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Item No: 7.4

Application: 170226

Applicant: Mr Robert Strathern

Agent: Mr Guy French

Proposal: Application to vary condition 3 of planning application 121150.

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

Ward: Rural North

Officer: Jane Seeley

Recommendation: Approval

And

Item No: 7.5

Application: 172600

Applicant: Mr R Strathern

Agent: Guy French

Proposal: Reconfiguration of crisping building to accommodate odour control system

Location: Fairfields Farm, Fordham Road, Wormingford, Colchester, CO6 3AQ

Ward: Rural North

Officer: Jane Seeley

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 Cllr Chapman called in application 17026 because of disquiet in Wormingford regarding smells emanating from the crisp production process at Fairfields which detrimentally impacts the amenity of the affected residents when it occurs. He and Cllr Arnold believe a decision on this Application should be made by the Committee to ensure the residents can have confidence that their concerns have been fully considered. Following receipt of application 172600 Cllr Chapman also called in that application as it is inextricably tied up with Application 170226.

2.0 Synopsis

- 2.1 The key issue for consideration is whether the impact on the amenity of the proposed increase in hours of manufacture of crisps on the amenity of householders in the area.
- 2.2 The applications are subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The application building is adjacent to existing agricultural buildings, several of which have been erected in recent years. An older agricultural building on the site has permission for B2 use. To the north of the building is a recently erected 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 170226 proposes the variation of Condition 3 of planning permission 121150 which controls the hours crisp manufacture can occur to allow 24 hours operation from Monday 06:00 to Saturday 22:00. Application 170226 is for the reconfiguration of the crisp manufacture area, including an increase of the area in order to install an odour control system together with external extraction equipment to the north side of the building

5.0 Land Use Allocation

- 5.1 No notation and therefore located in the defined countryside.

6.0 Relevant Planning History

- 6.1 120226 Change of use of potato store to potato crisp manufacturing, addition of extract cowlings to roof and changes to the size and elevations of the building (approved under Planning permission 102064). Approved and conditioned:

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 in be in 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 extraction system required by condition 1 of planning permission 120226 has not been effective in control odour from the crisp manufacturing process and the Council's Environmental Protection section has had an extensive complaint history dating back to February 2013. Various methods to control odour have been introduced but have not resolved the issue.

Comments from Environmental Protection following receipt of the application to vary the hours of operation to 24 hours resulted in the applicants proposing additional works to the odour control system. These works were completed in June 2017 and Environmental Protection Officers monitor the site for a month. During the period there were complaints from residential and the odour was witnesses by Officers.

The Environmental Protection Officers recommended that planning permission should be refused. On being advised that the application was to be refused the applicant's requested that the decision was delayed in order that they could take further advised regarding odour control measures.

Further proposals were put forward for discussion in Septembers 2017. These included works both externally and internally including an increase in the crisp manufacture area to accommodate the proposed odour control equipment. It was considered that the extent of the proposed changes were more than could be consider as a variation of condition application and this lead to the submission of application 170226.

Since submission the application for the extraction system has been amended so that the discharge stack is increase in height to be 1m above the ridge line of the building. This amend is subject to re-notification with local residents and the Parish Council. Any comments received will be report on the amendment sheet.

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
DP8 Agricultural Development and Diversification
DP9 Employment Uses in the Countryside

- 7.4 The Emerging Local Plan has been submitted for Inspection and therefore carries a small degree of weight. The policies most relevant to this scheme are:

DM15 – Design and Amenity
SP6 – Spatial Strategy for North Essex
DM7 – Agricultural Development and Diversification

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 ECC Highways:

Comments for 170226

No objection - The additional traffic is a bit of a trade-off for the overall benefits to the economy, jobs etc. The HA would be hard pressed to recommend Refusal based on traffic movements etc unless they could be described or considered severe. I suspect that that would be very difficult to demonstrate and win on Appeal

Comments for 172600

No objection.

- 8.3 **Contamination Land officer** – No comments

- 8.4 **Environmental Protection – Due to the nature of the concurrent applications the two responses from Environmental Protection have been reproduced in full.**

Comments for 170226

The Proposal

This proposal seeks to vary Condition 3 of 121150 to enable the potato crisp operation at Fairfield's Farm to extend its hours of operation. It is proposed that the operating hours of the potato crisp operation within the building forming part of application number 121150 are extended to the hours of: Monday 06:00 to Saturday 22:00.

Background

The Current Process.

