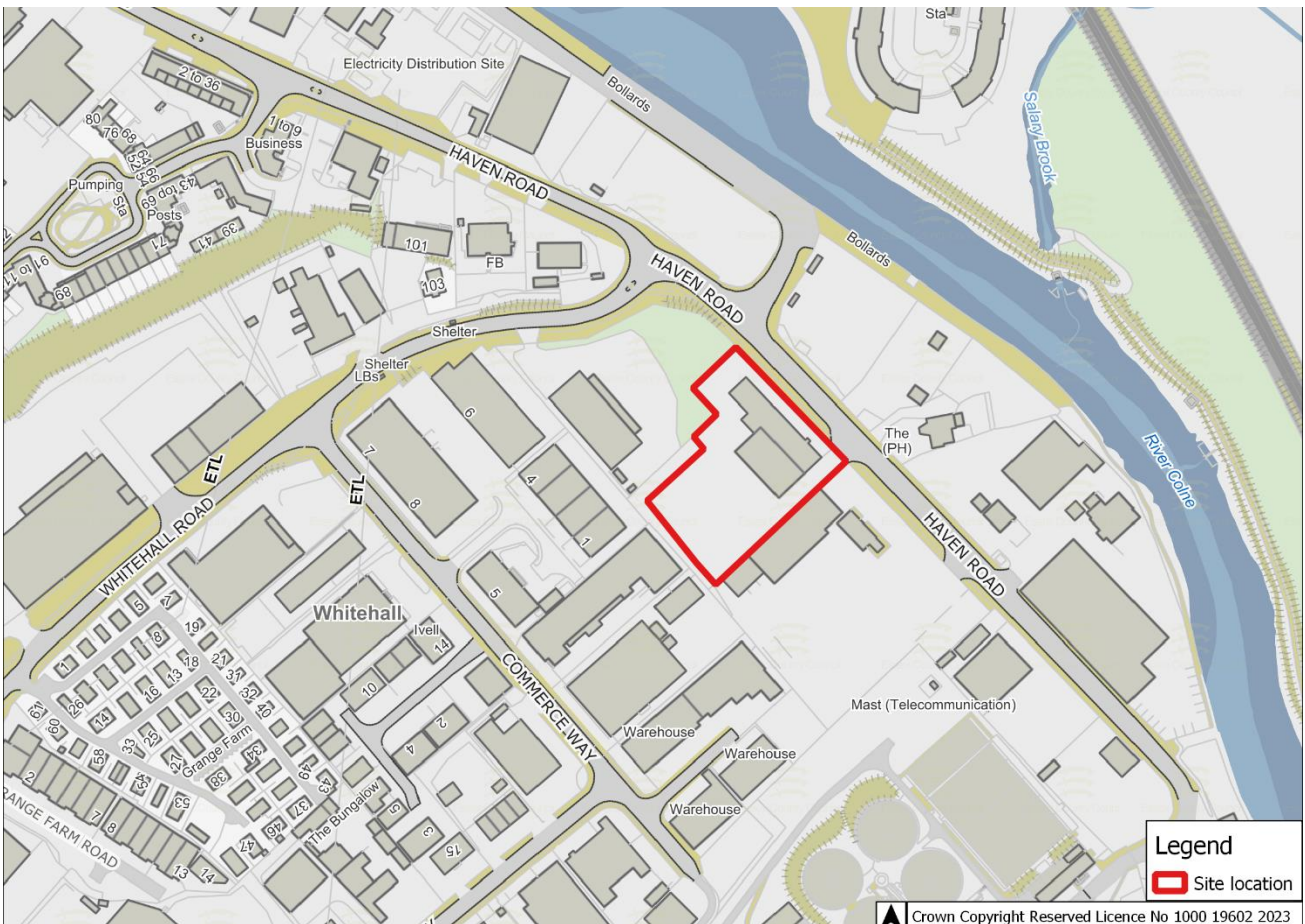


# DR/15/23

<b>Report to:</b> DEVELOPMENT & REGULATION (26 May 2023)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT - Change of use of existing commercial building and yard to a waste transfer station and construction of retaining bays.	
<b>Ref:</b> ESS/26/23/COL	<b>Applicant:</b> ATS Mini Skips Ltd
<b>Location:</b> Oyster Haven Business Park, Haven Road, Colchester, Essex, CO2 8HT	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Claire Tomalin Tel: 03330 136821	
The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



## **1. BACKGROUND**

There is no previous waste planning history for this site; the application site is within the Whitehall Road Industrial Estate.

