

Planning Committee

Thursday, 01 December 2016

Attendees: Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Rosalind Scott

Substitutes: Councillor Nick Cope (for Councillor Lyn Barton)

416 162302 Land adjacent to Axial Way, Colchester

The Committee considered an application for residential development to provide 88 no. residential dwellings (Use Class C3), comprising 62 houses (2 - 2.5 storeys) and three buildings containing 26 apartments (3 to 4 storeys), associated car parking, cycle parking, public open space and pedestrian/cycle infrastructure, formation of pedestrian and cycle only link to public footpath 162302 land adjacent to axial way Colchester/bridleway and other associated works and improvements at land adjacent to Axial Way, Colchester. The application had been referred to the Committee because it was a major application, material planning objections have been received and a legal agreement was required. The Committee had before it a report and amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Developments and Planning Projects Manager, assisted the Committee in its deliberations.

Ian Morehouse, Managing Director of Flakt Woods, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the Flakt Woods factory in Colchester had relocated from Tufnell Way about 10 years previously which had been undertaken in accordance with the land allocation set out in the Local Plan at that time. He confirmed that multiple meetings had taken place with the company, Persimmon Homes and the Council in the lead in to the consideration of this application. Of critical consideration for the company was its ability to respond flexibly to orders, to respond to short lead in times and to operate both late and early shifts, as necessary. He welcomed the improvements made to the application since the Committee's previous consideration but he remained concerned about the potential for future residents to find some aspects of the operation of the company unacceptable and, as such, the future vulnerability of the company to complaints which may jeopardise its viability. He remained of the view that the site was

not appropriate for residential development, nevertheless that an additional acoustic screen to address noise from the factory's waste management facility would be required if the application was implemented but that the cost be met by the developer. He was proud of the company's long standing connection with Colchester and regretted his inability to be supportive of the development.

David Moseley, on behalf of Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site had been allocated for residential development in the 2010 Local Plan which post-dated the relocation of the Flakt Woods factory. Following the Committee's previous consideration of the application the proposals had been reviewed in terms of layout and design. As a consequence, the application now included screening and measures to ensure both internal and external noise would be acceptable. The dwellings closest to the boundary with the factory would include windows located away from the factory so that noise levels would be acceptable when the windows were open and window vents would be provided to allow adequate ventilation when the windows were closed. The modelling which had been undertaken had demonstrated that the proposals would provide acceptable residential living amenity. He welcomed Councillor Goss' support for the revised proposals and that the application was recommended for approval and confirmed the intention for the holding objection to the refusal of the application to be withdrawn.

Some members of the Committee sought further clarification regarding the method of acoustic testing and, given the many significant revisions to the original application, questioned the justification for the previous recommendations that the noise levels would be acceptable.

In response to comments raised, the Principal Planning Officer explained that acoustic standard had a lower levels of acceptability at night time compared to the daytime, bearing in mind ambient noise levels, the acoustic assessments which had confirmed the acceptability of the noise levels on the application site had taken account of the operation of the waste management facility as well as other noisy operations, such as fork lift truck movements and fan testing. She also confirmed that the assessments had been undertaken at different times of day and at different heights across the site. She also explained that the acoustic standard did provide for a tolerance of 5 decibels in certain environmental circumstances.

Some members of the Committee continued to voice their concerns regarding the proximity of the residential development to the factory site, the noise tolerances deemed to be acceptable for the site and also questioned the location of a group of affordable housing units close to the boundary with the factory to act as an apparent barrier for the remainder of the site. Views were also expressed regarding the future negative impact on the operations of the Flakt Woods factory and the potential for future residents' complaints being used to restrict the viability of an established employer in the Borough.

The Major Developments and Planning Projects Manager explained that the acoustic assessment would have been required to take into account the contextual nature of the site, in that it was in a very urban environment, in close proximity to the A12 where the background noise levels are relatively high and the noise generated from the factory would generally not be discernible. He was of the view that a robust mitigation strategy had been formulated by the applicants in response to the Committee's concerns following the previous consideration of the proposals which delivered 100% compliance with the various standards required for the residential development of the site. He also confirmed that restrictions on the operation of the factory would only be able to be imposed if a statutory nuisance existed.

In the light of Committee members' continued concerns the Major Developments and Planning Projects Manager further reported that there may be potential to explore with the applicants the establishment of a mitigation fund from which claims could be made to cover the cost of additional measures which may be found to be needed following implementation of the proposals and to avoid adverse costs being incurred fully by Flakt Woods.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred to allow negotiations with the applicants to take place with a view to securing a mitigation fund to address any costs attributable to changes to the Flakt Woods factory operations potentially arising from possible noise complaints from future residents and to clarify the location of the proposed affordable housing units.

417 160825 Land at Cuckoo Farm West, Off United Way and Via Urbis Romanae, Colchester

Prior to the commencement of the meeting and following receipt of a late representation, consideration of the application was deferred to allow consideration of the matters raised.

418 162422 83 Ernest Road, Wivenhoe

The Committee considered an application for the erection of replacement an ancillary outbuilding for storage at 83 Ernest Road, Wivenhoe. The application had been referred to the Committee because the applicant was an employee of the Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.