



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

**Item No:** 7.7

**Application:** 210492

**Applicant:** Mr Martin Leek, Colchester Borough Homes

**Proposal:** Installation of 4no. coniston 35 canopies

**Location:** Shrub End Depot (Refuse), Shrub End Road, Colchester, CO3 4SA

**Ward:** Shrub End

**Officer:** Eleanor Moss

**Recommendation:** Approval subject to recommended conditions

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

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

## **2.0 Synopsis**

- 2.1 The application seeks planning permission for the erection of no.4 canopies at Colchester Recycling Centre. These replace temporary canopies. The proposal is not considered to impact upon the character and appearance of the area of highway safety.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

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

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of no.4 canopies.

## **5.0 Land Use Allocation**

- 5.1 Employment land

## **6.0 Relevant Planning History**

- 6.1 F/COL/05/1475 - Liquid Petroleum Gas (LPG) storage facility, waste transfer site, recyclable material handling facility, staff car parking area and ancillary works including lighting, small works team workshop, compound and vehicle access. Approved 25/10/2005.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and National Planning Policy for Waste must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

CE1 - Centres and Employment Classification and Hierarchy

CE2 - Mixed Use Centres  
CE3 - Employment Zones  
UR2 - Built Design and Character  
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage

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

SA CE1 Mixed Use Sites

- 7.5 Submission Colchester Borough Local Plan 2017-2033:

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressing to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to undergo examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

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

External Materials in New Developments  
EPOA Vehicle Parking Standards  
Sustainable Construction

## **8.0 Consultations**

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

8.2 Highway Authority – no objections

8.3 Contaminated Land Officer – Informative on ground gases recommended

8.4 Environmental Protection – no comments

8.5 Archaeological Advisor – no objections

## **9.0 Parish Council Response**

9.1 Non Parished

## **10.0 Representations from Notified Parties**

10.1 None received

## **11.0 Parking Provision**

11.1 The proposal does not change the parking provision on site

## **12.0 Accessibility**

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

## **13.0 Environmental and Carbon Implications**

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

## **14.0 Open Space Provisions**

14.1 Not applicable

## **15.0 Air Quality**

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

## **16.0 Planning Obligations**

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

## **17.0 Report**

### Principle

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

### Impact on Residential Amenity

17.2 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

17.3 Given the recycling centre is already in active use and the proposal is for canopy structures, the impact upon residential amenity is considered to be minimal. The nearest neighbouring property is approximately 60m away. Given the distance and the minor nature of the proposal, the proposal is considered to be acceptable in this regard.

### Impact upon Surrounding Area

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

17.5 The scheme is fairly minor at 2.9m (maximum) and is located within the existing site, the proposal is quite well screened from public view although there may be some glimpses. Despite this, the proposal is not considered to create a harmful

impact upon the street scene or the wider area. On balance, the proposal is considered to be of an acceptable design and appearance is in compliance with the aforementioned policies.

### Highway Safety and Parking

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

### Contamination

- 17.8 Development Policy DP1 requires all development to avoid unacceptable environmental impacts. The application has been supported by a Contamination Survey which confirms the level of risk assessed is unlikely to have an adverse effect on the property and would not be designated "contaminated land" within the meaning of Part IIA of the Environmental Protection Act 1990. Further to this, Environmental Protection and the Contaminated Land Officer has not raised an objection and notes that an informative is suitable in this instance. As such, the proposal is considered to comply with the aforementioned policy.

## **18.0 Conclusion**

- 18.1 To summarise, the proposal is considered to be acceptable and is recommended for approval.

## **19.0 Recommendation to the Committee**

- 19.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

**1. ZAA - Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

**2. ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers COR 442091 002 P02, COR 442091 011 P02, COR 442091 012 P02 and drawing referenced Shrub End Civic Amenity.

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

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

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

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

**20.0 Informatives**

20.1 The following informatives are also recommended:

**1. INS - Informative – Ground gases**

Since this site is located either on or in close proximity to filled land, where there is the potential for ground gas migration and accumulation in poorly ventilated spaces, there must be no infilling or blocking up of ventilated areas (as they appear on Able Canopies Ltd Drawings 1-4, dated 4/3/21) without an appropriate assessment of risks to end users from any ground gas accumulation.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site. Reason - The site lies on or within 250m of filled land and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

**2.ZT0 – Advisory Note on Construction & Demolition**

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