

Planning Committee

Thursday, 08 November 2018

Attendees: Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Philip Oxford

Substitutes: Councillor Paul Dundas (for Councillor Jackie Maclean), Councillor Dave Harris (for Councillor Chris Pearson)

Also Present:

634 Site Visit

Councillors Barton, Dundas, Hazell, Higgins, Jarvis, Liddy and Loveland attended the site visit.

635 Minutes of 1 October 2018

RESOLVED that the minutes of the meeting held on 1 October 2018 be confirmed as a correct record.

636 Minutes of 18 October 2018

RESOLVED that the minutes of the meeting held on 18 October 2018 be confirmed as a correct record.

637 171396 Knights Farm, Swan Street, Chappel, Colchester

The Committee considered a retrospective planning application for the retention of existing commercial buildings and structures on the site (comprising factories (Factory 1 (part), Factory 2 and Factory 3); ancillary offices; biomass/store; warehouse; porta-cabins; containers; tray area; smoking shelter; fencing and entrance gates for use by existing meat wholesalers (Use Class B2) with associated retrospective change of use of agricultural land and retention of existing vehicular parking, landscaping and infrastructure works including existing Klargestor unit; existing water purifier; two proposed attenuation ponds and proposed canopy at Knights Farm, Swan Street, Chappel. The application had been referred to the Committee because it had been called in by Councillor Chillingworth. 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.

Chris Harden, Senior Planning Officer, presented the report and, together with David Martin, Environmental Protection Officer and Simon Cairns, Development Manager, assisted the Committee in its deliberations. The Senior Planning Officer explained that two additional letters of objection had been received since the amendment sheet had been published, the contents of which he summarised and he explained that the references to CE2 in the report should be read as CE1. He also summarised the planning considerations relating to the case and confirmed that in terms of the claims of enforcement deception, this remained disputed and no reliance had been placed on the possible lawfulness of any part of the scheme. He also referred to alleged intentional unauthorised development, an issue raised by an objector in the light of a relevant Ministerial Statement and confirmed that this had been considered as a material planning consideration but did not outweigh the recommendation for approval.

In the light of the representations made in relation to the application over a period of time the Chairman had exercised her discretion and had agreed prior to vary the Committee's speaking arrangements to allow two speakers in opposition to the application and two speakers in support of the application.

Jim Beard addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to a planning appeal in 2005 when the site was declared as being for agricultural purposes as well as a statutory declaration from the owner of the site and evidence he claimed showed that business rates had not been paid on the property. He also referred to the contents of public accounts, including bank loans and questioned the owner's lawful use of the site. He queried the conclusion in the planning officer's report that the owner had been unable to find a suitable alternative site or be able to afford to move and he referred to the business' operating profit for the previous two years.

James Wood, representing residents of Swan Street, Chappel, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was representing a group of residents of Swan Street, Wakes Colne. He referred to the unauthorised development on the site since 2001 and that in the late 1990s the site had been open countryside with an agricultural dwelling, with flower shop and tea room. This changed to a small meat production venture and he explained the subsequent planning history of the site, including information from 2001 relating to vehicle movements and numbers of staff. He considered misleading information had been submitted by the applicant. He referred to enforcement visits in 2005 when development was deemed to have been part of an agricultural business. He referred to claims in relation to inability to afford to move to an alternative site and was of the view that, if approval was given to the application, the applicant would be rewarded for deceiving the Council. He was of the view that the unauthorised development on the site should be ignored and the application site treated as open countryside. He also

referred to the temporary permission granted by a planning inspector in 2001.

Martin Blackwell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had worked closely with the planning officers and he was pleased that the application was recommended for approval. Extensive information had been submitted which demonstrated that the application would have acceptable impact on the local area. He considered that the Direct Meats was a successful and well-run business, trading over a 23 year period from the current site. He confirmed he was in support of the recommended conditions and would willingly comply with them and he confirmed his desire to continue to operate his business from the current site. He acknowledged concerns about the movement of large articulated lorries and accordingly he confirmed that from January these deliveries would be moved to a central cold store and pallets would be consolidated onto one daily vehicle. He confirmed he did not wish the business to hinder neighbouring residents. It was his view that the community needed successful sources of employment and he wished to invest in his business for the benefit of his staff. He considered that Direct Meats brought investment to the local economy such as purchasing from farms directly related to Colchester, the employment of 115 staff members, payment of tax revenue and support to local charities, including an environmental wild bumblebee project. He also confirmed that Direct Meats was on the short list for the Queens Award for Innovation and Export and that the company worked with autistic teenagers by putting four to five teenagers through an apprenticeship programme each year. In addition the company had to comply with complicated EU regulations and he listed the high profile clients to which the business supplied meat. He requested the support of the Committee members so that the business could continue its work and its contribution to the local community. He also disputed the comments made by the first speaker in relation to income and profit and confirmed this information was all publicly available.