## **2. SITE**

The site is located in the south east of Colchester City accessed off Haven Road, in an area generally known as the Hythe. The site consists of two existing industrial style warehouse buildings that include offices that front the building, with a yard area to the rear.

To the southeast of the unit is a First National bus depot, south of which lies Hythe Waste Water Recycling Centre (sewage works). To the north west is an industrial unit producing steel products, which is located on slightly higher ground to the application site. To the north west, west and south east on slightly higher ground to the application site are the rears of further industrial/business units on Commercial Way, which are currently in use by such businesses as a motor bike dealers, roofing supplies and a vape shop.

On the east side of Haven Road opposite the application site is a vehicle hire business, recycled building materials supplier, a Thai Restaurant and to the south east Silverton Aggregates (building and landscaping suppliers). Further east lies the River Colne and beyond this the train line to Walton-on-the-Naze and the grounds and buildings of the University of Essex.

The nearest residential buildings are the University flats on the east side of the River Colne at approx. 160m and Grange Park Farm, which is chalet park i.e. semi-permanent structures approx. 200m to the southwest.

Public Right of Way 139 Colchester lies to the east of the site on the eastern edge of the River Colne.

Colchester Local Wildlife Site University Marshes lies approximately 120m to the east across the River Colne. The site also lies within the Risk Impact Zone for the Upper Colne Marshes SSSI. Also 3km from the site the Colne Estuary is designated as an SPA, SCA and RAMSAR site.

The site is designated in the Colchester Local Plan 2022 for Employment Uses and the site lies within the Hythe Special Policy Area.

The site is within an area identified as an "Area of Search" for waste management within the Waste Local Plan 2017.

## **3. PROPOSAL**

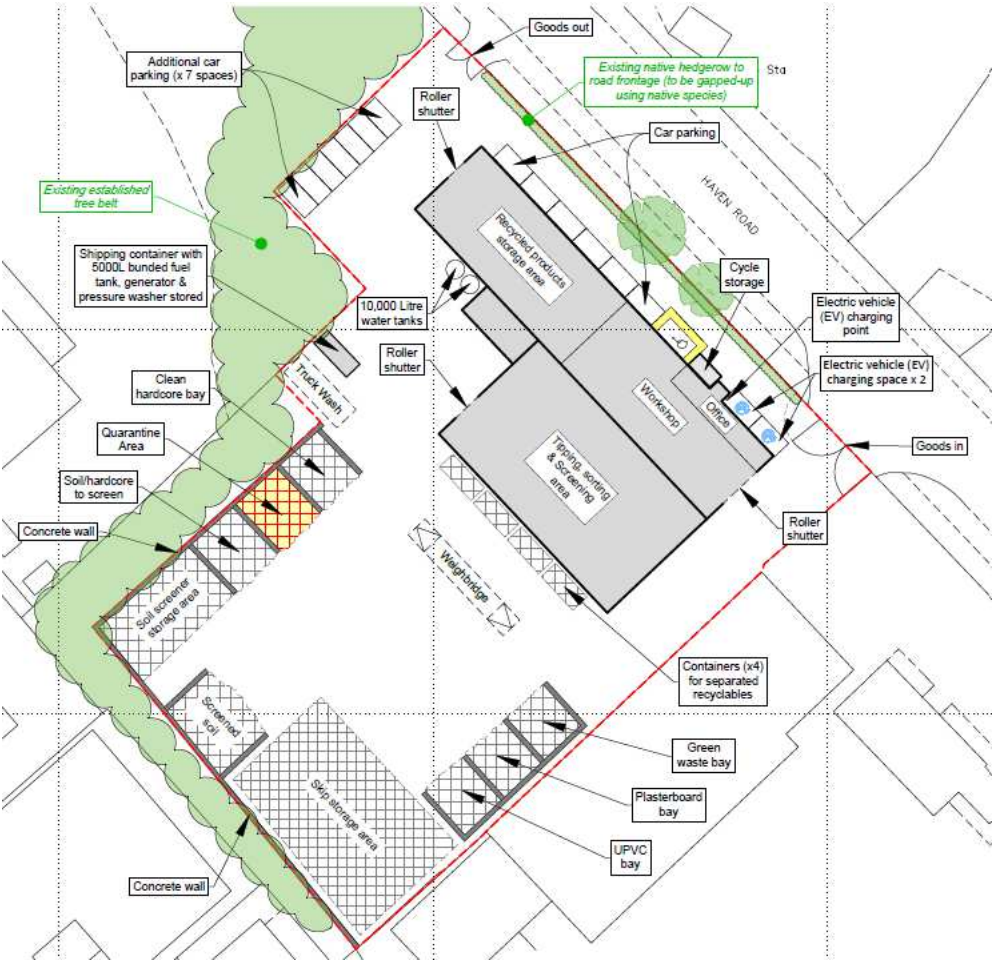
The proposal is for a change of use of the existing commercial buildings and yard to a waste transfer station and construction of retaining bays within the yard. The proposed facility would be used for the applicants existing skip hire business dealing with mixed non-hazardous household, industrial and commercial wastes, to be relocated from Nayland in Suffolk.

