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Item No: 7.2

Application: 191467

Applicant: Mr Strathern

Agent: Mr Guy French

Proposal: Application for removal or variation of a condition following grant of planning permission. (172600)

Location: Fairfield's Farm, Fordham Road, Wormingford, Colchester, CO6 3AQ

Ward: Rural North

Officer: David Lewis

Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee at the request of Cllr Chapman. He is of the view that, as with previous Applications regarding the crisp production on this site, a decision should be made by the Committee to ensure that the residents can have confidence that their concerns have been fully and publicly considered. These concerns relate to the emission of odours from the crisping building, complaints about which have been made regularly in recent years by householders in the area. The call-in is regardless of Case Officer recommendation to enable the Applicant to have the same access to Committee as those objecting.

2.0 Synopsis

- 2.1 The application seeks to vary condition 2 of planning permission 172600 (reconfiguration of Crisping Building to accommodate odour control system). Condition 2 required the development to be carried out in accordance with certain drawings, layout and specification of the odour control equipment (negotiated through the course of the application). The current application puts forward an alternative odour control system, as well as omitting the approved separate enclosed area for the fryers from the rest of the process. This effectively would enable the layout and odour control unit that is currently fitted to be retained and also enable the longer working hours, (24 hour working from 6.00 am Monday to 22.00 Saturday, with no working on Sundays or Bank Holidays) which were approved under a separate permission (ref: 170266) on the basis that the odour control equipment was installed.
- 2.2 The key issues for consideration are whether the changes now proposed impact adversely on the amenities of the area, particularly the impact on nearby residences, having regard to the context of the other planning permissions granted that have enabled the crisp manufacture to take place.
- 2.3 The material planning considerations are set out in the remainder of this report, as well as representations received. The application is subsequently recommended for refusal.

3.0 Site Description and Context

- 3.1 Fairfield Farm is a productive arable farm in a rural setting. The application building is adjacent to existing agricultural buildings, several of which have been erected in recent years, including for the storage of potatoes associated with the crisp manufacture. An older agricultural building on the site has permission for B2 industrial use. To the north of the building is a biogas digester. The boundary of the farm with Fordham Road has hedgerows in places. This provides good screening, but there are places where there are views of the complex. A public footpath runs on a track to the north-east of the proposed building. There are vehicular accesses at the junction of Fordham Road and Packards Lane, and to the south of the site opposite Rochford Farm buildings

4.0 Description of the Proposal

- 4.1 The application seeks to vary condition 2 of planning permission 172600 (reconfiguration of Crisping Building to accommodate odour control system). Condition 2 required the development to be carried out in accordance with certain drawings, layout and specification of the odour control equipment (negotiated through the course of the application). The current application puts forward an alternative odour control system, as well as omitting the approved separate enclosed area for the fryers from the rest of the process. The Odour Control System for which they seek permission has been installed for many months, enabling the system's effectiveness to be tested whilst production has continued.
- 4.2 The application 172600 was considered in tandem at Planning Committee with application 170226, which sought to vary the hours of operation of the original permission (ref: 121150). The change sought was to allow 24 hrs operation from Monday 06:00 to Saturday 22:00 and no working on Sundays or Bank Holidays. The application was approved subject to the odour system being installed as approved under 172600.

5.0 Land Use Allocation

- 5.1 Located in the countryside, outside of a settlement boundary.

6.0 Relevant Planning History

- 6.1 There is a long planning history of the farming related buildings and uses for this site. The crisp manufacture was first proposed in 2012, with application 121150 being for a change of use of potato store to potato crisp manufacturing, addition of extract cowlings and changes to the size and elevations of the building (approved under Planning permission 102064). Approved and conditioned as follows:

1. The odour extraction system detailed in specification dated 15.8.2012 shall be installed by 31.10.2012. The control measures shall thereafter be retained and maintained in the agreed specification and working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is a scheme for the control of fumes, odours and smell in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties.