The site is currently licenced to operate between the hours of 07:00 and 18:00 Monday to Friday and 08:00 to 13:00. In 2015 50 to 60 batches of crisps were being fried on any one day.

Existing Odour Control Equipment

Extraction from the factory exits via the roof and is ducted down to a low level where it enters a steel container. Immediately prior to this any exhaust fumes are treated by the introduction of a dry-vapour odour neutraliser. Following the Environmental Protection Team interim comments dated 19 April 2017 further works to the abatement system were carried out by the applicant. These works included an adjustment of the airflow through the fans and an extension to the ducting to improve condensation.

Odour Monitoring carried out by the applicant.

Two odour monitoring reports were submitted with this planning application. These reports by Sinol UK. Were prepared on:

- 23rd July 2015
- 4th January 2017

These reports indicate that off- site odour monitoring was carried out on the;

20 July 2015 during the hours of 10.00 – 15.00 the odour was witnessed by ‘sniff test’ at intensity levels 0, 1, 2 and 3. See Table 1 for intensity levels description

19 December 2016 during the hours of 09.30 – 12.00 no odour was witnessed

21 December 2016 during the hours of 09.00 – 11.40 the ‘sniff test’ results were 0, 1 and 2 and a slight corridor of malodour was witnessed off site between Packard’s Lane and the glider club.

The odour report dated 4 January 2017 suggested that the continuous operation of the odour control system would provide a positive impact on odour control associated with the permitted use. However, as the complaints received by the Environmental Protection Team are not confined to the early morning start-up of the equipment and the odour abatement system we do not have the evidence to support this comment.

Table 1 – Intensity levels

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

Weather

Weather including wind directions will 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. The odour reports accompanying this application do not consider the changes in atmospheric conditions that may occur during the night time period which could lead to additional complaints. 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.

Complaint History

The Council has an extensive complaint history regarding odour from the production of crisps at Fairfield's Farm dating back to February 2013. Since 1st March 2017, as part of this application the Council's Environmental Protection Team has been investigating complaints of odour nuisance from Fairfield's Farm. During this time odour from crisp production has been witnessed on several occasions at different locations and times of the day by Environmental Protection Officers and a Planning Officer.

Following the comments made by Environmental Protection on 19th April 2017 it was agreed to suspend the witnessing of the odour whilst further works to the odour control system were being carried out. These works were completed on the 26th June 2017 and Fairfield's Farm requested that the team monitor the site for one further month before making their recommendation to the Planning Officer. However, despite the works being carried out by Fairfield's Farm, the Environmental Protection Team received 22 complaints from affected residents between 4 July and 31 July 2017. Following residents' complaints odour was witnessed again by an Environmental Protection Officer and a Planning Officer

The odours witnessed by officers did not constitute a statutory odour nuisance either by strength of odour or duration. However, odour was witnessed as distinctive and attributable to the crisp production at Fairfield's Farm. The odours witnessed were of short duration (minutes) and assessed as having an intensity level of between 1 and 3 (see Table 1).

The evidence gathered by the Environmental Protection Team at that time indicated that odour distinctly attributable to Fairfield's crisp factory is currently

noticeable in the surrounding area and as such the increase in operating hours posed a significant risk to amenity, quality of life and wellbeing for local residents, and in their interim comments dated 27 August 2017 Environmental Protection recommended refusal of planning application 170226

Following consideration of Environmental Protection Teams comments, Fairfield's Farm proposed a further upgrade to their existing Odour Abatement System. The proposed scheme described in planning application 172600, Advises that 100% of oil and odour will be removed from the exhaust. The exhaust will discharge at a minimum of one metre above the roof ridge of any adjacent building (it currently discharges at ground level) and the steam will be discharged at a higher velocity. The frying area is also to be separated from the rest of the factory reducing the escape routes for odour and insuring the air passes through the extract system.

The Odour Abatement system described above is an improvement over Fairfield's Farm current scheme of odour control and according to the information providing by the manufacturer the neighbouring properties will be less affected by odour. Therefore, if the system described in planning application 172600 is installed with agreement to maintain as per manufacturers specifications. Environmental Protection would remove their objection to planning application 170226.

However, if permission should be granted the applicant should be aware that planning permission does not provide immunity from Statutory Nuisance legislation.

Should planning permission be granted Environmental Protection wish to make the following comments:-

Having considered the proposed system for the control of odours from the frying process at Fairfield's Farm in planning application 172600, Environmental Protection have the following comments in regard to planning application 170226 to extend the operating hours:

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

An Odour Management Plan shall be produced and forwarded to Environmental Protection prior to the extension of hours, this plan should include all servicing and maintenance schedules and shall be available for inspection by Council staff.