Waste would be brought to the site in skips and tipped within the buildings and sorted to recover recycled materials, which would then be stored in skips/containers prior to export from the site. Cardboard and some materials would be bailed before export, such that bailer would be used on site.

The applicant would also deal with some inert waste which would be stored in the yard and brought into one of the buildings when required to be screened to recover hardcore and soils, which would be subsequently stored in the yard. The processing of inerts would not include crushing of material.

The application also includes the installation of concrete retaining walls and bays to be located around the perimeter of the rear yard for storage of proposed and unprocessed inert waste, as well as storage of plasterboard, green waste, UPVC, hardcore and a bay for quarantined waste awaiting removal. Within the yard would also be an area for storage of empty skips, an area for storage of the inert screening plant and an area for skips used to store some recovered materials such as metal. The proposals include a vehicle washdown area within the yard.

Unrecyclable materials would be taken away in skips to a suitable permitted site.



The application anticipates a maximum of 40 vehicle movements a day (20 in, 20 out). This would primarily be made of skip lorries, but also include some van movements. In addition there would be staff movements, 16 members of staff are

anticipated with 16 parking spaces including 1 disabled space and 2 spaces for electric charging.

The site has two access points and the applicant proposes to operate a one way system, access by the southern gate and egress by the northern gate.

Up to 4 skip lorries, and transit van would be stored in the yard out of hours.

The facility is proposed to be operated during the following hours:

- Monday to Friday 07:00 – 18:00
- Saturdays 07:00 – 14:00
- Sundays and Bank Holidays - no working

The applicant has applied for an Environmental Permit for the site, on the basis that the site would only deal with non-hazardous household, commercial and industrial waste to a maximum of 75,000tpa.

The application was supported by a noise impact assessment and a Flood Risk Assessment and drainage strategy.

#### **4. POLICIES**

The following policies of the [Essex and Southend Waste Local Plan adopted 2017](#), [North Essex Authorities' Shared Strategic Section 1 Plan](#) adopted 2021 and the [Colchester Borough Local Plan 2017-2033 Section 2](#) adopted 2022 provide the development plan framework for this application. The following policies are of relevance to this application:

