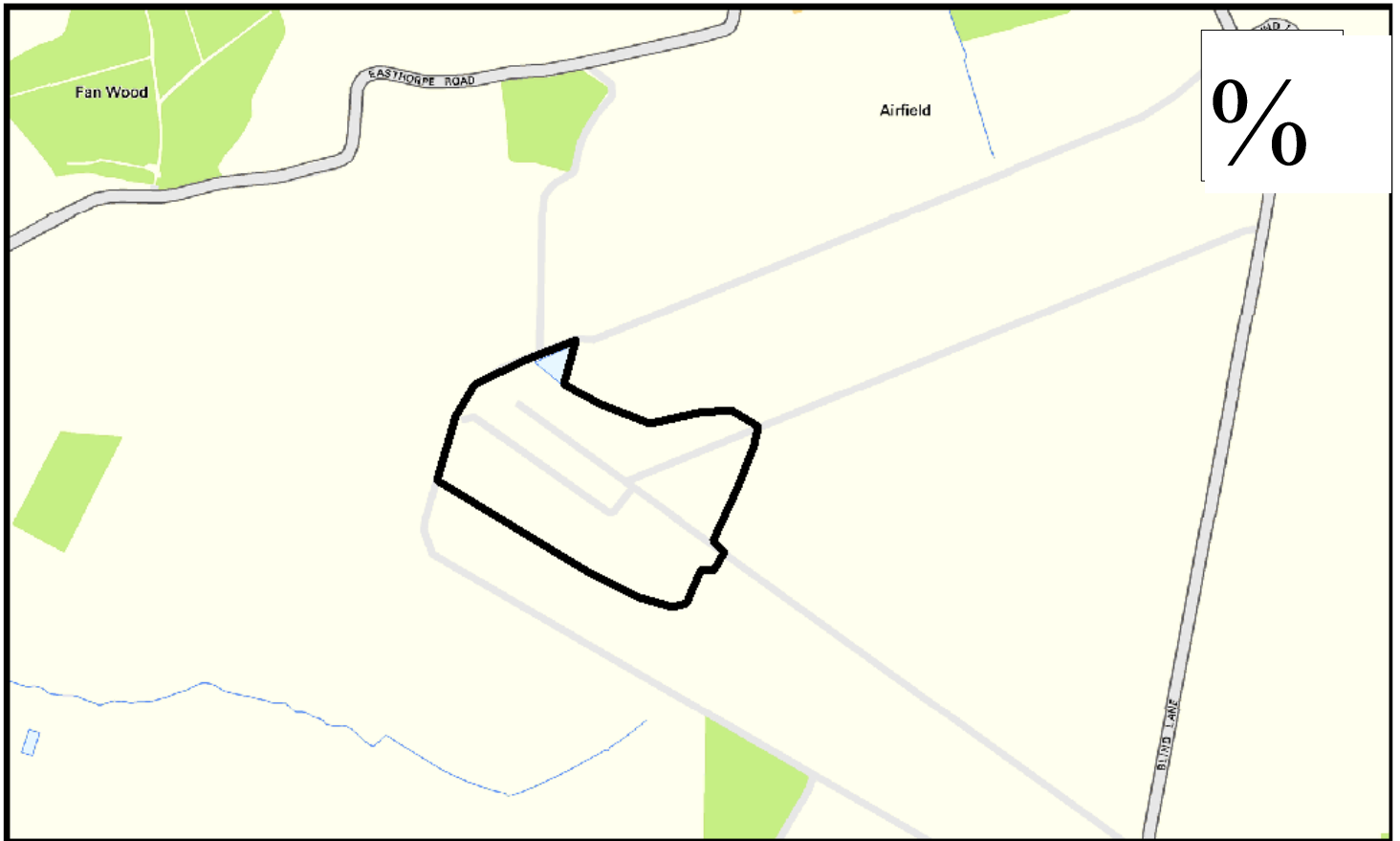
Policy UR2 in the Core Strategy, adopted December 2008, promotes high quality design in all developments. Inter alia, it states: 'developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.'

In addition, Policy DP1 of the Development Plan (October 2010) states:

'All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them will, inter alia:

- (i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape, and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal....
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area.'

In this instance, the proposed mast is noticeably higher than buildings or other street furniture installations within the vicinity of the site, and the height and utilitarian nature of the proposed structures will together result in a structure which appears discordant with the surrounding area. The site is at a prominent junction within a local shopping centre and is clearly seen from long distances in all directions. A structure of this size is therefore visually obtrusive from many vantage points. The proposed mast and equipment cabin (which are additional to existing street furniture) will detract from the character of the surrounding area. The proposal as such is contrary to the aforementioned policies.



Application No: 110342

Location: Birch Airfield, Blind Lane, Birch, Colchester

Scale (approx): 1:1250

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7.7 Case Officer: Sue Jackson

OTHER

Site: Birch Airfield, Blind Lane, Birch, Colchester

Application No: 110342

Date Received: 15 February 2011

Applicant: Essex County Council

Development: Anaerobic digestion (AD) and in Vessel Composting (IVC) facility for treatment of 25,000 tpa of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tpa of compost material and power generation. The facility comprises of a waste reception and preparation building, mixing hall, anaerobic digestion concrete tunnels, IVC concrete tunnels, power generation compound, office buildings, weighbridge, water storage lagoons and tanks, maturation pad, 7 car parking spaces including one disabled space and associated hard and soft landscaping.

Ward: Birch & Winstree

Summary of Recommendation: Observations only

1.0 Introduction

1.1 This application is referred to the Planning Committee because, whilst the application will be determined by Essex County Council, it involves waste recycling one of this Council's key strategic objectives. The application has generated a considerable amount of objection. Colchester Borough Council was given until the 15th March to comment on the proposal however an extension of time until the 4th April has been requested to allow the Planning Committee to consider the application.

2.0 Synopsis

2.1 The application involves 5.79 hectares of land at Birch airfield using the existing access via Blind Lane off the B1022 Maldon Road. The proposal includes the erection of a substantial building to be used as an Anaerobic Digestion (AD) and In Vessel Composting (IVC) facility for the treatment of 25,000 tpa of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tpa of compost material and power generation. The facility comprises a waste reception and preparation building, mixing hall, IVC concrete tunnels, power generation compound, office buildings, weighbridge, water storage lagoons and tanks, maturation pad, 7 car parking spaces including one disabled space and associated hard and soft landscaping.