Reason: Due to ongoing complaints of odours from the frying process at Fairfield Farm crisp factory Environmental Protection wish to ensure the odour control system is in place and operating as described by Fabcon Foods Systems Ltd.

Complaint history

The Council has an extensive complaint history regarding odour from the production of crisps at Fairfield's Farm dating back to February 2013. Since the 1st March 2017 the Council's Environmental Protection Team has been investigating complaints of odour nuisance from Fairfield's Farm. During this time odour from crisp production has been witnessed on several occasions and at different times of the day by Environmental Protection Officers and a Planning Officer.

Following the comments made by Environmental Protection on 19 April 2017 it was agreed to suspend the witnessing of the odour whilst further works to improve the odour control system were being carried out. These works were completed on the 26th June 2017 and Fairfield's Farm requested that the site was monitored for one further month. However, despite the works being carried out the Environmental Protection Team received further complaints from affected residents between 4th July and 31st July 2017. Following residents' complaints odour was witnessed again by an Environmental Protection Officer and a Planning Officer.

Following this period of monitoring the Environmental Protection Team produced an interim report dated 27 August 2017 which recommended refusal of the application to extend the hours of operation.

Following consideration of the report dated 27 August 2017 Fairfield's commissioned two companies to review their odour abatement systems and recommend improvements.

Fairfield's Farm - Existing abatement equipment

Extraction from the factory exits via the roof and is ducted down to a low level where it enters a steel container. Immediately prior to this any exhaust fumes are treated by the introduction of a dry-vapour odour neutraliser.

Further works to the abatement system were carried out by the applicant in June 2017. These works included an adjustment of the airflow through the fans and an extension to the ducting to improve condensation. The odour neutraliser point was moved to the end of the system.

Defra guidance

Defra sets out in guidance the minimum requirements for odour control within a commercial premises.

To achieve this the odour control system should include an adequate level of:

1. Odour control; and
2. Stack dispersion.

Discharge stack

The discharge stack should normally be not less than 1 m above the roof ridge of any building housing the commercial kitchen. It is recognised in the guidance that this may not be possible, but then an exceptionally high level of odour control will be required. Defra guidance suggests that a high level of odour control would generally include fine filtration, carbon filtration and/or electrostatic precipitation. However, in the case of high volume processes it is recognised that fine filtration would be problematic owing to fouling.

Fairfields Farm - The proposed system

The applicant has commissioned Fabcon Food Systems Ltd to design a system to minimise odours from the crisp production process at Fairfields Farm. The proposed scheme aims to condense 85/95% of oil and odour droplets with rest being removed by filtration followed by high level dispersal.

The proposed system comprises of three stages;

Information provided by Fabcon Food Systems Ltd states the following;

Stage one - condenser

In condensing heat exchangers of this type with a staggered tube pitch and large surface area due to the number of tubes used, the volumetric flow rate of 700m³/min provides a relatively high velocity which scrubs the heat transfer surface removing the tendency for water droplets to form a film that inhibits heat transfer. The actual heat transfer area on the unit designed is approximately 37 m² which is greater than that required and allows for a fouling factor of 0.5, which we believe is more than adequate. The CIP (clean in place) system that will also be installed will allow and assist in maintaining the clean surface to allow the heat exchanger to do its job to full efficiency. The efficiency figures for this type of system state that they are between 85 to 95% efficient in condensing the oil and odour droplets from the process.

Stage two – filtration

Filtration systems can fail if they are not correctly specked or not correctly maintained. The proposed system however incorporates a two-stage filter that will have the ability whilst in process to be moved out with a new cartridge filter unit being slid directly in place and the filters will then be cleaned whilst the process is unaffected.

The percentage of the effectiveness will not deteriorate over time in production as we will not be using activated carbon or a filter bed and the system will be an all-metallic unit which will be unaffected by the process air and odour.

A baffle/mesh filter system will allow all of the remaining contaminants to be removed through a pressure drop and through natural deflection and catchment of oil and residue. This system will be cleaned periodically but will have no consumable items so will be easy to maintain.

Stage three – discharge stack

The filter system will remove the remaining residue after the condenser and will then, being under positive air flow, be pushed up the stack at a high velocity to disperse the air into a large atmospheric area.