Steve Gilbert addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had worked at Direct Meats for 18 years from the age of 15. There were very few employment opportunities locally and he had benefitted for training courses and had worked his way up to a shift manager role. He was qualified in Executive Management and was intending to progress to NVQ level, all of which he attributed to working at Direct Meats. He was aware of others who had also progressed to a management role within the company and also staff who were undertaking Leadership courses at Colchester Institute. He referred to the social responsibility taken by the company towards local people. He also referred to the in-house butchery scheme at the company which enabled staff to learn a lifelong skill. He was aware that local people were enthusiastic about the company but there were also concerns about the future of the company and about jobs being jeopardised. He considered the business should be celebrated for the contribution it provided to the local community.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He explained that he had first called-in the application 2½ years previously and the delay was because more and more unauthorised development had been identified by the enforcement team or had been brought to the attention of the Council. He explained that the Parish Council and residents had been frustrated by the perceived unregulated incremental effects generated by the business. He referred to the planning history associated with the site from a small retail unit to a substantial business. He acknowledged that the business was successful and a significant local employer but also referred to a nearby substantial business centre at Wakes Hall. He acknowledged the need to balance domestic and commercial developments against environmental impact and also that the application needed to be determined on the basis of current policies. He acknowledged the conclusion of the officer's report that, on balance, the benefits of the application outweighed the departure from policy and he was of the view therefore that there may be grounds to refuse the application. He referred to the new National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development. He considered that, if the scale of this application had been submitted as a proposed new development in this location, it would not have been considered sustainable on the grounds of both its location and scale. He was of the view the business needed to have direct access onto a classified road and he couldn't understand why the Highway Authority had not objected to the application. He asked the Committee to refuse the application on the grounds of failure to comply with policy and the unsustainable location and he proposed the applicant was given a year to find an alternative location.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. He explained that he had started to be lobbied by residents about the business in 2016 and had taken a considerable interest since that time. He referred to the wording of policy DP9, including references to 'essential to the operation of the existing business'. He was of the view that the application should be treated as a new business and, as such, would be required to be situated in a fully sustainable area. He referred to the lack of objection to the application by the Highway Authority but he felt that was a wider view which needed to be taken in terms of the impact of traffic on the locality, as had been cited by Natural England during the course of the Horkesley Park appeal process. He was of the view that the Direct Meats business created a massive traffic impact on the rural location which was informed by the size of the car park alone. He also referred to the new NPPF. He welcomed the business and its success but if the application had been submitted as if it were a new business he was of the view it would be refused on grounds of sustainability and impact on the countryside. He considered this application went far beyond an expansion of an existing business. He also supported the suggestion for the applicant to be given the opportunity to find an alternative location.

The Environmental Protection Officer confirmed that very few objections had been received in relation to the business and, subject to the imposition of the proposed

conditions, he had no objection to the application.

The Senior Planning Officer confirmed his considered view that the application would not have a significant impact on the rural area. There was no restriction on the use of the road by large articulated vehicles and there had been no objection from the Highway Authority. The site was also relatively close to the A12 and other classified roads and, as such, was in a relatively sustainable location. There were also other businesses located on the road. He referred to policy DP9 and confirmed his view that a refusal of the application would be more of a departure from that policy than an approval. He also referred to the benefits and importance of allowing established rural businesses to expand. He further referred to the need to give the new NPPF substantial weight given the current status of the emerging Local Plan. He considered all comments had been considered very closely and had been addressed by the proposed conditions.

The Development Manager referred to paragraphs 83 and 84 of the most recent iteration of the NPPF and that this wording was more permissive to rural business than policy DP9, such that it did not refer to scale but did refer to areas not well served by public transport. He referred to the relatively low contribution of large articulated vehicle movements to and from the site and the proposal to introduce a travel plan. He considered it inevitable that this type of business involved the use of the local road network. He referred to the comparison made to the Horkesley Park application, explaining that there was a considerable difference with that application due to the anticipated huge numbers of private car movements anticipated. He also referred to the landscape impact and recognition of the intrinsic character of the countryside, he was of the view that the visual impact was limited.

Members of the Committee commented on the lack of noise and smell from the site, the extensive existing screening and the proposals to extend this to the rear of the site. Whilst acknowledging residents' concerns regarding the use of the road network by the large delivery vehicles, this had been continuing since 2015/2016 and was therefore not a new issue. Comment was also made about the retrospective nature of the application which were generally not welcomed but this had, however, given the Committee members an insight into the operation of the development in that locality. Acknowledgement was made of the difficulties associated with a relocation of the business due to the specialist nature of the buildings and potential costs of conversion. Reference was also made to the change in planning laws which currently provided greater encouragement of businesses in rural areas. Clarification was sought regarding the need for the Travel Plan to include restriction on deliveries by large vehicles outside of school drop off or pick up times as well as the need for periodical monitoring of the water quality.

Other members of the Committee commented on the alleged misleading information and the history of unauthorised development and speculated whether this had been deliberate on the part of the applicant. Concern was also expressed by some members

in relation to the applicant's willingness to comply with the proposed conditions should the application be approved. Clarification was also sought regarding the consideration of the application as a new development or the expansion of an existing business, whether the 24/7 operation of the business was reasonable and over what period of time the vehicle movements had been monitored.

In response, the Senior Planning Officer confirmed that the application was considered to be an expansion of an existing business due to an existing consent for a wholesale meat business. He confirmed that no concerns had been received by the Council's enforcement team about the business prior to 2016, the number of large vehicle movements would be reduced by condition and additional tree planting would be undertaken where possible. He agreed with the suggestion to include a water quality monitoring regime and suggested this could be addressed by the addition of a further condition. He also highlighted the fact that the Council's enforcement team were now aware of concerns about the business. He was of the view that the 24/7 operation of the business was not unreasonable given the delivery requirements of restaurant clients and he explained that a minority of vehicle movements took place late at night. He confirmed that the requirements of the proposed conditions were reasonable in terms of timescales and were achievable by the applicant and that vehicle movement monitoring had taken place over one day with the addition of inspection of the site log book.

The Environmental Protection Officer confirmed that it would be reasonable to add a further condition to provide for access to plant and water quality logs and for any non-compliance issues identified following inspection by the Council's enforcement team to be referred to the Environment Agency for attention.

RESOLVED (FIVE voted FOR, FOUR voted AGAINST and ONE ABSTAINED) that, the application be approved subject to the conditions set out in the report and amendment sheet as well as an additional condition to provide for a log to be maintained of plant water quality to the adjacent stream, with sampling undertaken and reports submitted to Environment Agency and Environmental Protection Team.