

**PLANNING COMMITTEE**  
**31 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,  
Ann Quarrie\* and Laura Sykes\*

*Also in Attendance :-* Councillor Kevin Bentley  
Councillor Beverly Davies  
Councillor Sue Lissimore

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

**204. Minutes**

The minutes of the meetings held on 3 March and 17 March 2011 were confirmed as a correct record.

**205. 110023 Land to west of 21 Regent Street, Rowhedge, CO5 7EA**

This application was withdrawn by the Head of Environmental and Protection Services in order that officers can consider a late representation from the neighbouring resident and include this consideration in a report to the Committee.

**206. 110166 Land to rear (north of) 164-168 Greenstead Road, Colchester**

The Committee considered an application for a new residential development of four dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

*RESOLVED (UNANIMOUSLY) that –*

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for contributions towards:-

- open space, sport and recreation facilities, and
- community facilities

in accordance with the Council's Supplementary Planning Documents.

(b) Upon receipt of a satisfactory Unilateral Undertaking, 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.

## **207. 102682 Land to rear of Bower Grove, West Mersea**

The Committee considered an application for the erection of three bungalows, outbuildings and associated works. 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.

Nick McKeever, Planning Officer, and Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. The Planning Officer explained that this current application had attempted to address the reasons for the previous appeal being dismissed by taking an access through an alternative location and providing the required 3 metre buffer zone each side of the access road. This development was considered to be acceptable because there was no sustainable objection.

Paul Fox addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the objections submitted due to the impact on neighbours and the development being contrary to government policies. His main objection was that the access between numbers 3 and 4 Bower Grove would be dangerous and the noise and disturbance they were subjected to would increase as there was only a narrow wall separating the passing traffic and their gardens. He also believed that with very little visitor parking on the estate that too would be a major nuisance. He considered the site to be over-development and neighbours would have their skyline changed and light blocked.

Although members of the Committee were aware that the development complied with the Backland and Infill Development SPD, having made a site visit they were of the opinion that not only was the access dangerous to the extent that people would have to reverse out because they could not turn round, but also the proposal would affect residents' amenity. They believed the situation for the residents either side of the access road would feel worse and there was a view that no emergency vehicles would be able to access the new development. They considered that the access should be via Brierley Avenue.

The Planning Officer confirmed that the road serving the development complied with the Highway Authority's requirements and was therefore adoptable. On the basis that the application had to be considered on its own merits, he believed it was acceptable. He confirmed that the buffer zones were measured from the flank walls of the development and that the parking spaces complied with current standards. The Principal Planning Officer referred to the Inspector's report which implied that the principle of development on this site was acceptable, however the Inspector concluded that the harm caused to the living conditions of the future occupiers of plots 50 and 51 was sufficient to dismiss the appeal. The officer's advice was that this proposal was significantly different from the earlier proposal and therefore it overcame that objection.

However, members were of the opposite view that there was no significant difference from the earlier refused application and this proposal would have a detrimental impact on the amenity of nos. 3 and 4 Bower Grove by virtue of noise and disturbance by future occupiers of the adjoining development. Members would have preferred the access to be via Brierley Avenue thus avoiding any impact on occupiers' amenity. There was also a view that permitted development rights should be removed to prohibit loft spaces being utilised as a second floor.

*RESOLVED* (MAJORITY voted FOR) that the application be refused on the grounds that the proposal would conflict with the aims of the Backland and Infill Development Supplementary Planning Document and also Local Plan Policy UEA12, specifically that the living conditions of future occupiers of the dwellings at nos. 3 and 4 Bower Grove would be harmed by virtue of noise and disturbance generated by the occupiers of and visitors to the proposed development, Paragraph 17 of the Inspector's Report, APP/A1530/A/09/2119253 refers.

**208. 110219 Proposed car park, Conifer Close, Colchester, CO3 3LW**

The Committee considered an application for a change of use from an unused concrete based communal drying area to a residential car park. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

**209. 110222 Proposed concrete play area, Camelia Court, Hickory Avenue, Colchester, CO4 3PG**

The Committee considered an application for a change of use from an unused concrete based communal drying area to a children's play area fenced off from any public road. The Committee had before it a report in which all information was set out.

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

**210. 110385 Prettygate Road, Colchester**

The Committee considered an application for prior approval for the installation of a new shared mobile telephone mast of 11.8 metres, to top height, with six antennas located within a GRP shroud at the top of the pole and one ground level street works cabinet measuring 1.89 metres wide, 0.79 deep and 1.65 metres high. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Councillor Davies attended and, with the consent of the Chairman, addressed the Committee. She asserted that if the application was approved the natural route through the trees would be cut off because the mast would be in the middle of the trees and the Cabinet would be a physical barrier. There were a range of recycling bins at the site, but the fact that the bins were there did not mean that another structure could be located there. She believed that this site was not an appropriate location for this equipment. She noted that the developers had already marked out the pavement and if the application was refused she would like them to remove the marks.

Members of the Committee confirmed that they had been able to see what the problems were on the site visit. The mast was much higher than the existing two storey buildings.

*RESOLVED* (UNANIMOUSLY) that Prior Approval is refused for the details as submitted for the reasons as set out in the report.