3.0 Site Description and Context

- 3.1 The site is part of the former Birch airfield. The majority of adjacent land is in agricultural use with long views across the gently undulating landscape. The countryside is generally open with isolated dwellings or small groups of farm buildings, hedgerows and woodland.
- 3.2 The application site includes 2.8 hectares of land currently used for composting green waste in open-air windrows, plus an additional 2.2 hectares outside the consented area currently agricultural land which will be used mainly for landscaping. The total site area is 5.79 hectares this includes the existing access road.
- 3.3 The proposed Anaerobic Digestion (AD) and In-vessel Composting (IVC) site will have a footprint of approximately 4050 square metres.
- 3.4 Information submitted with the application indicates the nearest residential properties are Cranfield Farm 720 metres north-east from the site, Birch Holt Cottages 800 metres to the south and Messing Lodge 950 metres to the west. There is a public footpath 600 metres to the north. Fan Wood a Local Wildlife Site is 500 metres to the north-west and Blind Lane verge 800 metres to the south-east.

4.0 Description of the Proposal

- 4.1 The application proposes an Anaerobic Digestion (AD) and In-vessel Composting (IVC) facility for treatment of 25,000 tonnes of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tpa of compost material and power generation.

- 4.2 The proposal is described as follows;

“The IVC is a form of composting biodegradable waste that occurs in enclosed reactors rather than in outdoor windrows.

Anaerobic digestion is a series of processes in which micro-organisms break down biodegradable matter in the absence of oxygen. Birch airfield will use a dry anaerobic process. The anaerobic digestion process recovers bio-gas generated through the breakdown of waste materials. The gas generated will be collected stored and treated. The digestate from the end of the anaerobic stage will be fed into a two stage in-vessel compost (IVC) process. Once this compost material is matured it will be available for use in the agricultural and horticultural industries. The biogas will be used to produce renewable electricity that will be exported to the National Grid sufficient electricity will be produced to power both the facility and 800 average UK homes.

All waste management operations will be operated within buildings that will be fully enclosed and feature air extraction equipment . The air removed from the facility will be treated before being released into the atmosphere to ensure no significant dust or odours will be released.

The development consists of a series of linked buildings and concrete tunnels. The highest part will be the curved roof of the reception building at 9 metres high this has roller shutter doors that open and close automatically on the approach of a vehicle. Within the building the load is then inspected and will be screened and or shredded to appropriate dimensions and added to the stockpile. Any rejected materials will be removed at this stage and stored for transfer from the site it is estimated the rejected material will amount to no more than 3% by weight. The material will then go to the Transfer/Mixing Hall which will be 8 metres high. The transfer hall comprises 8 digester vessels (fermenters) each is a concrete tunnel approx 6m wide and 30 long and 6m high and links to 8 composting tunnels of similar dimensions. The fermentation/digester unit will be loaded and unloaded on an approx 6 week cycle. The material is then moved to in-vessel composters to ensure its complete breakdown. Following the IVC process compost is removed and transferred to the existing composting operation for maturation and final stabilisation. This stage typically lasts 6 weeks and is aerated manually . The final process is to remove the material from site in covered vehicles via the weighbridge for use on nearby farmland.

- 4.3 A small building to house technical facilities is also proposed.
- 4.4 The existing weighbridge and office will be relocated.
- 4.5 An energy compound is also indicated. "This includes a containerised acoustically enclosed biogas-fuelled engine coupled to an electricity generator and a fully enclosed flare (8 metres) to operate in the event the biogas cannot be utilised on site i.e. in the event of a breakdown or maintenance. There will be no visible flame from the flare when it is operating normally.
- 4.6 The development will be surrounded by raised soil bunds which are to be planted with trees. The bunds will be 3 metres wide at the top and planted with native broad-leaved species and quick growing nursery species and small groups of 200-250 cm half standard stock all to be managed for 10 years from date of planting. The application also includes works to an existing hedgerow along the alignment of the "southern runway" (track).
- 4.7 The existing green waste use will be retained within the north western part of the site albeit at a reduced capacity.
- 4.8 The capacity of the entire site will be limited to 35,000 te per annum (25,000 te for the AD IVC facility and 10,000te for the windrow operation. The reduced tonnage equates to a total number of HGV's using the site of 19 individual vehicles an increase of 7 over that currently using the windrow compost operation.
- 4.9 Information submitted with the application indicates the nearest residential properties are Cranfield Farm 720 metres north-east from the site, Birch Holt Cottages 800 metres to the south and Messing Lodge 950 metres to the west. There is a public footpath 600 metres to the north. Fan Wood a Local Wildlife Site is 500metres to the north-west and Blind Lane verge 800 metres to the south-east.

- 4.10 The submitted information indicates the method of dry anaerobic digestion followed by IVC is particularly suitable for the following reasons:-
- Degradation of feedstock material is undertaken in sealed controlled environments
 - The destruction of animal by-products can be closely monitored so to ensure the risk of transmission is minimised to Animal Health standards
 - Weed seeds are destroyed
 - Energy is recovered from the feedstock material for the operation of the process and displacement of fossil fuels sources and;
 - Fibre and soil nutrients and minerals are returned to productive use
- 4.11 All vehicles will be weighed and booked in at the weighbridge and details of the waste transfer notice checked to make sure the load is suitable.
- 4.12 Exterior lighting will be fitted with hoods the site will not be lit outside operation hours.
Hours of operation
07.00 to 18.30 Monday to Friday
07.00 to 17.00 Saturday
08.00 to 16.00 Sundays and public holidays
These hours reflect those of the existing composting facility. The digestion composting and power generation are automated continuous processes and therefore run 24 hours a day.
- 4.13 The site is in the centre of a field that is surrounded by a hedgerow the site entrance has lockable gates for when the site is shut.
- 4.14 ECC has confirmed that an Environmental Impact Assessment is not required; however the application includes a supporting statement, design and access statement, transport statement.

5.0 Land Use Allocation

- 5.1 The site is in a rural area without designation in the LDF Proposal Map adopted in October 2010.

6.0 Relevant Planning History

- 6.1 M/COL/04/0349 The extension of the existing composting facility to include the formation of 16,000 m² of hardstanding, a lagoon, portacabin, and fuel storage area together with the export of up to 20% per annum of composted material and the retention of a weighbridge. This application sought to regularize and expand a use that began in 2002.
Permission granted.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Guidance 13: Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
TA4 - Roads and Traffic
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside
DP21 Nature Conservation and Protected Lanes
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
External Materials in New Developments

8.0 Consultations

- 8.1 The application will be determined by Essex County Council who has carried out consultation and parish council and neighbour notification. However “in house” consultation with Spatial Policy, Environmental Control, Design Heritage Unit and Landscape Officer has been carried out and their comments are set out below.
- 8.2 **Spatial Policy** comments as follows:-

“The Council has been consulted on a County application for an anaerobic digestion (AD) and in vessel composting (IVC) facility for treatment of 25,000 tpa of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tpa of compost material and power generation at Birch Airfield. Birch Airfield is located within the countryside. In 2004 planning permission was granted for a green waste composting facility on the site, which would remain in addition to the proposed facility.

