

# **Planning Committee**

## **Thursday, 30 November 2017**

**Attendees:** Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Chris Pearson

**Substitutes:** Councillor Nick Cope (for Councillor Helen Chuah), Councillor Dave Harris (for Councillor Cyril Liddy)

**Also Present:**

### **532 Site Visits**

Councillors Barton, Cope, Hazell, Higgins, Jarvis, Loveland and J. Maclean attended the site visits.

### **533 Minutes of 28 September 2017**

The minutes of the meeting held on 28 September 2017 were confirmed as a correct record.

### **534 Minutes of 19 October 2017**

The minutes of the meeting held on 19 October 2017 were confirmed as a correct record.

### **535 172363 Lakelands Parcel NR5, Tollgate Road, Stanway, Colchester**

The Committee considered an application for an additional ten units to Lakelands Parcel NR5 which now comprised a scheme of twenty two units containing a mix of houses, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping at Tollgate Road, Stanway, Colchester. The application had been referred to the Committee because it was a major planning application requiring a section 106 agreement and objections had been received. 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 proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that –

- (i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report, with matters of detail

to be varies should this prove necessary, and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application or otherwise to be authorised to complete the agreement to provide for two of the six additional units to be as affordable housing.

**536      172362 Lakelands Parcel NR7 Block 1, Tollgate Road, Stanway, Colchester**

The Committee considered an application for an additional three units to flat block one at Parcel NR7 which comprises a block of eleven units containing a mix of apartments, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping at Tollgate Road, Stanway, Colchester. The application had been referred to the Committee because the site was part of Lakelands and the application proposed a building part four storey in height which was not in accordance with the approved Masterplan. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that –

(i)      The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to link the application to the legal agreement for Lakelands, in the event that the legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application or otherwise to be authorised to complete the agreement.

**537      172138 Chappel And Wakes Colne Station, Station Road, Wakes Colne, Colchester**

The Committee considered an application for the variation of conditions 2, 4 and 5 of planning permission 161724 at Chappel and Wakes Colne Station, Station Road, Wakes Colne, Colchester. The application had been referred to the Committee because the application site was larger than a hectare, forming a major application, and unresolved objections had been received. 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 proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations.

Peter Tremayne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He confirmed that he was making representations on behalf of Mr Hounslow as well as himself. He was seeking the amendment of the proposed standard environmental condition to provide for more robust screening to be maintained over a longer period of time whilst Mr Hounslow concern's related to the extent of the boundary of the application site which he considered had been extended and therefore warranted a new application, rather than the variation of a previous one.

Mike Standbury addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, so far as he was aware planning permission had already been granted for earthworks and a new building and a variation was being applied for as it had been found that a cheaper alternative building with a smaller footprint and lower height was suitable for the development.

The Planning Officer confirmed that screening had previously been considered as part of the host application and this condition would remain. The standard condition for the screening was for a maximum of five years because the trees on site were not subject to a Tree Preservation Order and therefore could have been removed at any time prior to any application being submitted, furthermore, five years was considered to be appropriate as it was likely that screening would be able to survive post development within this time. She explained that the development within the red line had been taken into consideration as part of the host application and had been fully determined previously. She clarified that the issues of concern associated with the host application had been included in the report to this Committee in the interests of transparency.

Members of the Committee welcomed the proposal, considering it would be of benefit to the important heritage site and the proposed screening would be an adequate mitigation for neighbouring residents, given the size of the site.

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

**538      170226 and 170600 Fairfield's Farm, Fordham Road, Wormingford, Colchester**

**Councillor J. Maclean (in respect of their acquaintance with the applicant) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered applications 170226 and 170600 to, respectively, vary condition 3 of planning application 121150 and for the reconfiguration of the crisping building to an accommodate odour control system at Fairfield's Farm, Fordham Road,

Wormingford, Colchester. The application had been referred to the Committee because it had been called in by Councillor Chapman. 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 proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and, together with Belinda Silkstone, Environmental Protection Manager and Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

The Principal Planning Officer explained that the applications were seeking allow 24 hour operation except between the hours of 22.00 on Saturday and 06.00 on Monday or at any time during public holiday and to increase the manufacture area to accommodate an odour control system with external extraction equipment. He also confirmed that there had been four additional representations submitted but had raised no additional material considerations. Additional conditions were being recommended to provide for the extension of the hours of operation being contingent upon the prior installation of the odour abatement equipment and to ensure the hours of operation accorded with those set out in the application.