2. The rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission.

3. No machinery shall be operated on the premises outside of the following times: Monday to Friday: 07.00-18.00, Saturday: 08.00- 13.00 or at any time on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

4. No deliveries shall take outside of the following times; Monday to Friday: 07.00-18.00 Saturdays 08.00-13.00 or at any time on Sundays and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

5. The hereby approved use shall be used solely for purposes associated with the applicant's farming activities.

Reason: In the interests of residential amenity and to ensure the building remains associated with the agricultural use.

6. Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E2. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties and the surrounding countryside.

7. The landscaping details as shown in the agent's letter and drawing dated 22.8.2012 as augmented by the applicant's email of 24.9.2012 shall be carried out in full prior to the end of the first planting season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: To ensure an appropriate standard of visual amenity in the local area.

8. The development hereby permitted shall be retained in accordance with the details shown on the submitted site plan and photographs dated 19.7.2012 and the associated landscaping shall be carried out accordance with the agent's letter and drawing dated 22.8.2012 as augmented by the applicant's email of 24.9.2012 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

- 6.2 The original extraction system had not proved to be very effective and the application put forward under 172600 was intended to provide a remedy. However, as this entailed significant investment, the longer operating hours put forward under 170226 were linked to its consideration. Application 170226 sought to allow 24 hr operation from Monday 06.00 to Saturday 22.00 whereas application 172600 sought a reconfiguration of crisping building to accommodate odour control system.
- 6.3 Both applications were approved as follows;

Application 172600 subject to;

1. 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. Development to Accord with Approved Plans

The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted Drawing Numbers 7000, 7208-PC-03-10-17A , BPC-16-11-17B (showing amended external extraction system with 11.3m flue discharge stack), BPC – 03-01-17A (in as far as it relates to the internal layout of the building only and excluding the superseded extraction system) and Fabcon Food Systems Ltd report dated 10/9/17 shall thereafter been retained as detailed on these drawings and in the report unless otherwise agreed in writing by the LPA.

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

3 Submission of Odour Management Plan

Prior to the extraction system first coming into operation an Odour Management Plan shall be submitted for the written agreement of the Local Planning Authority. The system shall be operated in full compliance with the agreed Plan.

Reason: In the interest of residential amenity.

4 Scheme of collection and disposal of waste

A system for the collection and disposal of waste from the system must be submitted to, and agreed in writing by, the Local Planning Authority and adhered to thereafter.

Reason: To ensure satisfactory arrangements are made for the disposal of waste to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety.

5 Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of, or boundaries near to, noise-sensitive premises. The assessment shall have been made in accordance with

the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

Application 170226, Subject to;

1) Time scale for commencement of variation of Condition 3

The variation of condition 3 of planning permission 121150 shall not come into effect until:

- a) the extraction system approved under planning permission 170226 has been completed in its entirety and the completed system has been inspected and agreed by Environmental Protection Team*
- b) the Odour Management Plan required to be submitted under planning permission 170226 has been submitted and agreed*

Reason: The variation of the condition is only acceptable if the extraction system has been installed as approved and appropriately maintained in the interests of residential amenity.

2) Removal/Variation of Condition(s) Approval

With the exception of condition 3 of Planning Permission 121150 which is hereby varied, the requirements of all other conditions imposed upon planning permission 121150 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the variation of the stated condition(s) of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.

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) 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:

UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

- 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

DP8 Agricultural Development and Diversification

DP9 Employment Uses in the Countryside

- 7.4 Submission Colchester Borough Local Plan 2017-2033:

Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

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 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

The most relevant policies of the Emerging Local Plan are;

DM6 Economic Development in Rural Areas and the Countryside

DM7 Agricultural development and Diversification

DM15 Design and Amenity

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 Contaminated Land Officer: No comments.

- 8.3 Environmental Protection team:
(comments reported in full).

This proposal seeks to vary Condition 2 of application no. 172600. This will enable the potato crisp operation at Fairfields Farm to extend its hours of operation, granted under application 170226, in which it is proposed that the

operating hours of the potato crisp operation within the building forming part of application number 121150 are extended to: Monday 06:00 to Saturday 22:00.

The current hours of operation

The site is currently permitted to operate between the hours of 07:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturday.