##### WASTE LOCAL PLAN (WLP)

Policy 4 - Areas of Search

Policy 10 – Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

Policy 12 - Transport and Access

##### NORTH ESSEX AUTHORITIES' SHARED STRATEGIC SECTION 1 (CLP1)

Policy SP1 – Presumption in Favour of Sustainable Development

##### COLCHESTER BOROUGH LOCAL PLAN 2017-2033 SECTION 2 (CLP2)

Policy SG3 Economic Growth Provision

Policy SG4 Local Economic Areas

Policy ENV1 Environment

Policy ENV5 Pollution and contaminated land

Policy DM20 Promoting Sustainable Transport and Changing Travel Behaviour

Policy DM21 Sustainable Access to development

Policy DM22 Parking

Policy DM23 Flood Risk and Water Management

Policy DM24 Sustainable Urban Drainage Systems

Policy DM25 Renewable Energy, Water, Waste and Recycling

Policy EC2 East Colchester / Hythe Special Policy Area

Policy EC3 East Colchester Allocations

## Policy EC4 Transport in East Colchester

### NEIGHBOURHOOD PLAN

There is no neighbourhood plan for this area

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## **5. CONSULTATIONS**

COLCHESTER CITY COUNCIL (ENVIRONMENTAL HEALTH OFFICER): No objection subject to conditions, to require bulking, transfer and treatment of waste inside the building, operational hours as those proposed by the applicant, HGV movements restriction, submission of air quality management plan to control, fumes and odours, sheeting of vehicles and control of storage of fuels and oils

ENVIRONMENT AGENCY: No objection , but recommended treatment of waste be carried out within the buildings. The development would require an Environmental Permit.

NATURAL ENGLAND: Any comments received will be reported.

PLACE SERVICES (Ecology): No objection, the application has been screened for HRA due to downstream European designations within the Colne Estuary and concluded there would be no adverse impacts without mitigation. While no ecology report has been submitted there is no likelihood of protected and Priority species and habitats being present and affected by the proposal. Recommend that reasonable biodiversity enhancements are secured by a condition of any consent.

HIGHWAY AUTHORITY: No objection as meets Highways Development Management Standards.

LEAD LOCAL FLOOD AUTHORITY: No objection, subject to the development being operated in accordance with the submitted drainage strategy.

LOCAL MEMBER – COLCHESTER - ABBEY: Any comments received will be reported

## 6. REPRESENTATIONS

160 properties were directly notified of the application. 5 letters of representation have been received from 4 properties. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Haven Road is unable to take any more heavy duty vehicles. It floods daily and is in terrible state. A company with numerous HGV and smaller skip vehicles, which has a minimum of 60 vehicle movements a day in and out (total 120) will have a detrimental effect on the local roads.	The proposals is for 40 skip lorry/HGV movements a day (20 in 20 out) with additional staff movements. See appraisal.
The route for vehicles to the site is either via Old Heath Road and Whitehall Road, passing residential properties, schools with pedestrian crossings or via Haven Road which is already over capacity and in a diabolical state.	See appraisal
The additional traffic generated would only add to the deterioration of the road surface	See appraisal
Vehicles travelling to the site are likely to shed parts of their load with risk to other vehicles and vehicles.	See appraisal
Haven Road is subject to flooding, if vehicles break down in the road more vehicles are likely to use routes along resident roads.	See appraisal

A waste recycling facility was refused at Middlewick Ranges, on grounds of, debris and traffic

The Middlewick site was a different set of circumstances. The site was not identified as an allocate waste site or within area of search within the WLP

## 7. APPRAISAL

The key issues for consideration are:

- A. Principle of the development
- B. Traffic & Highways
- C. Noise, dust & odour
- D. Drainage
- E. Visual Impact, Landscape and Ecology

### A PRINCIPLE OF THE DEVELOPMENT

NPPF paragraph 7 states, inter alia, that “the purpose of the planning system is to contribute to the achievement of sustainable development”.

NPPF Paragraph 11 states, inter alia, that there should be a presumption in favour of sustainable development. This notion is also reflected in CLP1 Policy SP1 (Presumption in Favour of Sustainable Development ) which states, inter alia, that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The principle of recycling waste materials is supported by both the National Planning Policy for Waste and the Essex and Southend Waste Local Plan, as it facilitates waste management higher up the waste hierarchy.



The proposed site is within the Whitehall Road Industrial Estate which is designated in the Waste Local Plan as an Area of Search under Policy 4, where the principle of waste management use is supported subject to compliance with other development plan policies.. The WLP states “*Areas of Search also provide a policy steer for those waste management sites that serve a more local need to be located on*

*existing employment areas over other, less sustainable locations. Proposals coming forward in an Area of Search will still be subject to a full planning application and assessed against the policies in this Plan.”*

Colchester Local Plan policy SG3 (Economic Growth Provision) has allocated Whitehall Industrial Estate as an area for employment use and policy DM25 (Renewable Energy, Water, Waste and Recycling) supports proposals for sustainable waste management facilities, identified in the Waste Local Plan subject to the impacts on the communities living close to the sites being minimised.