Policy ENV1 of the Core Strategy states that development on unallocated land outside of settlement boundaries will be strictly controlled. Where a development is compatible with a rural location it should demonstrate that it is in accordance with national, regional and local policies for rural development; is appropriate in terms of scale, siting and design; protects, conserves or enhances landscape character; protects, conserves or enhances natural and historic assets; applies a sequential approach to land at risk of flooding; conserves or enhances biodiversity; and provides necessary mitigation and compensatory measures.

The principle of the use of this site for a waste facility has already been established through the granting of planning permission in 2004 for a green composting waste facility on the site. The key issue is whether this type and scale of waste management facility is acceptable at this site. Whilst the proposed use would increase the scale of activity within the site the supporting statement explains that the existing use would reduce its waste input from 20,000 tpa to 10,000 tpa. The proposed facility would process 25,000 tpa and so the total amount of waste processed on site would increase from 20,000 tpa to 35,000 tpa. The applicant has indicated that they would be willing to enter into a planning obligation limiting the use of the site to these thresholds and if Essex County Council is minded to grant planning permission it is suggested that the use of the site is restricted by planning obligation to ensure that further intensification does not occur.

There are currently no buildings on the site whatsoever and the new buildings on site total 4,050sqm. The highest point will be the top of the reception building, which will be 9 metres high; the majority of the buildings will be 6m high. Whilst the site is open and flat the contours and existing hedgerows/small pockets of woodland do provide a degree of screening from certain viewpoints. However, the facility would be prominent in the landscape from certain viewpoints, particularly from Messing. The proposed screening will help to screen the proposed development, although it will take some years for screening to be fully effective. If the building could be lowered either by design or tanking (part buried), it would lessen the impact on the surrounding countryside.

It is not considered that natural and historic assets will be affected by the proposal. The site is an area of hard standing, surrounded by agricultural fields and has fairly low biodiversity value. Further, the hedgerow enhancement and screening set out in the landscape strategy will improve biodiversity. A mix of native species should be planted to ensure species diversity. The proposal includes the use of a biofilter, which should ensure that no significant odours or dust will be released into the atmosphere. The site is not located within an area of flood risk. To minimise light pollution it is recommended that an appropriately worded condition is attached, such as that suggested by Environmental Control.

Policy ER1 of the Core Strategy refers to the Borough Council's commitment to waste minimisation and recycling. This facility will reduce the amount of food waste going to landfill.

Policy DP1 of the Development Policies DPD states that all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must respect and enhance the character of the site, its context and surroundings; provide a design and layout that takes into account the potential users of the site; protect existing public and residential amenity; create a safe and secure environment; respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and incorporate any necessary infrastructure and services.

The design of the building seeks to minimise the impact on the character of the area through colour and style. However, it is considered that the design does not reflect the style of building one would expect to see in the countryside, it is a large building and would be prominent in the landscape. The nearest dwelling is 720 metres away and as the site is enclosed it is not considered that residential amenity will be significantly affected by odour or dust from the site but no doubt Environmental Health will be consulted on this issue.

Policy DP9 – Employment Uses in the Countryside is relevant to this proposal. This policy states that employment uses in the countryside must contribute to the local economy and sustain rural communities. Uses should be small scale and should not harm the rural character by the nature and level of activity. Traffic and pollution are specifically referred to. Traffic movements will increase by 7 vehicles per day and ECC Highways will presumably comment on whether this level of increase is acceptable. As already referred to, the biofilter should ensure that significant odour and dust is not emitted into the atmosphere. Policy DP9 also states that new buildings and the expansion of existing businesses will only be permitted in exceptional circumstances where the need for the development has been generated. There are no existing buildings within the site and as already stated this site is currently in use as a waste facility. The need for this type of waste facility is a matter for the Waste Planning Authority and not something that this LPA is able to comment on.

Policy DP25 of the Development Policies DPD states that the LPA will support proposals for renewable energy schemes. Schemes should be located and designed in such a way to minimise increases in ambient noise levels and visual impacts should be mitigated through siting, design, layout and landscaping measures. This proposal involves anaerobic digestion of organic waste to produce biogas, which can generate electricity and heat in a CHP unit. The electricity produced will supply the site and the surplus will be sent to the National Grid. It is estimated that there will be enough surplus to power 800 homes. The heat generated will supply the site and the applicants recognise the possibility of using the surplus to supply nearby properties.

In conclusion this proposal has some merits; however there are concerns as detailed above, most notably the impact of the building on the landscape. To ensure compliance with the Borough Council's local planning policies it should be demonstrated that there will be no adverse transport or landscape impacts. “

8.3 **Environmental Control** comment as follows:-

“We have no record of complaints regarding the existing composting facility and note that the nearest sensitive receptor is located 720 metres away from the application site (according to the applicant).

However, we are aware that this application has potential to impact local residents through increased vehicle movements, noise, odour, dust, flies/pests and illumination if not adequately controlled.

Having read the information provided with the application it appears that all of the above have been carefully considered and that the process will require an Environmental Permit and therefore be regulated by the Environment Agency (EA).

However, we wish to make the following comments:-

Vehicle movements

The anticipated increase of six vehicle movements a day within the hours currently permitted is unlikely to have any significant impact. It should be noted that noise from vehicles accessing the site cannot be controlled by nuisance legislation once the vehicles have left it.

Odour

This will be regulated by the EA. No detailed odour management plan appears to have been submitted with the application. We therefore recommend a condition to secure submission of these details.

Noise

We note that noisy equipment will be contained within acoustic enclosures and the processes are contained within enclosed buildings. The external bunding will also help to attenuate any noise and there is significant separation between the application area sensitive properties.”

8.4 **Landscape Officer** comments as follows:-

“The following points are considered as part of any revised proposal:

- The Landscape & Visual Appraisal (L&VA) needs to include a Zone of Visual Influence plan showing the area of landscape from which the proposed development would be visible. This in order to confirm viability of the proposed viewpoints.
- Within the L&VA viewpoints from which the proposed development would be most prominent should ideally include simple photomontage demonstrating the height and width of the proposed development and the impact of the proposed mitigation planting on those views over time.
- Within the L&VA and DAS proposed lighting needs to be confirmed as in accord with category E2 of the Institute of Lighting Engineers ‘Guidance notes for the reduction of obtrusive light’.