Comments

Planning application 170226 proposed an increase in the working hours. This application was granted providing the reconfiguration of the frying area and the installation of an odour abatement system in application 172600 were carried out.

Environmental Protection (EP) supported application 172600 because it demonstrated a considerable improvement from the system installed and odour complaints were being received.

Application 172600 advised that the proposed odour control system would incorporate four key elements:

- 1) Separating the frying area from rest of the building. *This requires the frying area to separate from the rest of the building.*
- 2) A condenser unit
- 3) A form of filtration removing oil from steam
- 4) A high-level discharge and high velocity discharge

Following this application, an Odour Control System was installed at Fairfields. The system installed is not the same as described in planning application 172600, it does however include elements 2, 3 and 4; a condenser unit, a form of filtration to remove the oil from the steam, a high-level discharge and high velocity discharge unit. However, the Council has received no evidence that the fryer has been separated from the rest of the building. Reconfiguration of the frying area would have ensured that all cooking odours pass through the installed extraction system. Therefore, the planning condition 172600 relating to odour control has not been satisfied and therefore a variation has been submitted.

Currently Fairfields have chosen a constant water loss system (water is used in the cooling process) within the condenser which makes the system expensive to operate.

Despite the improved extract system, the Council is continuing to receive frequent complaints of odour from the cooking process at Fairfields. EP Officers have witnessed these odours, which are directly attributable to the frying process, outside of the factory and, on occasion, a substantial distance from the factory.

EP believes that the odours that are being complained of are fugitive odour - steam/cooking odours which have not been treated by the odour extract system and are escaping through the unsealed building or due to the inadequate or inconsistent abatement performance of the odour extraction system.

Planning application 172600 advised that the fryers would need to be separated from the rest of the factory in order to achieve the goal of exhausting all steam/cooking odours through the extraction system.

The onus is on the operator to establish the cause of the off-site impact of the odours that are occurring and to then identify suitable additional control measures, if odour impacts are to be more effectively controlled.

Current application 191467, which also proposes to increase the hours of operation, is not equivalent to application 172600. This is because it does not include separation of the frying area from the rest of the building and the Council is continuing to receive complaints.

EP believe that odour from the frying operations at Fairfields continues to have a detrimental impact on the local amenity and recommended that Fairfields carry out an investigation into where the fugitive odours are escaping, and the factory modified to prevent the escape of odours to the surrounding areas.

Land Air Consulting (LAC) – odour assessment November 2019

Fairfields have had an odour assessment carried out to support this planning application.

Assessments such as the one carried out by LAC are frequently used to support planning applications prior to operation. In this case the odour assessment concerns an existing operation and the modelling is supplemented with odour complaint data and the Councils monitoring.

To ensure robustness of the report the Council requested that the report was peer reviewed by an independent odour consultant.

The consultant has highlighted the considerable divergence between the results of LAC modelling assessments and the ‘on the ground’ reality of the complaint history of odour complaints and the sniff tests carried out by Council officers. We have been advised that the disparity between the LAC modelling and the actual off-site odour impacts is such that relatively little weight can be attributed to the findings of the odour modelling. The odour modelling, in their professional opinion, does not provide adequate support to the application to justify removal of the odour related condition.

LAC have proposed the following odour mitigation measures:

‘Continuous’ cleaning of equipment

The odour management plan in Table 2, Appendix 8, sets out a schedule for regular and not continuous cleaning. Whilst regular cleaning is beneficial, Table 4.4 indicates a reduction in airflow through the system by 16%. This reduction in flow may increase the risk of fugitive leaks of higher intensity odour emissions from the processing area as a result of the reduced extraction.

Installation of a timer on high level extraction fans

There is no evidence in the report whether the operators or LAC have investigated the times when odour complaints occur in relation to these high-level fans. The building pressure measurements reported by Gibbons Appendix 5 suggests that the building is kept at negative pressure when the fans are ON, and a reduction in negative pressure increases the risk of fugitive emissions. Therefore, without further evidence on how this recommendation would improve off-site odours, the concerns about fugitive emissions and the loss of high-level extraction, we are advised that it is not possible to conclude that reducing extraction fan use would improve off-site odour impacts.