The proposed waste recycling facility anticipates a maximum capacity of 75,000tpa. The skip business currently operates from Nayland in Suffolk utilising an adjacent recycling facility to manage the waste collected. The skip business would relocate to the proposed site and proposes to sort and recover recyclables itself from skip waste. The applicant anticipates that the skip business would serve the Colchester area.

As an Area of Search the principle of the location is acceptable subject to the proposals not giving rise to unacceptable adverse environmental impacts, these impacts are considered below.

## B TRAFFIC AND HIGHWAYS

The proposals anticipates 40 skip lorry/HGV movements a day (20 in 20 out), with additional movements for staff vehicle movements. The Highway Authority has raised no objection.

Representations have been received raising concerns about the additional traffic movements in the area. It is acknowledged that the two main routes to the site are either via from the north west via Old Heath Road and Whitehall Road or from the north east via Colchester Approach, Colne Causeway and Haven Road, both routes which pass through areas with residential development. In addition concern has been raised as to the condition of roads leading to the site and that additional traffic would lead to further deterioration of the roads. It has to be recognised that the site is allocated for employment uses in the CLP2 and as such any use of the site is likely to generate traffic movements, its previous use was as a freight distribution centre, possibly generating more movements than that currently proposed. It should be noted that the Whitehall Industrial Estate is a “Local Economic Area” safeguarded for economic uses under CLP2 policies SG4 (Local Economic Areas) and EC3 (East Colchester Allocations). The current planning application is only necessary because waste is a “sui generis” use, other non-waste development employment uses could commence without the need for planning permission. The applicant is willing to be limited to the proposed skip/HGV movements by condition. It is not considered a refusal could be warranted on highway safety or capacity grounds.

Concern has also been raised that Haven Road is subject to flooding and the additional traffic could result in vehicles not reaching the site and blocking access for other traffic. The application site and adjacent Haven Road are located in Flood Zone 1 having a low risk of flooding. However, it is acknowledged that Haven Road to the north of the site is located within Flood Zones 2 and 3 with a medium to high



risk of flooding (greater than 1% chance of flooding annually) and flooding of Haven Road does occur particularly when there are high tides in the River Colne and/or in combination with heavy rainfall, this is unfortunately a matter that cannot be easily addressed and as explained above, there would be traffic associated with any use of this industrial/commercial unit.

The applicant initially proposed 7 parking spaces, 2 vehicle charging point spaces and 1 disabled parking space, a total 10 spaces, however this runs short of that suggested for industrial use within the adopted parking standards, which would equate to a maximum of 22 spaces. While sustainable transport options are to be encouraged and the application includes cycle parking, there is not a frequent bus service near to the site. Upon request the applicant subsequently revised the proposals increasing the number of parking spaces to 16, including one disabled and 2 charging spaces. The Highway Authority has no objection to this proposed parking provision.

It is therefore considered subject to conditions to limit the number of skip lorry/HGV movements and the total throughput capacity of the site, the proposals are considered to be in accordance with WLP policy 10 (Development Management) and CLP2 policies DM20 (Promoting Sustainable Transport and Changing Travel Behaviour), DM21 (Sustainable Access to Development), DM22 (Parking) and EC4 (Transport in East Colchester).

#### C NIOSE, DUST and ODOUR

Noise – The application was supported by a noise impact assessment which concluded there would be no adverse impacts on residential amenity of the nearest residential properties, subject to the proposals being operated as detailed in the application. Colchester City Council's EHO has raised no objection subject to conditions to control: hours of operational; vehicle movements; and transfer, sorting and screening operations being carried out within the building. Such conditions could be imposed if planning permission were granted.

There is likely to be some movement of vehicles, plant and materials within the yard, but all sorting and screening would be carried out within the building minimising potential noise from these operations. It has to be recognised that other uses of the premises could take place at the site without the need for planning permission, e.g. the last use was freight distribution which would have resulted in vehicle movements within the yard, potentially over longer operational hours.