In conclusion, the above considerations need to be addressed before a full assessment of the proposed developments effect on the local landscape can be made or suitability of design confirmed.”

8.5 The Design and Heritage Unit comments as follows:-

“The visual impact assessment is inadequate and does not provide sufficiently detailed analysis of the impact of this building.

The mitigation of visual impact is questionable. The mitigation relies on a heavily planted 3m high bund over which the building projects by a further 6m. I would question that the bund will support 6m of tree growth sufficiently well to permanently hide the vast building proposed. The bund and planting would appear contrived and a more natural design should be sought.

The material choices are poor for a rural building. Used in vast drapes, none of the chosen materials will visually break the mass down into elements that appear in scale with traditional rural buildings.

I would suggest that a significant part this building could be sunk into the ground, this would mitigate much of artificial bund planting and reduce the visual impact greatly.

The scale and mass of this building cannot be considered appropriate in a rural setting. The mitigation for such a potentially sustainable use should be a sustainable building design. This proposal is disappointingly utilitarian in design and relies on a contrived and inadequate landscaping strategy to hide the impacts. The county should seek a sunken building with green roof for this scheme, designed to allow this alien mass and scale to adequately blend into its surroundings. “

In addition to the details reported above, the full text of all consultation responses is available to view on the Council’s website

9.0 Parish Council Response

9.1 Messing cum Inworth Parish Council comment:

“Summary

This is a very large industrial style development which would take a rural, green field, agricultural site and turn it in to a large scale industrial processing centre. As such it breaches both Borough and County rules and would be poorly supported by local infrastructure, with no meaningful mitigating measures in place for the local villagers affected.

The development is:

- Contrary to five Colchester Borough Council policies
 - Contrary to six County and Regional policies
 - Potentially turning a green field, agricultural site into a large scale industrial processing site
 - Unnecessary because several such sites already have planning permission
 - Poorly supported by local roads; some 8,000 vehicle movements per year of which an estimated 6,000 would be trucks could use local village roads while the B1022 is unusually narrow for a B-road with several very sharp bends.
 - Put forward with no significant mitigating measures on odour, appearance, environmental impact and visual screening offered despite very significant opposition from Layer Marney, Messing cum Inworth, Birch and Easthorpe residents.
1. Contrary to five Colchester Borough Council policies In the Colchester Borough Council Core Strategy:
 - CE1 states that larger scale development should be focused on Town Centre, Urban Gateways and Strategic Employment Sites. The proposal does not meet these criteria.
 - CE3 - the proposal is not in an Employment Zone and would secure just three jobs.
 - ENV1 states “unallocated greenfield land outside of settlement boundaries will be protected.” The proposal contravenes this.
 - EMP4 the proposal is outside the village envelope and does not meet other criteria for change of use or small scale extension as set out in bi) ii)c)d) or e). Although the proposed development is on the site of an existing waste composting operation the proposal is of a different scale; it is a large industrial style building and plant with linked buildings and parking. The hedgerows of up to 7m (only at that height after a decade) will not screen the 9m high building completely and there is no evidence in the application “of demonstrable need within region or county.”
 - EMP5 – This site has not been identified in EMP5 and is certainly not a small scale extension to an existing facility and the proposed is not of a design and size typical in this agricultural environment.
 2. Contrary to six County and Regional policies
 - The Essex and Southend Local Plan 2001 :
 - W8A – the proposed site does not come under Schedule 1 of the Waste Local Plan, i.e. identified/preferred sites

- W8B – The proposed site does not comply because it is not currently an industrial site or employment site, has not been allocated for general industrial use on an adopted local plan and the area is not degraded, contaminated or derelict. Also the proposed facility would be detrimental to the appearance and surrounding landscape of local villages
 - W8C – This proposal also contravenes W8C, which refers to sites with a total capacity of less than 25,000 tonnes pa. This proposal is for a total of 35,000 tonnes (25,000 tonnes to be processed via the Anaerobic digestion and IV and 10,000 tonnes to be processed by existing windrows.) Also this proposed facility would not be located mainly within existing buildings and it will prejudice the openness and character of the rural location.
 - SD1 – the proposed site contravenes SD1 “sustainable development locations” as Messing and Birch have not been identified. This policy also states that it will seek to maintain the character and vitality of villages and the countryside. This proposal will not 'maintain the character' of this rural area.
 - East of England Plan - Policy WM5 – states local development documents should include policies which identify the additional capacity required and identify sites and areas suitable. The proposed facility is not an identified site under the local waste plan and there is no evidence supplied that additional capacity is currently required in addition to the two Anaerobic Digestion plants which already have planning permission in the area.
3. Would turn a green field, agricultural site into a large scale industrial processing site.
- This is a green field site which operates under planning permission as an open air composting site with outbuildings for composting garden waste only. This proposal would turn it into a large scale industrial processing site nearly two thirds the size of the new Sainsbury’s supermarket in Stanway, processing 35,000 tonnes a year of food, animal and commercial waste.
4. Unnecessary because several such sites already have planning permission
- Planning permission has already been granted for two anaerobic digestion plants at Stanway and Rivenhall, both of which are much better supported by major roads. A third site at Halstead has also been given permission. Furthermore The Essex and Southend Waste Arisings and Capacity Gap Compilation Report, September 2010 states that lack of capacity for waste to be composted “at present does not appear to be a problem within the plan area” and says the situation should only be “monitored”. It further notes there is considerable uncertainty in the projected need at present.
5. Poorly supported by local roads; some 8,000 vehicle movements per year of which an estimated 6,000 would be trucks could use local village roads, rather than the less direct main routes referred to in the application.
- Already the planned vehicle movements have been increased to 20 lorries and 5 cars daily (Monday to Saturday)
 - There is concern that there is poor visibility to the left at the junction of Blind Lane with the B1022 and the B1022 is unusually narrow for a B-road with several very sharp bends.
 - The proposal estimates it will produce 15,000 tonnes of compost per year and states that being near farmland will reduce lorry movements. Far greater reductions in lorry movements would be achieved by siting this facility in an existing industrial area, which is closer to where most of the waste is generated.