Proposed fast acting roller – shutter door between flavour storage area and product storage/ dispatch.

There is no evidence in this report to link odour complaints with fugitive leaks through the doorway and therefore it is not possible to evaluate how effective this measure will be.

We have been advised that the dispersion modelling carried out as part of the assessment cannot be assumed to show that there will be any improvement in offsite odour as a result of the proposed increase in operating hours even with recent and proposed changes in odour management and mitigation measures

Current complaints

EP is continuing to receive complaints of cooking odours attributed to the manufacture of crisps at Fairfields.

The Council has been monitoring the odours and although the strength and duration at residential properties has not been sufficient to serve an Odour Abatement Notice, odour which can be directly attributed to the cooking process at Fairfields has been noted by officers in the immediate vicinity and further afield. Since January 2019, EP have made 54 visits to the surrounding area. Officers have noted an odour on 35 of these visits, although on many of these occasions the intensity level was reported to be [intensity level] 1 or 2 (*see Table 1*), there has been an occasional 3 and, on one occasion, a 4 (on 10 occasions odour was noted in more than one location).

Table 1 – Intensity levels

1	very faint
2	faint
3	noticeable
4	very noticeable
5	extremely noticeable

On 2 May 2019 EP received several odour complaints. EP visited the site and noted that the odour control system had been switched off. When approached, Fairfields advised EP that the odour extract system had been switched off owing to the operational cost. Fairfields were reminded of their planning condition and on the 3 May 2019 the system was turned back on.

Residents' complaints

There has been an increase in the number of complaints being received. Residents complain of also being affected by the odour during the evening and weekends. Colchester Planning Enforcement Team have been investigating the complaints of 'out of hours' working and possible breach of planning condition.

Complaints Received (10 households) during July - December 2019

Month	Total number of complaints	Complaints received outside of permitted hours
July	19	14
August	40	18
September	21	3
October	12	1
November	26	7
December	9	1

Environmental Protection team recommend refusal of this application

Reasons

Within the existing operating hours, the Council is receiving a high level of complaints from residents regarding the odour from Fairfields. This provides a high baseline of complaints should the operating hours be increased.

The high level of complaints and the evidence obtained during the 'sniff tests' by EP officers demonstrates that odour distinctly attributable to Fairfields crisp factory is noticeable in the surrounding area. Therefore, within existing operating hours there is impact on the local amenity.

Fairfields have not addressed these concerns, and an independent consultant who peer reviewed the LAC odour report has advised that in their professional opinion the odour modelling carried out by LAC does not provide adequate evidence to support the application to remove the odour related condition. In addition, they have advised that there is insufficient evidence to support the recommendations for improvement made by LAC, and there is some concern that the escape of fugitive odours could be made worse.

Complaints have continued to occur through December 2019, which suggest that suitable robust reductions as recommended by LAC have not yet been implemented or have been unsuccessful in preventing adverse effects on amenity.

We are concerned that if the hours of operation increase, the impact of the odour will significantly harm the amenity and the quality of life and wellbeing of residents. The extended hours of operation will increase the occurrence of odours being experienced at residential properties over a longer time period.

Improvements to emission controls will be required if an increase in operating hours is not to result in further negative impacts on local amenity.

Unless there is a considerable reduction in the number of complaints being received, and odour from the factory is no longer noted regularly by officers in the surrounding area, EP would recommend refusal of the extended frying times until the issue of fugitive odours has been resolved.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that; 'Wormingford Parish Council would like to understand why the internal wall was considered necessary in the first application and why it is no longer needed? The Parish Council were under the impression that the wall was to be put in place in order to help contain the odours.

As the odours from Fairfields Farm continue to affect residents during and outside permitted working hours in the village, the Parish Council feels it must therefore object to this application.'

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below;

6 letters of **support** summarised as follows;

- Supports the local economy, both in terms of jobs created and rural services
- Have not noticed any odour issues,
- As an immediate neighbour of the farm, haven't noticed any issues with excessive odour, noise or traffic - have been rare occasions when there has been a minor presence of odour but not since new system installed,
- Proposals do not differ greatly from approved scheme.