Dust – All sorting and screening of waste would be carried out within the buildings. Inert waste would be stored outside and brought into the building for sorting and screening. Recovered hardcore and soils would be stored in bays within the yard, sheeting or dampening of such materials could be required in periods of dry and windy conditions to prevent potential dust escaping from the yard. Loaded skip lorries arriving and leaving the site would be required to be sheeted to avoid shedding any load and minimising dust.

Odour – The proposals are for mixed waste which may contain some household or putrescible waste and/or green waste. The timescales for retention of waste would be controlled through the Environmental Permit ministered by the EA and unsorted

waste and waste requiring disposal would not normally be permitted to remain on site for more than 36 hours. Concern has been raised that there are already odour issues in the area from the waste water recycling centre (sewage works) to the south. This is not a matter that can be addressed through the current planning application. The EHO has requested an air quality management plan, with respect to odours and smells and this could be required by condition.

Subject to imposition of conditions as suggested, it is not considered that the proposals would warrant refusal on adverse impact from noise, dust or odour and that the proposals are in accordance with WLP policy 10 (development Management) and CLP2 policies ENV5 (Pollution and contaminated land).

## DRAINAGE

The site is within Flood Zone 1 (low risk of flooding) and the site has existing surface and foul drainage. The LLFA initially raised a holding objection requiring clarification with respect to the existing on site drainage arrangements and questioning the proposed discharge of surface water to foul water system as this should preferably be avoided. However, the applicant has clarified that surface water would be required to be directed to foul water system in order to obtain an Environment Permit from the EA. The LLFA withdrew its holding objection subject to drainage being in accordance with the submitted details. Water from the roofs of the buildings would be harvested to be used on site, such as for vehicle washing.

It is not considered that the application can be refused on adverse impact on flood risk or surface water management and the proposals are in accordance with WLP policy 10 and CLP2 policies DM23 (Flood Risk and Water Management) and DM24 (Sustainable Urban Drainage Systems).

## VISUAL IMPACT, LANDSCAPE AND ECOLOGY

The site is bounded to the front by a palisade fence and views into the yard area are limited by the buildings which lie at the front of the site. The south-eastern boundary is bound by the rear of the buildings of the First National bus depot. To the north and west the ground is at a higher level to the yard and is bound by the rear of industrial commercial/commercial buildings, such that are limited views into the site. There is existing vegetation trees on the slopes to the north and west.

The site lies within the East Colchester Hythe Special policy area (policy EC2) one of this policy's aims is to seek to improve the public realm. The grass verge to the front of the site has two existing trees and the applicant is willing to supplement these tree planting with a native hedge to the front of the site, to soften the appearance of the palisade fence. The details of such planting could be required by condition and would seek to include species beneficial to birds and insects.

The site lies close the River Colne, the University Marshes Local Wildlife Site east of the River Colne and north of the Upper Colne Marshes SSSI. The River Colne flows into Colne estuary designated as SPA, SCA and Ramsar. However, as the proposals do not involve composting of waste, drainage is to foul sewer and sorting and screening of waste is to be undertaken within the building, it is not considered that the proposals would give rise to pollution that might have an adverse impact on

ecology of these designated sites downstream. The County's ecologist has raised not objected to the proposals. Natural England has in turn been consulted and, at the time of publication, no comments have been received. Subject to there being no objection from Natural England, it is considered that the proposals would not give rise to adverse impacts on local, national, European or internationally designated sites and the proposals are in accordance with WLP policy 10 (Development Management) and CLP2 policy ENV1 (Environment).

## 8. CONCLUSION

The principle of recycling waste is supported by both national (NNPW) and local planning policy (WLP) as it sees waste treatment higher up the Waste Hierarchy.

The proposed site is an area allocated for employment use in the Colchester Local Plan (policies SG3,SG4 and EC3) and is within an area of Search for waste management within the Waste Local Plan (policy 4). Thus the principle of the location is considered acceptable subject to the development not giving rise to unacceptable environmental impacts.

As an area allocated for employment use it has to be acknowledged that in terms of traffic, noise etc, there would likely be some HGV/vehicular traffic and some noise. However, subject to conditions it is not considered that the proposal would give rise to unacceptable adverse impacts with respect traffic, noise, odour, dust, visual or landscape impact, or impacts upon the water environment or ecology (subject to no objection being raised before determination by Natural England) that would warrant refusal of the application.