- Residents are very concerned that local roads that are not designed for industrial traffic will deteriorate significantly, not least because the proposed opening hours would be a seven day a week activity.
6. No significant mitigating measures on odour, appearance, environmental impact and visual screening have been offered despite very significant opposition from Layer Marney, Messing cum Inworth, Birch and Easthorpe residents.
- There are very real concerns about odours from the proposed facility. Colchester Borough Council's own Environmental Control Officer has noted no detailed odour management plan has been submitted with the application.
 - The building itself would be a 9m high industrial style plant built on one of the highest points in the area overlooking the villages of Messing and Easthorpe and visible for many miles. The developers have refused to place the development in a pit.
 - No environmental impact assessment has been supplied. It is stated that an Environmental Impact Assessment is not required based on the statement that this site will only process up to 25,000 tonnes of waste pa. This is not the case as the total is 35,000 tonnes pa
 - In addition there are obvious concerns over noise, illumination, contamination, vermin and impact on local wildlife.
 - The suggested screening is wholly inadequate and would leave the site unscreened for nearly a decade. Poplar and alder trees grow at a rate of 75 to 90cm a year taking 3-4 years to achieve 4m height and other species grow on average 40-60cm a year taking 7-10 years to reach 4m. The "bund" at 3m is also far too low and consideration should be given to a minimum of 5m.

Finally, it should be noted that at a public meeting held on March 4th, 2011 in Messing nearly 50 villagers from Messing and Inworth attended to raise their concerns about this proposal. Villagers are not against greater use of green waste management but can not understand why a proposal of this size and capacity is being seriously considered in such a rural, green field location, especially when planning permission has already been given for two sites, nearer to major conurbations and road networks, just a few miles away. Villagers were also very concerned given the recent history of this site that there will be further industrial "creep" subsequent to this development. "

- 9.2 Feering Parish Council strongly objects to the above planning application on the basis of the potential for increased traffic movements through Feering and impact on air quality (**RLP 63 and 75**). It is felt that this proposal doesn't conform to **RLP 62** in terms of the risk of pollution to Feering residents. Given the permission granted for a similar plant at Rivenhall Airfield, Councillors feel that there is an over-concentration of treatment plants in a relatively small radius and that this application should be considered in the overall context of county-wide provision of these facilities, rather than at borough level. There is a risk of creating unnecessary over-capacity, which if it cannot be supplied by local waste, operators will seek to attract and process waste from other parts of the country, creating increased transport issues.

10.0 Representations

10.1 At the time of drafting this report 17 letters of objection had been received although it is anticipated this number will have increased by the committee meeting.

- The proposed industrial development with a structure of 300ft x 225ft x 32ft high on the site is totally out-of place in a rural location. It will be highly visible for miles around There are many other more suitable areas in the county where this large industrial complex could be located within affecting residents.
- There is a real probability of unpleasant odours issuing from the waste processing site which will cause distress to local residents. Residents have already experienced odours from the existing facility
- The rotting food will attract vermin and there could be an infestation of rats, etc.
- The volume of heavy trucks transporting rotting food to the proposed processing plant 7 a days a week, 365 days a year, will consume thousands of gallons of diesel fuel. It will also greatly increase air pollution with carbon emissions. The site is will produce about 3,000 tonnes of plastic and other non-degradable rubbish per year which will have to be transported to landfill sites
- The area in which the Plant is to be erected is one of great natural beauty. Many local people walk on a daily basis the public footpath sited across Harborough Hall Farm and would have a clear view of the Plant.
- The council should make it a condition of planning that no foul odours should emanate from the Plant. Accordingly The Council should require technical design confirmation of this requirement being met together with air testing both at commissioning of Plant and over subsequent production period of c12 months.
- If approved the building itself would looking better being clad in dull olive green with matching dull roof so not reflecting the sun. The eaves of the large shed should be lowered.
- The claim on the application letter dated 8/1/10 quoting that a number of established trees on the boundary of the site screen views into the site from the east is completely incorrect.
- We are not sure about the claim of no lighting after dark. The hours of darkness in the winter would mean there would have to be some form of lighting, also there would have to be some form of security lighting.
- Most large developments contribute something to the local community ie. village green, what are the residents getting out of this - cheaper electricity
- It appears to be a very strange confused system which they call 'dry' Anaerobic Digestion to take mixed garden and food waste, presumably from smelly wheelie bins collected by heavy wheelie-bin HGVs as Braintree collects it.
- The Birch proposal is not a liquid AD system as normal AD plants for food and agricultural slurries etc which are in large circular enclosed constructions which use the methane gas for burning for electricity in the grid or - much more efficiently - use it for gas in the gas grid. There have been thousands of AD plants for many years across Europe but not many here in the UK yet. WRAP and the Government are fully supporting proper AD, particularly for local farmers to diversify.
- A real AD plant has been given approval at Halstead for electric power.
- Another company have a site at Witham where they would like to put one, and a Tendring farmer has publicised his interest in setting up an AD plant.

- This proposal is instead a very large major compound with a long line of huge tunnels for dry enclosed composting of garden waste and food mixed, which are called In Vessel Composting tunnels (IVC) and HGV lorries dump the stuff in the tunnels. Then somehow they put some of the wet residues into some sort of AD containers. They admit there will be contamination of plastics etc.
- Birch Airfield is within the Colchester district and should be providing suitable composting facilities for our borough waste and for garden waste collected at Tendring's HWRCs.
- AD plants should be local to each borough and can be sited close to the sources of the food waste in suitable industrial or business areas.
- The proposed application is contrary to planning regulations. The existing composting operation is a quasi agricultural operation on an existing green field site where, under current planning regulations one ordinarily could NOT obtain planning permission for what is being proposed which is an industrial building for waste recycling.
- Alternative existing brown field sites - There are 2 other alternative brown field sites which are more readily accessible with access off the B 1022 which are areas of worked gravel, namely Birch gravel pit at Brakes Farm and the pits to the north of Stanway Hall where the proposed building could be located within the worked out pit, below ground level and with minimal visual impact on the surrounding areas.
- Screening of the proposed facility - If the proposal is to be given consent then much more needs to be done to address this particular visibility issue
- The building should be partially sunk into the ground say by excavating the site to 4 meters. When this was raised at the consultation meeting we were advised that this would COST TOO MUCH. The site should then be bunded with the excavated soil, seeded and landscaped before the commencement of development of the building.
- The proposed landscaping should be overseen and managed by an approved landscape contractor for a period of 10 years to ensure full establishment
- We are being re-assured that this anaerobic composting process, will neither produce odour noise or light pollution, in what is a rural area. Flies will be controlled. A major concern is clearly that all of these blights on the neighbourhood will become an issue at some point or other during the life of the plant Does the anaerobic process break down bones completely? If not what will happen to them? Will the outside windrowed compost contain bits of bone, making it a haven for rats, flies, foxes, crows, rooks, gulls, magpies such as may be seen at existing landfill sites now?
- Restrictive Covenant - When the land was sold it was sold subject to a restrictive covenant preventing any part of the land being used as an air field/ air strip. The reason for such a covenant was, ironically, to prevent nuisance and disturbance to neighbouring properties.
- Future development proposals - If this proposal is given planning consent it will set an "industrial planning precedent" for the rest of the air field. The applicant's response to the prospect of future development was: 'There are no additional developments planned for the future. Future developments would have to be submitted for planning in the normal way. Mr Strathern at the second consultation meeting admitted that they were considering the future of utilizing the land for the placement of photovoltaic panels.'