There are also 5 letters of **objection** summarised as follows;

- Significant odour issues that have grown worse over the years
- Contravening the hours of operation restriction, showing a lack of consideration for neighbours
- Whilst no objection in principle to commercial diversification, the odours generated are horrific demonstrating that the odour control unit does not work,
- Lives disrupted by deliveries of potatoes and traffic
- Questions whether the 40 employees are local

- Previous approval was on the basis that an odour elimination system would be operable, this hasn't happened. As this expectation has not been fulfilled, longer hours should not be permitted.
- Local residents have made 46 complaints relating to the odour between February 2019 and the end of June 2019 of which 17 related to out of hours, overnight and Sunday working, indicating an absence of regard for the village or residents within it.
- Odour complaints have been made over a period of 6 years, but has worsened in the recent past, since the new equipment has been installed.
- The building constructed originally for agriculture is not designed to operate at negative pressure or be airtight.

11.0 Parking Provision

11.1 There is extensive hardstanding at Fairfield's Farm which can be utilised for parking and therefore the scheme is held to comply with the adopted Parking Standards.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposal does not give rise to any concerns regarding discrimination or accessibility; the site is relatively flat, the building is accessed from ground level, and there is ample car parking in close proximity to the building.

13.0 Open Space Provisions

13.1 Not relevant to the consideration of these applications

14.0 Air Quality

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

15.0 Planning Obligations

15.1 This application is not classed as a "Major" application being a variation of a condition to a non-major permission 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.

16.0 Report

16.1 The main issues in this case are:

- The Principle of Development
- Impact on the Surrounding Area
- Impacts on Properties within the Locality
- Highway Safety and Parking Provisions

Principle of Development

- 16.2 The applicant's family have farmed in Colchester since the 1950's and employ 40 local people. The applicant has an established crisp manufacturing business which is expanding with considerable investment being made into the odour control equipment on the expectation of longer working hours being permitted. The reconfigured layout as previously approved (including the separation of the frying process from the rest of the production) has not been carried out yet but is intended to be undertaken in the forthcoming 12-24 months with the further expansion of production. The odour control unit now installed is not that approved under the previous permissions but is intended by the Applicant to be more a more effective solution.
- 16.3 Adopted Policy DP8 gives support for existing agricultural uses including food production together with its processing, packaging and marketing and retailing. This policy also supports farm diversification. Emerging Policy DM7 identifies that the Council will support and encourage appropriate farm diversification proposals that are compatible with the rural environment and help sustain agricultural enterprises. The grant of planning permission in 2012 for the potato crisp operation accepted that this use was appropriate farm diversification directly related to the applicant's farming activities on the site. The permissions granted in December 2017 reinforced this approach, albeit recognising the concerns relating to odours and the intent that this be remedied by the implementation of the permissions.
- 16.4 Employment uses in the rural areas are also supported by Adopted policy DP9; although this Policy does have a number of provisions regarding the impact on the landscape and amenity. Policy DM6 in the Emerging Local Plan indicates that there should be support for the diversification of the rural economy.
- 16.5 Having regard to the background of the proposals and past planning decisions, the principle of the manufacturing process is accepted, however, this needs to be balanced with the detailed considerations to determine if approval to the variations should be granted.

Impact on Surrounding Area

- 16.6 The application building is set with in a group of large modern agricultural buildings. There are public views from the road and a public footpath to the west of the site. The impact of the extraction equipment and in particular the proposed flue which is higher than the ridge of the building does not vary significantly from that previously approved, (the increased flue height was initially requested by the Environmental Protection team). In any of these views the proposed extraction system will be seen against the backdrop of the host building and other structures within the farmyard. Landscaping agreed and conditioned to be undertaken for the adjacent biogas digester (which includes native wood copses to the east and north of the site) will also in time provide some screening from Fordham Road. It is considered that the impact in the landscape of the extraction system is not significantly different to the previously approved scheme and is acceptable.