The Environmental Protection Manager explained that there had been a history of complaints of odour associated with the site although none had been classified as constituting a statutory nuisance. She confirmed that lengthy discussions had taken place with the applicant in relation to the proposals. She welcomed the application and considered that the new odour control system would improve the situation for residents as well as being less intrusive.

Robert Strathern addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he lived at Fairfield Farm and that the manufacturing business employed 30 people. He believed that the proposed extraction system was the most up to date solution available to deal with odour. The factory had progressed to the point of needing to operate longer hours and lengthy discussions had taken place with the Environmental Protection Officers in order to come to an acceptable solution. He explained that all of the improvements to control odour issues which had taken place at the site had been undertaken by the applicants and not as a result of complaints or enforcement action. The factory needed to remain competitive and he was aware that all other major crisp manufacturers were now operating 24 hourly. The company had made efforts to engage with both Wormingford and Fordham Parish Councils and hoped this would enable them to work more closely with residents in the future.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He thanked the team of officers who had worked with the applicants to bring together the current proposal. He considered it to be a good outcome although he regretted that none of the local residents had attended the Committee in order to give

their point of view. He confirmed that residents had experienced problems in the past in relation to odour issues and he was of the view that the proposal would be of benefit to all parties. He welcomed the work which had been done with the local Parish Councils and hoped this would be another positive step for the future.

Members of the Committee acknowledged the benefit of attending a site visit on this occasion as it had demonstrated that the applicants were seeking to progress and move forward whilst also including an opportunity to view the site from the location of the main objector, some distance away. In addition the Committee members welcomed the recent work undertaken by the applicants with the local Parish Councils, considering this to be a positive step for the future. Clarification was sought regarding the need for the extension of hours to be tied to the installation of the new odour system to allow for the factory operation to continue and whether odour nuisance thresholds were different in hours of darkness compared to the daytime.

The Principal Planning Officer explained that the odour system was likely to require a four month lead in time.

The Environmental Protection Manager was confident that the new odour control system would deliver at least 95% filtration compared to the existing system which had no filtration but she confirmed that, given the current impact on residents, a specific requirement had been sought by her team for the installation of the new system prior to the introduction of the extension to hours of operation. She went on to explain that differing night time weather conditions were known to effect the dispersal of odours and, as such, the problems could be worse at different hours of the day and night. A proposed condition had also been included to provide for the installation of a fan to provide adequate noise abatement.

The Major Development and Projects Manager confirmed that a greater intensity of production may result in the current issues being exacerbated which may as a consequence constitute a statutory nuisance. He considered the tying of the extended hours of operation with the installation of the new control system to be entirely justifiable in planning terms.

RESOLVED (UNANIMOUSLY) that the applications be approved subject to the conditions set out in the report together with additional conditions to provide for the extension of the hours of operation being contingent upon the prior installation of the odour abatement equipment and to ensure the hours of operation accorded with those set out in the application, namely no operation to be undertaken between the hours of 22.00 on Saturday and 06.00 on Monday or at any time during public holidays.

**539      172815 Car Park at Sheepen Road, Colchester**

The Committee considered an application for a non-material amendment following grant

of planning permission 151825 at the car park at Sheepen Road, Colchester. The application had been referred to the Committee because Colchester Borough Council was the applicant. The Committee had before it a report and an amendment sheet in which all information was set out.

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

**540      172995 Town Hall, High Street, Colchester**

The Committee considered an application for a temporary seasonal signage for up to six weeks a year for a period of two years at the Town Hall, High Street, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all information was set out.

James Ryan, Principal Planning Officer, presented the report and together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations. It was explained that the proposal, to display signage from the first floor Mayor's balcony, was part of the campaign to bring Colchester people to the shops using the Seven Dwarfs theme.

Concern was expressed by some members of the Committee regarding the use of a Listed Building to display temporary advertising signs, whether the elevated balcony position would be the optimum location for the marketing of an event and about the appearance of signs to be used subsequently within the proposed two year duration of the application.

The Major Development and Projects Manager acknowledged the concerns expressed regarding the potential impact of signage on the setting or character of the Grade I Listed Building and suggested imposing an additional informative to provide for the detailed design of future signage to have regard to the specific character of the Town Hall building and to be of an appropriate appearance, given the character of the host building.

RESOLVED (SEVEN vote FOR and TWO voted AGAINST) that the application be approved subject to the conditions set out in the report together with additional informative to provide for the proposed signage to be carefully designed with special regard paid to the context of this Grade I listed building within the Colchester No.1 Conservation Area to ensure that the character and appearance was not prejudiced.