- The development is contrary to policies in the County Level Strategic – the current IWMF (In Waste Management Facilities) identified across Essex and Southend are believed to have adequate capacity for waste management in the area. And *The Essex and Southend Waste Arisings and Capacity Gap Compilation Report, September 2010* indicated “at present does not appear to be a problem within the plan area” and says the situation should only be “monitored”. This would imply that there is no immediate strategic need for additional sites within the area
- Essex and Southend Local Plan 2001 W8A – The proposed site contravenes SD1 “sustainable development locations” as Messing and Birch have not been identified.
- East of England Plan Policy WM5 – The proposed facility is not an identified site under the local waste plan and there is no evidence supplied that additional capacity is currently required in addition to the two AD plants which already have planning permission in the area.
- Colchester Borough Council Core Strategy CE1 states that larger scale development should be focused on Town Centre, Urban Gateways and Strategic Employment Sites. The proposal does not meet these criteria. CE3 the proposal is not in an Employment Zone ENV1 states “unallocated greenfield land outside of settlement boundaries will be protected.” The proposal contravenes this. EMP4 the proposal is outside the village envelope and does not meet other criteria for change of use or small scale extension as set out in bi) ii) c) d) or e). Although the proposed development is on the site of an existing waste composting operation the proposal is of a different scale, i.e. large building and plant including linked buildings, parking etc.
- Employment - The application form omits information required regarding existing jobs at the facility. The Supporting Document to the application form talks of “securing” just 3 full time jobs but does not make clear if this includes existing positions.
- Community Benefit - The only community benefit identified has been an offer of free compost to residents in the surrounding area.
- Electricity - The application makes reference to electricity being supplied to the National Grid. However there is no evidence of communication with local electricity suppliers over how this will be done, how the facility will connect to the national grid, the infrastructure needed and the impact on the local community.
- Environmental Assessment - Given the scale of the development it is not clear why no Environmental Impact Assessment has been supplied.
- Security - There is no boundary fence or walls to the proposed development – just a gate with locks at the main access point and references to a hedgerow in places.
- Car Parking - There is inconsistency over the number of car parking spaces at the proposed site. The application form states 6 car parking spaces, but elsewhere it refers to 7 spaces including a disabled space.
- Opening Hours - There are inconsistencies surrounding the proposed opening hours. The application form states Sunday and Bank Holidays 0630 – 1830. The supporting material states 0800-1600, while the consultation document to the local community stated deliveries would only take place Monday to Saturday
- The proposal is three times greater than Borough council estimates for waste for the whole borough through to 2020.

10.2 Colchester and North East Essex Friends of the Earth comment:-

“We attended one of the unclear and badly-lit displays at Layer Marney Tower, discussed the proposal at length with the proposers and were subsequently sent paper copies.

This massive construction is out of place in this rural area at Birch Airfield.

Birch Airfield is within the Colchester district and should continue to provide suitable outdoor windrow composting facilities for our borough's separately-collected garden waste and for garden waste collected at Colchester and Tendring's HWRCs. Garden waste has been composted at Birch Airfield for many years.

We do not need this flawed system of InVessel Composting tunnels and so-called 'dry' Anaerobic Digestion system in our borough. It is designed to take mixed garden waste/foodwaste collections from wheelie bins, including meat/fish etc.

Braintree Council has created this problem of smelly contaminated garden and food waste collections in wheelie bins which currently have to go to enclosed InVessel Composting in Hertfordshire or Suffolk. They could clean up their act by getting small separate food waste buckets in the future as Chelmsford council are now setting up for local real Anaerobic Digestion plants. One AD plant has already been permitted by Essex County Council at Halstead.

AD plants should be local to each borough and can be sited close to the sources of the foodwaste in suitable industrial or business areas. This will cut transport costs and pollution including climate change gases, while providing gas or electricity for renewable energy. The new Government and Defra fully support AD for food waste and agricultural slurries.

AD will therefore stop wasting huge tonnages of valuable food waste dumped in landfill. It will reduce production of methane in landfill (although this is generally collected for electricity generation). It will provide renewable energy, preferably and more efficiently as gas to the gas grid, or as electricity to the electricity grid”.

11.0 Parking Provision

- 11.1 The closest parking standard is for a Recycling Centre/Civic Amenity Site this includes parking for the public which is not applicable in this case as there will be no general access by the public.
- 11.2 Maximum 1 space per full time staff equivalent (drop off/waiting facilities for the users of the site)
- 11.3 Cycle Minimum 1 space per 4staff (plus customer parking on individual merits)
- 11.4 PWT Mimimum1 space, +1 per 20 car spaces (for1st 100 car spaces), then 1 space per 30 car spaces (over100 car spaces)
- 11.5 7 car parking spaces including one disabled space are proposed, the application indicates there are 3 proposed employees.

12.0 Open Space Provisions

- 12.1 There is no requirement for open space provision

13.0 Report

Policy and Sustainability Considerations

13.1 The application documents identify the benefits of the development as meeting a range of European, Central Government and local sustainable, recycling objectives and policies including Colchester's Core Strategy policy ER1 and Colchester Borough Councils target to recycle 60% of household waste by 2021

13.2 Core Strategy policy "ER1 Energy, Resources, Waste, Water and Recycling is produced below:-

"The Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling.

The Council will encourage the delivery of renewable energy projects, including microgeneration, in the Borough to reduce Colchester's carbon footprint. New developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources. Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources. Residential dwellings will be encouraged to achieve a minimum 3 star rating in accordance with the Code for Sustainable Homes. Non-residential developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'. The Council will support housing developments that reduce carbon emissions by 25% from 2010, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations. The Council is seeking to minimise waste and improve reuse and recycling rates through better recycling services and public awareness programs. To assist this aim, new developments will be expected to provide facilities and employ best practice technology to optimise the opportunities for recycling and minimising waste".