8.5 Environmental Protection comments

The current application is an improvement over the current scheme of odour control and therefore is supported by Environmental Protection. The applicant should however be aware that planning permission does not provide immunity from statutory nuisance legislation.

Should planning permission be granted Environmental Protection wish to make the following comments:-

We recommend the following conditions are applied;

- The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 7000, 7208-PC-03-10-17A and BPC-03-10-17 and Fabcon Food Systems Ltd report dated 10/9/17 shall thereafter be retained as detailed on these drawings and in the report unless otherwise agreed in writing by the LPA.
- The discharge stack should terminate at least one metre above the ridge height of the building.
- Following installation the operational system shall be inspected by an Environmental Protection Officer.
- A service/maintenance regime and log book must be kept and made available for the Environmental Protection team to inspect upon request.

Reason: there is a history of odour complaints related to this site

In addition:

A scheme 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.
Note: If being disposed of in the foul sewer network Anglian Water should be advised.

ZGG - 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.

NOTE: Demolition and Construction

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

9.0 Parish Council Response:

9.1 Comments for 170226

Object :

- Concern over additional periods of noise associated with the extended hours of operation, especially in a rural setting and loss of amenity to neighbouring properties as a result.
- Concern over extended periods of odour related to the production of crisps in this location. The Council would like to see plans produced in order to reduce the existing odour issues that exist.
- Concern over extended hours of work at the weekend (i.e. Saturday). Are operations also planned to take place on Bank Holidays?
- Concern over more road movements to and from the site. The Council do not see how increasing production hours would therefore not increase traffic flow. Concern is for Wormingford residents along with neighbouring Fordham.
- The Council is concerned that as a rural farm the site is turning more into an industrial location and therefore the question has to be raised as to whether they are outgrowing their existing rural site.

9.2 Comments for 172600

“support the new proposed odour control system for Fairfield Farm. However, it would like to see some monitoring conditions put in place in order to ensure that the local resident's amenity is appropriately protected. This should include a regime of continued monitoring to ensure that the system performs as anticipated.”

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.

10.2 Objections (24) to 170226 – several have made by one person/address

- The very unpleasant odour that occurs day, night and at weekends is unacceptable.
- Particularly evident at the start off daily operations, when the smell of frying oil can be very heavy in the air.
- Applicants have total disregard for their neighbours.
- Creeping industrialisation in a rural area.
- If permission was given to operate around the clock during the week(which is the obvious assumption given the stated increase in staff numbers) then this would be both excessive and detrimental to the surrounding area.
- Problems with the odour produced by the crisp factory at Fairfields farm have not been resolved. We have complained to the Council and the Environment Department. Nothing has ever been done in response to our complaint that we are aware of. We have previously complained to Mr Strathern directly so he is also very aware of the problems we are suffering due to the business he is running.
- The chip fat cooking smell/odour produced by the factory is very unpleasant. It disrupts simple daily life for us:- the opening of house windows for fear of invasion of the odour, and the enjoyment of being outside.
- It is suggested by the consultant Mr Strathern is employing as part of his planning application that the odour is minimal and controlled or controllable is questionable by anyone's standards, and to therefore suggest it is within legal limits is wrong.
- Activities on the farm are massively detrimental to the environment
- This is an over intensification of a development that should never have been allowed in this area. What consideration has been given to residents and the impact from, noise, smell and traffic. Working 24hrs a day from Monday 6am to 10pm on a Saturday is not acceptable.
- The number of 40 feet long tractors and trailers carrying potatoes racing through the village, until 11pm is unacceptable If the operating hours are extended for the factory this transporting activity to be extended.
- Large lorries often manoeuvre at the Church Road/Ponders Road junction.
- Number of vehicles can be several hundred between 7.30am and 10pm
- Unreasonable to expect neighbouring residential properties to be exposed to noise and smells for these extended times: if permission is granted to

extend the operating hours of the plant then there will shortly be another application to extend delivery times. The tractors and trailers that already trundle through the village are a noise pollutant and reduce the amenity of the enjoyment of my house and garden. As the potato boxes are not covered there is also a fair amount of spillage in the village. The transportation impacts on very many households

- Increase danger to road uses including pedestrians and school children.
- The granting of the permission to extend hours would be a dangerous precedent and give rise to similar requests from the other industrial businesses in the area for similar hours. This in turn having a detrimental impact on residential amenity
- Unconvinced by statements that employees are local
- Extra staff will result in more traffic exacerbating road safety
- Extra traffic will exacerbate damage to listed building adjacent the road
- Works taken to eliminate odour since submission of application have not been successful

10.3 Support (6) for 170226 some have made more than one rep

- Use has occurred for 5 years and not caused any odour issues.
- No problems with noise or traffic.
- Business provides employment and supports the local economy.
- Locals should support successful rural businesses.
- Council should be supporting this thriving business.