## 9. RECOMMENDED

Subject to no objection from Natural England being received by 26 May 2023, that planning permission be granted subject the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference ESS/26/23/COL dated 14 March 2023 together with the following drawings:

- Drawing No. 3173-004091 - Site Location Map dated 04/01/2023
- Drawing No. 3173-00-02 Rev A – Site Location Plan dated 12/05/2023
- Drawing No. 3173-004-03 Rev C – Site Layout Plan dated 10/05/2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend Waste Local Plan adopted 2017 (WLP) policies 4, 10, 11 and 12, North Essex Authorities' Shared Strategic Section 1 Plan Adopted 2021 (CLP1) policy SP1 and Colchester Borough Local Plan 2017-2033 Section 2 Adopted 2022 (CLP2) policies SG3, SG4, ENV1, ENV5, DM20, DM21, DM22, DM23, DM24, EC2, EC3 and EC4.*

3. No waste other than non-hazardous, commercial, industrial and household waste shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

4. The development hereby permitted shall not be carried out and no deliveries shall be received at, or despatched from the site outside of the following times:

0700 hours to 1800 hours Monday to Friday

0700 hours to 1400 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

5. The throughput of waste the site shall not exceed 75,000 tonnes per annum.

*Reason: To minimise the harm to the environment and to comply with WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

6. From the date of implementation of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days of a written request.

*Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP policy DM10 and CLP2 policies SG4, ENV5 and DM25.*

7. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

8. The total number of goods vehicle and/or skip lorry (gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

40 movements (20 in and 20 out) per day (Monday to Friday)

26 movements (13 in and 13 out) per day (Saturdays)

No goods vehicle or skip lorry movements shall take place outside the hours of operation authorised in Condition 3 of this permission.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

9. No loaded good vehicles or skip lorries shall leave or arrive at the site unsheeted.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

10. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on living and working environment.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

11. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

12. Stockpiles of inerts waste, soils and hardcore shall be sheeted and/or dampened during periods of dry and/or windy weather to prevent escape of dust from the site.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

13. Prior to intake of waste to the site a scheme of controls measures to control fumes, smells and odours shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the scheme of controls measures for the duration of the development hereby permitted.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

All sorting, screening and bulking of waste shall not be carried out accept inside the buildings with the roller shutter doors shut.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

14. There shall be no crushing of waste including stone, concrete, brick rubble or hardcore at the site.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

The concrete walls and bay walls identified on drawing no. 3173-004-03 Rev C shall not exceed 3m. The height of unprocessed and processed materials stored outside shall not exceed the height of the surrounding concrete walls and bay walls.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

15. Prior to intake of waste to the site, a scheme of sound insulation against internally generated noise shall be submitted to and approved in writing by the Waste Planning Authority. The sound insulation shall be implemented in accordance with the approved details and maintained throughout the life of development hereby permitted.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy 10 and CLP2 policies SG4, ENV5 and DM25.*

16. The development shall be carried out in accordance with the Drainage Strategy, document reference 004-3173-Drainage, version 1.0 by Oaktree Environmental Ltd, dated 14/03/23.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP2 policy ENV5*

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls where the volume of the bund compound shall be at least equivalent to 110% of the capacity of the tank. If there is a multiple tankage, the compound volume shall be at least equivalent to 110% of the capacity of the largest tank or 110% of the combined capacity of any interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP2 policy ENV5*

18. Within 3 months of the date of commencement as notified under condition 1 a planting scheme shall have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. Following approval the scheme shall be implemented within the first available planting season (October to March inclusive) and maintained thereafter in accordance with condition 14 of this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10 and CLP2 policy EC2.*

19. Any tree or shrub forming part of a planting scheme approved under Condition 13 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (*operations*) shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Waste Planning Authority.

*Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP2 policy EC2.*

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations

---

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

The proposed development is located within distance 3km to an International site (Colne Estuary – Mid Essex Coast Phase 2 RASAR) and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the International site, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

---

## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The

---

recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

**STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**LOCAL MEMBER NOTIFICATION**

COLCHESTER - Abbey