13.3 However the LDF also includes policies to protect residents from all forms of pollution. In particular:

DP Policy DP1: Design and Amenity which states

"All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:

- (i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal;
- (ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access, and the provision of satisfactory access provision for disabled people and those with restricted mobility;
- (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;

- (iv) Create a safe and secure environment;
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and
- (vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land.

For the purpose of this policy ancillary activities associated with development will be considered to include vehicle movement”.

- 13.4 Spatial Policy have referred to other relevant local policies including:
- 13.5 Policy DP9 – Employment Uses in the Countryside this states that employment uses in the countryside must contribute to the local economy and sustain rural communities. Uses should be small scale and should not harm the rural character by the nature and level of activity. Traffic and pollution are specifically referred to. Policy DP9 also states that new buildings and the expansion of existing businesses will only be permitted in exceptional circumstances where the need for the development has been adequately demonstrated.
- 13.6 Policy ENV1 of the Core Strategy which states that development on unallocated land outside of settlement boundaries will be strictly controlled. Where a development is compatible with a rural location it should demonstrate that it is in accordance with national, regional and local policies for rural development; is appropriate in terms of scale, siting and design; protects, conserves or enhances landscape character; protects, conserves or enhances natural and historic assets; applies a sequential approach to land at risk of flooding; conserves or enhances biodiversity; and provides necessary mitigation and compensatory measures.
- 13.7 Your officers do not have the technical knowledge to advise on the need for this facility or whether there are existing sites, other suitable locations or to advise whether this facility for an Anaerobic Digestion (AD) and In-vessel Composting (IVC) is supported by Central Government. However if there are site available on former gravel workings it is considered they should be properly assessed. Such sites would have the advantage of lowered ground levels and existing screening.
- 13.8 Essex County Council is the planning authority for waste management and has the expertise in these matters.
- 13.9 However if need can be properly demonstrated there are other issues to take into account as set out below under the various headings.
- 13.10 In addition in terms of sustainability further information is required on whether the material will come from local authorities in Essex or further afield. If the latter then wider sustainability issues balancing the mileage driven and fuel used to reach the site against the benefit of recycling and reducing land fill should be assessed.

Impact on the character of the area

- 13.11 There are no buildings on the site at present and the existing green recycling operation produces mounds of material which are approx 2- 3 metres in height. This proposal involves a new building measuring 120 metres by 70 metres. Part of the building will be 9.2 metres high whilst the majority of the building will be 6m high.

- 13.12 The area comprises gently undulating countryside containing individual buildings and small groups of farm buildings plus hedgerows and areas of woodland with long views. The site is flat served by a long open concrete road.
- 13.13 It is proposed to screen the building by the erection of a screen earth bund with tree planting. This will obviously take some time to mature but will in time screen the building to some degree. However, the comments of the Design and Heritage Unit should be acknowledged. There is some concern therein that the bund is inadequate.
- 13.14 The bund itself will also be an unnatural feature in this flat landscape and will have to be carefully contoured and appropriately planted to ensure that, in time, it appears as natural as possible. An earth bund screening gravel working close to the corner of Blind Lane with the B1022 has an unnatural steep sided appearance and, again, the Design and Heritage Unit comments should be considered.
- 13.15 The Landscape Officer has identified that the Landscape and Visual Impact Assessment does not include all the information required to properly assess the visual impact. For example there are no photomontages showing the building in the landscape or how the bund and landscape proposals might mitigate the impact over time.
- 13.16 The building and earth bund will be visible in the landscape. The facility will be visible for virtually the whole length of Blind Lane; it will also be visible from the road to the north west of the site to Messing village. There are two Public Rights of Way (PROW) where the proposed facility will also be visible. A relatively short path to the north (Shemmings Farm to Cantfield's Farm) where in places the facility will be hidden by existing trees/woodland but visible in other places. There is a second PROW to the south of the proposed facility. This PROW extends from Messing village to the B1022 from this path the facility will be visible on the top of a ridge and will be conspicuous for virtually the whole length of the path. An aerial photograph showing PROW will be available in the committee presentation plus photographs taken from Blind Lane, the road to the north and the PROW.

Building scale siting and design

- 13.17 The building is very large 120 metres by 70 metres. It comprises a reception hall with a curved roof. This roof will be clad in coated insulated steel coloured light grey and has a maximum height of 9.2 metres. The elevations are shown as natural treated timber boarding on a brick plinth. The reception hall measures 40 metres by 70 metres and is connected to the fermenter. The fermenter has a flat dark grey roof and green coated PVC coated steel sheeting elevations. It has a height of 6 metres. The fermenter measures 10 metres by 70 metres and is connected to the mixing area. The mixing area has a curved roof and the roof and elevations are constructed of the same materials as the reception hall. It has dimensions of 8 metres by 70 metres and a height of 8 metres. The mixing area joins the composter which will have a flat concrete grey roof 6.2 metres high and be constructed of grey fairfaced concrete. It will measure 10 metres by 70 metres

- 13.18 The submitted information indicates the building has been designed to have the appearance of a group of farm buildings however no single farm building is any where near this size and farm yards contain groups of buildings with space between them and if the floor area of buildings on a farm complex were added together they would be considerably smaller than the footprint proposed. The building is of a scale more akin to an aircraft hangar than farm buildings. The cross-section and hedgerow locator plan at 1:15,000 scale (part of the landscape mitigation plan) shows the footprint of the building in relation to those of nearby houses and farm buildings.
- 13.19 The building will appear as a substantial element in the landscape. In time it may become screened by the earth bund and the tree planting (if this successfully establishes) but this also raises issues of its impact in the landscape as explained above.
- 13.20 Your officers do not have the expertise to know whether a smaller or lower building would be practicable for the proposed use but it is considered EEC should be asked to consider these matters. The Design and Heritage Unit have suggested sinking parts of the building.

Traffic

- 13.21 Information submitted in the transport statement indicates the delivery of the material will involve a variety of vehicles similar to those using the existing facility including collection vehicles, single Ro-Ro lorries and road trains. The use will operating over 306 days based on a 6 day week will result in a maximum of 10 daily deliveries and over an 8 hour shift just over one delivery per hour. The organic fertilisers produced will be taken off site 2 to 3 vehicles per day on average
- 13.22 Currently HGV's use the A12 and travel between Tiptree and the site the new proposal will be served via the existing HGV route. Traffic to and from the site will be via the Blind Land /Maldon Road junction
- 13.23 ECC Highway Authority will consider the suitability of the access and traffic and the road network.
- 13.24 However the Highway Authority will not consider amenity issues resulting from traffic such as those identified by Environmental Control. Noise from vehicles accessing the site cannot be controlled by nuisance legislation once the vehicles have left the building. Access to the site is also via an unmade concrete road.