**Councillor Kevin Bentley (in respect of his membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Theresa Higgins (in respect of her membership of Essex County Council's Planning Committee) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and she left the meeting during its consideration and determination.**

#### **211. 110342 Birch Airfield, Blind Lane, Birch**

The Committee considered an application for an anaerobic digestion (AD) and in Vessel Composting (IVC) facility for the treatment of 25,000 tonnes per annum of municipal organic wastes, including food waste, commercial waste and agricultural residues, producing 15,000 tonnes per annum of compost material and power generation. The facility comprises 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, seven car parking spaces including one disabled space and associated hard and soft landscaping. 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.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to a petition which was handed to the Chairman and contained 760 signatures in the following terms:- "We the undersigned wish to register our concerns and formally object to the proposed development on Birch airfield of an enlarged composting facility (REF : ESS/09/11/COL). The grounds for our concerns and objections are multiple and include:- the sheer scale of the development; the lack of infrastructure to support such a development; the potential for noise pollution; and the very significant impact in terms of traffic movements to and from the proposed site. We also understand that the surrounding villages are conservation areas which should be protected by sympathetic planning control and environmental management."

Derek Marriott addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He believed the plans submitted were inadequate and contained omissions, such as an Environment Agency Flood Risk Assessment, an Environmental Impact Assessment and more detailed lighting and noise assessments. He referred to a local petition having been submitted containing 760 signatures. Based on the dimensions of the building, he did not believe this was a small scale operation and the building would be on elevated ground in open countryside. He believed the process was industrial in nature which would harm the character of the area and that if approved, there would be no return. He considered that the tree screen would take decades to mature and would be an unnatural feature in the landscape. He was also concerned about the traffic impacts from the B1022 with a dangerous corner and a double bend nearby. He was not opposed to the greater use of green waste, but this large scale proposal should not be considered for a rural location and he asked the Committee to reject it.

Jim Strathern addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He was aware of the campaign against the site but pointed out that it was difficult to find an appropriate site. There were a number of constraints such as being 250 metres in any direction, not being close to water courses, ditches or streams. Flooding was therefore a minor issue and cannot be considered on this site. The facility needed to be near the waste and near where the waste could be used. He accepted the concerns from Messing regarding visual impact and he had done everything possible to make the screening effective for which there was an aftercare package. It was not easy to comply with all the requirements and planning guidance as well. This was a dry anaerobic digestion system which could be handled and stored much easier than a wet system. He was aware that lorry movements were a concern but the Highway Authority had not objected to the application. This was a sustainable waste facility and would be needed in the future.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. This application affected small rural communities. It had become a controversial application but he was pleased that both the applicant and objectors had behaved very well and all credit to both parties. We need to change our ways of disposing of waste and have to stop using landfill for financial and environmental

reasons. There was a need to hit recycling targets and sites such as this were needed around the country. However this location was a great concern. He had received many representations in addition to the petition. He was mainly concerned about lorry movements, in respect of the increasing numbers from Birch quarry pit and Abberton reservoir, and any added lorry movements would be an issue; he would like to see the building set lower into the ground because of its size; this would constitute industrialisation of the countryside; a management plan should be part of the application; and there were genuine concerns about what might happen in the future. He congratulated officers for presenting a very good, well balanced report and asked the Committee to uphold recommendations from the officers.

Members of the Committee supported the principle of dealing with waste in this way because it enabled the Council to increase its recycling percentage. However, there were concerns about the location. The former airfield was in a rural setting and on a high point with no other buildings nearby. Despite the applicant's attempts to partially screen the site it would still be prominent and visible from various points, particularly from Messing, and therefore it failed ENV1 and DP1. Reference was made to the Spatial Policy team's view that there was a significant difference between the current set up and this proposal. There would be a significant traffic impact and no tractor and trailer movements had been included in the transport assessment. Landscape was the main impact on which the application failed. Partially burying the building appeared to be the only possible way forward. The bulk of the report considered that this Council should advise Essex County Council that it did not support the application and recommended a refusal citing ENV1 and DP1, scale, size and design, its failure to protect the rural assets or enhance the rural character of the area. In the event that Essex County Council were minded to support the application, the Committee supported all the conditions set out on page 86.

The Principal Planning Officer acknowledged the Committee's view of refusal of the application with reasons which link directly in the Local Development Framework policies and which were robust and addressed the issues, together with a reference to the inadequate infrastructure which would address the traffic issues. He was aware that the Committee's primary response was to refuse the application and for the relevant policy reasons to be set out in full. He was also aware that the Committee supported a recommendation for conditions in the event that Essex County Council were minded to approve the application. The Principal Planning Officer agreed to give the Chairman and Group Spokespersons sight of the full recommendation before submitting it to Essex County Council.

*RESOLVED* (MAJORITY voted FOR) that Colchester Borough Council recommends that Essex County Council refuses this application on the grounds that the quasi-industrial design, size and overall scale of the proposed building, and its resultant visual impact on the open countryside, is fundamentally contrary to the aims of the adopted Core Strategy policy ENV 1. This policy requires development to be appropriate in terms of scale, siting and design; to protect, conserve or enhance landscape character; and to protect, conserve or enhance natural and historic assets. Furthermore, adopted Development Plan Policy DP1 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. This Council considers that the proposal fails to accord with the aims of this policy in that the building would appear as a wholly incongruous and alien feature within this setting, which is characterised by landscape with extensive uninterrupted views. This Council is also concerned at the traffic impact that this development will have on the local road network (particularly when combined with existing traffic movements associated with Birch Pits and Abberton Reservoir) would be cumulatively harmful to local amenity and the enjoyment of the area as a rural resource, and also that the surrounding rural roads are not designed to accommodate the cumulative level of HGV movements.

Lastly, this Council considers that insufficient consideration has been given 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 and that may be a more appropriate location for this type of facility.

If having considered the above matters Essex County Council are minded to approve the application then Colchester Borough Council 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 and 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 Essex County Council are minded to approve, the Section 106 Agreement offered by the applicant should be secured to include a contribution of £8,000 to help fund organics containers and promotion of them 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 Essex County Council with Colchester Borough Council 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.