10.4 Objection (1) to 172600

- Concerned that this is a rouse to enlarge and increase traffic problems in Fordham both to the fabric of the road and highway safety.

10.5 Support (5) 172600

- The business makes a positive contribution to the local economy by employing local people and supporting local suppliers and business.
- The base product, potatoes, are grown locally.
- Do not support the extension of their current working hours but fully support the part of this application permitting the owners to finally install the correct, effective and proper filtration and odour control equipment to their crisp production facility .

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 Open Space Provisions

- 12.1 Not relevant to the consideration of these applications

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

- 15.1 The main issues in this case are:

The Principle of Development

- 15.2 Adopted Policy DP 8 gives support for existing agricultural uses including food production including 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 applicant's farming activities on the site.
- 15.3 Employment uses in the rural areas are also supported by Adopted DP9; although this Policy does have a number of provisions regarding the impact on the landscape and amenity. Policy SP6 in the Emerging Local Plan indicates that there should be support for the diversification of the rural economy
- 15.4 The applicant has an established crisp manufacturing business which is expanding. The extra hours of operation are required to accommodate additional outputs associated with the growth of the enterprise. It is anticipated that within the first year of operation 7 full time jobs will be created and a further 7 in the second year. All existing employees live within 10 miles of the site.

- 15.5 The increase of floor area required to facilitate the extraction system, can be accommodated within the existing building. The only physical different to the site will be the extraction equipment outside of the building.
- 15.6 It is considered that in principle both the applications under consideration in this report are in line with the policies highlighted above.

Impact on the Surrounding Area

- 15.7 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 has been discussed with the Landscape Officer. In any of these views the proposed extraction system will be seen against the back drop 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 acceptable.

Highway Safety

- 15.8 There are concerns regarding the impact of the proposed change of operation hours on the highways safety. ECC Highways are not raising any objection to either applications and have commented that unless traffic movements could be described or considered severe, which they suspect would be very difficult to demonstrate, they cannot recommend refusal.

Impacts on Neighbouring Properties

- 15.9 It is evident from reports predominantly to Environmental Protection over a number of years that the odour from the crisp manufacturing is smelt at a number of properties some at some distance from the application site. The impact from odour varies from day to day depending on prevailing wind and other climatic conditions.
- 15.10 The odour has been witness by an Environmental Protection Officers but never at a level which can be considered as a 'statutory nuisance'. Nevertheless the Environmental Protection Officers view is that currently the odour from the site is noticeable in the surrounding area and any the increase in operating hours posed a significant risk to amenity, quality of life and wellbeing for local residents.

- 15.11 The proposed extraction system is intend to deal with existing odour issues. Environmental Protection have indicated that this is an improvement on the current extraction arrangements and should ensure that there are less odour issues if it is installed as submitted and maintained too manufactures specifications. Accordingly they are not objecting to the application to vary the hours of operation.
- 15.12 Environmental Protection require a number of conditions to be imposed on 172600. These relate to the new extraction system to ensure that the equipment is installed and retained as proposed. They also require an Odour Management Plan to include servicing and maintenance schedules to be agreed in writing. These conditions will be imposed.
- 15.13 It is also necessary to condition the variation of condition application (170226) to ensure that the increase in operational hours has does not occur until the extraction system is fully installed and to the satisfaction of the Environmental Protection and the Odour Management Plan is submitted and approved.

16.0 Conclusion

- 16.1 To summarise, advice from Environmental Protection indicates that the proposed extraction system should improve the exisiting odour issues in the area. On that basis the application to facilitate the new extraction system and the application to vary the condition to allow the extended hours of operation are acceptable and therefore both applications can be supported.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

Delegation to officers to APPROVE both applications subject to no new material considerations being received during the re-consultation period and subject to the conditions as detailed below:

Application 172600

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

The development hereby permitted shall be carried out in 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 be 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. Non Standard condition – Submission of Odour Management Plan

Prior to the extraction system first coming in to 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. Non Standard Condition – 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. ZGG - 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.

18.0 Informatives

The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

Application 170226

1) Non Standard condition - 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) ZAW - *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.