Impact on residential amenity

- 13.25 The information indicates that "litter and debris controls have been designed to prevent the problem of windblown litter and debris and measures will be put in place so that significant odour and dust is not emitted into the atmosphere. Whilst the possibility of dust and particulate matter generation exists operations will be conducted to minimal this. It is stated the proposal is unlikely to have any significant odour nuisance due to all operations being contained either inside a building or within a sealed concrete tunnel. All entrances to the building to be fitted with rapidly closing doors

- 13.26 Bird's vermin and insects will be controlled by the reception and storage building being fully enclosed and prompt and efficient unloading of vehicles and vessels frequent inspection and appropriate use of insecticides bail station
- 13.27 Exterior lighting will be fitted hoods the site will not be lit outside operation hours.
- 13.28 In respect of noise all operations will take place within buildings and this and the landscaped bunds will limit the potential for noise. The site is also remote from residential properties
- 13.29 Environmental Control comment they are aware that this application has potential to impact local residents through increased vehicle movements, noise, odour, dust, flies/pests and illumination if not adequately controlled. The anticipated increase of six vehicle movements a day within the hours currently permitted is unlikely to have any significant impact they note that noisy equipment will be contained within acoustic enclosures and the processes are contained within enclosed buildings. They also comment that external bunding will also help to attenuate any noise and there is significant separation between the application area sensitive properties.
- 13.30 Environmental Control also comments that there is no odour management plan and suggest a condition to require details to be submitted and agreed.
- 13.31 However it is considered this information should form part of the planning application so the details are published and can be commented on before they are agreed, in particular as the information states" the proposal is unlikely to have any significant odour nuisance" this suggests there will no some odour nuisance.

Other Matters

- 13.32 This is a major application and will be considered by the Development Team on the 23rd March any requirements will be reported to members on the amendment sheet.
- 13.33 The applicant is offering the following in the form of a section 106 agreement:-
- To limit the total tonnage coming into the larger site to 35,000te per annum.
 - Offer local community the compost produced free of charge for non commercial applications gardens and allotments.
 - Routing of vehicles similar to the window permission.

14.0 Conclusion

- 14.1 The application information indicates "the government is committed to encouraging a significant growth in the use of anaerobic digestion a technology with great potential to contribute to our climate change and wider environmental objectives. Furthermore it will assist Colchester Borough Council to meet their target to recycle 60% of household waste by 2021, it will contribute to targets relating to renewable energy, it matches the needs of proximity to waste generation and the need to be close to agricultural land thus saving road haulage and will involve sustainable waste management".
- 14.2 However the need for this facility and whether this type of facility meets government objectives is questioned by the parish councils and others.

- 14.3 Whilst the site is relatively remote the building is substantial and will be very conspicuous in the landscape, from public roads and PROW, until (and if) the tree planting matures. The contouring of the earth bund and the tree planting require careful detailing to ensure this feature does not itself have an adverse impact in the landscape and its potential to succeed is also questionable. Further information is required as part of the landscape and visual impact assessment before the impact on the landscape can be properly assessed.
- 14.4 The impact on residential amenity must also be taken into account. It is considered an odour management plan should be submitted prior to the determination of the application. All matters regarding vermin/noise/dust controls should be robust and monitored on a regular basis
- 14.5 Balanced against the sustainability and recycling issues the application needs to be assessed taking account of its impact in the countryside and residential amenity.
- 14.6 Essex County Council must assess the need for the facility, whether this type of facility meets national/ local objectives, whether this is an appropriate site, whether there are other sites with permission, whether a smaller /lower building would be practicable and take account of wider sustainability issues including the need to reduce the number and length of journeys by road.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; PP; HH; TL; PTC; DHU; NLR

Recommendation

That Essex County Council is informed that this Council is concerned at the scale of the proposed development and its impact in the countryside and on residential amenity.

ECC should give careful consideration to the need for this facility; whether it is an appropriate facility to meet national and Essex requirements for recycling and reducing landfill, whether there are other more suitable sites, whether there are sites which already have planning permission, whether a smaller/lower building would be practicable and consider the proposal against wider sustainability objectives including reducing the number and length of journeys by road.

If having considered the above matters ECC are minded to approve the application then CBC consider the following information should be submitted prior to the determination of the application. In respect of the Landscape and Visual Impact Assessment the following information is required:-

- The Landscape & Visual Appraisal (L&VA) needs to include a Zone of Visual Influence plan showing the area of landscape from which the proposed development would be visible. This in order to confirm viability of the proposed viewpoints.
- Within the L&VA viewpoints from which the proposed development would be most prominent should ideally include simple photomontage demonstrating the height and width of the proposed development and the impact of the proposed mitigation planting on those views over time.

- Within the L&VA and DAS proposed lighting needs to be confirmed as in accord with category E2 of the Institute of Lighting Engineers 'Guidance notes for the reduction of obtrusive light'.

An odour management plan should be submitted and be available for public comment.

If ECC are minded to approve the section 106 agreement offered by the applicant should be secured plus conditions to secure the following:-

- Hours of working
- Lighting details to be submitted and agreed and no lighting outside the working times.
- Gates locked when not working.
- Details of the profile of the earth bund to be submitted and agreed to minimise its impact in the landscape
- Tree planting and monitoring for 10 years
- Odour control and management plan and a requirement for this to be assessed annually or other agreed lesser period to ensure compliance
- Noise levels to not exceed 5dBA (as set out in the consultation reply from Environmental Control) and site to be monitored annually or other agreed lesser period to ensure compliance
- Conditions in respect of possible land contamination as recommended by Environmental Control. The consultation response from Environmental Control to be sent to ECC with CBC comments.
- No retail sales.
- Litter control and management plan be monitored annually or other agreed lesser period to ensure compliance.
- Management Plan to deal with vermin/ birds to be monitored annually or other agreed lesser period to ensure compliance.
- Dust and particle omission management plan be monitored annually or other agreed lesser period to ensure compliance.
- Restrict number of vehicles.
- Works to road to reduce noise.
- No audible alarms on vehicles or moving plant etc.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



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.