Impacts on Properties within the Locality

- 16.7 It is evident from reports predominantly to Environmental Protection over several years that the odour from the crisp manufacturing is present at a number of properties; some of which are some distance from the application site. The impact from odour varies from day to day depending on prevailing wind and other climatic conditions. Even with the installation of the latest equipment, the odours have not abated, and some local residents suggest they have got worse. In tandem to the application, complaints have been made directly to the Environmental Protection team of the continued occurrences of odours, including at times when the process should not be in operation. There are no complaints made in respect of noise emissions, and only one comment relating to increased traffic and these two aspects are not considered to be significant.
- 16.8 In addition to the objections made against the application, it is noted that there are also a number of letters of support, including from the property nearest to the site. Weather conditions, including wind directions will, however, have an effect on how the odour is received at resident's properties and changes in atmospheric conditions will have a role in the dispersion of odour. For example, on a fine sunny day, the heating of the land surface causes hot eddies of air to rise and the odour is rapidly dispersed. However, on a cool, still, clear night the air at the surface cools and does not rise. This is because an inversion layer has developed. Little mixing occurs in the atmosphere beneath the inversion layer. Under these circumstances, little dispersion (breaking up) of the odour occurs and odours remain at high intensity at some distance from the source. It is also recognised that sensitivity to the odours will vary from individual to individual. Nevertheless, support for the rural economy is a material consideration, but this must be balanced with the harm being caused.
- 16.9 The comments from the Environmental Protection team, (set out in full in section 8 above), are very thorough and take account of a detailed Odour Assessment prepared by specialist consultants on behalf of the applicants. This was assessed, with the Environmental Protection team seeking independent specialist advice in considering the detail of this report. The conclusions reached are clear with concern that an increase in the hours of operation to those approved under application 170226 would give rise to further negative impacts on local amenity and significantly harm the quality of life and wellbeing of residents. The extended hours of operation will increase the occurrence of odours being experienced at residential properties over a longer time period.
- 16.10 The concerns raised with the applicants by the Environmental Protection team have not been addressed. Despite the consultant's Odour Assessment making further recommendations that could provide some further mitigation, there is no confidence that the recommendations, if carried out, would result in a noticeable benefit.

- 16.11 The harm to local amenity resulting from the proposal are a matter that significant weight is attached to.

Highway Safety and Parking Provisions

- 16.12 The current proposal to vary the condition of the application 172600 does not raise any additional issues that were not considered at the time of the earlier application, as it does not change the likely traffic generation or parking requirements at the site.

17.0 Conclusion

- 17.1 The application seeks to change the drawings as originally approved, with the most significant changes being an alternative odour control unit and the change in layout that does not separate the frying area from the rest of the building.
- 17.2 Although the principle of the farm holding diversifying to a manufacturing process, that makes use of locally grown products, is acceptable and supported in accordance with national and local plan policy, this must be balanced with any adverse impacts.
- 17.3 As the new Odour Control Unit is fully operational, it has allowed its operational effectiveness to be assessed. Given the number of complaints that continue to be received, and date back a number of years, it is evident that unpleasant odours continue to escape, and the intended elimination of odours is not happening. Although the odour report submitted on behalf of the applicants makes further recommendations that might result in some improvement, there is little confidence that these would create significant improvement following an assessment by Environmental Protection.
- 17.4 Notwithstanding the benefits to the local economy, this is outweighed by the harm being caused to some residents in the locality and the proposal is recommended for refusal accordingly.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

REFUSAL of planning permission for the reasons set out below:

1. The application seeks to vary the condition of a planning permission that results in a different internal layout and alternative odour control unit to that approved under application 172600, effectively retaining the existing situation and enabling longer working hours, (Monday 6.00 to Saturday 22.00). Based on the evidence submitted with the application, and the adverse impacts that are currently being experienced, the Local Planning Authority is not satisfied that the proposed changes would not give rise to continued harmful odour emissions that would impact adversely on the amenity of residents in the locality and over a longer period of time due to increased operating hours especially in the

evenings and Saturdays when residents would reasonably expect respite from such activities.

Accordingly, the proposals are contrary to policies DP1, DP8 and DP9 of the Adopted Colchester Borough Development Policies, (Adopted October 2010 with selected policies revised July 2014).