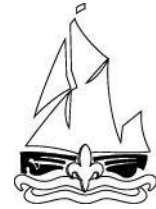


**CIRCULATED PRIOR
TO THE MEETING**



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JULY 2022**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	21/01177/FUL
Location	Kismet Kebabs Limited Adjacent Milton House Maldon Road Latchingdon Chelmsford Essex CM3 6LF
Proposal	S73A application for ancillary storage (building A), gym/workshop for the site owners (building B), detached factory building (building C), building for demonstrations (building D), single storey front and rear extensions to factory (building E), maintenance and storage building (building E2), covered storage area (building F), sales and staff office, containers for product storage, cladding to existing buildings, entrance gates and fencing, hardstanding for parking and turning, and associated plant and landscaping.
Applicant	Kismet Kebabs
Agent	Mrs Lisa Skinner - Phase 2 Planning
Target Decision Date	18.07.2022
Case Officer	Kathryn Mathews
Parish	Purleigh
Reason for Referral to the Committee / Council	Major application due to the site area being over 1ha. Member call-in – Councillor White due to effect on the countryside, public interest, sustainability. Member call in – Councillor Fleming in consideration of the following policies as outlined in Purleigh Parish Council's responses: D1 Design Quality & Built Environment D2 Climate Change & Environmental Impact of New Development S1 Sustainable Development

The following additional information has been received from the applicant's agent since the Committee agenda was published in response to queries raised by Officers:

Additional Floor Area Proposed - a table of the floor areas for the site has been provided and it is stated that Buildings A and B have been converted and, that, therefore. the total new floor area on the site is stated as being 1348 sqm.

Officer comment: based on the drawings submitted, if Buildings A and B are converted rather than new buildings, the additional floorspace proposed is approximately 1,228sq.m.

Staff numbers – the 57 total is split with 15 part-time and 42 full time and includes four cleaners who carry-out the post-operative cleaning works when the factory ceases production each day. There would be, on an average day, about 25 full time employees on site at any one time and around six part time employees, i.e. a total of 31 staff at any one time. It is stated that the extensions have not led to an increase in staff numbers as they are predominantly for storage of products and there has never been a shortfall of parking on site for staff.

Parking provision - a total of 37 car parking spaces on site are proposed which is two spaces below the minimum required to comply with the adopted standards based on an increase in floorspace of 1348sq.m. but there is also the hard standing area to the rear of the site for overflow parking if required. Cycle parking could be required by condition. One electric vehicle charging point has been installed next to Building E and two additional charging points could be provided near to the sales office. A parking layout has been submitted.

Officer comment: the number of parking spaces proposed would be sufficient to comply with the adopted standards. As a result, condition 6 recommended has been amended (see below) as parking layout details are no longer required.

Work Place Travel Plan and associated monitoring fee – the applicant has queried the need for this. The applicant states that they encourage car sharing and considers that a requirement for a Travel Plan is ‘disproportionate to the level of floorspace’ proposed. The requirement would add to their costs and they would rather use the revenue to install further charging points. However, they would agree to this requirement if, otherwise, the application would fail.

Officer comment: the level of additional floorspace proposed at around 1,300sq.m. is significant and has roughly doubled the floorspace at the site. The need for a work place travel plan has been queried with ECC Highways by the applicant but there does not appear to be sufficient justification to disagree with ECC based on their consultation response particularly as the site is in a rural area where sustainable transport options such as public transport would be limited. Therefore, Officers have not amended their recommendation in relation to this matter.

The applicant has also requested that the following conditions recommended are amended:

Condition 2 – (details of plant and equipment to be approved)

The applicant has stated that details of noise equipment and odour have already been provided and drawings have now been provided to show where the equipment will go. This condition also conflicts with condition 14 that requires installation within 1 month.

Officer comment: the wording of conditions 2 and 14 are in the process of being reviewed in consultation with the Specialist – Environmental Health and, if any amendment to the recommended conditions is required, a verbal update will be provided.

Condition 7 – (work place travel plan)

The applicant has advised that a period of three months rather than one month is required for a work place travel plan to be prepared.

Officer comment: the wording of recommended condition 7 has been amended accordingly.

Condition 9 – (operating hours)

Concerns have been raised by the applicant that two hours for cleaning each day is insufficient to ensure that the premises are cleaned to meet Food Standards Agency (FSA) requirements in relation to food hygiene. For example, standard sterilisation is leaving hot water for a minimum of two hours so there would be no time left for draining and clearing up. It is stated that cleaning is all inside and only within part of Building E (main factory building) (there is no cleaning carried-out outside), that full sterilisation until 23:00 is only required two days a week and that, otherwise, cleaning would take three hours i.e. until 20:30. The applicant has advised that, with respect to post operative cleaning, as the factory involves meat processing and the nature of kebab production, every day the entire internal elements of the factory involved in the production of the kebabs and meat processing have to be cleaned. This includes the washing down of all floors, walls, machinery and anything that is touched by food to ensure all health and safety measures are met. A steam/hot water jet wash machine is the only equipment used and only two cleaners would need to leave the site at 23:00. There is a separate cleaner on site during the day that cleans the office, yard and canteen.

Officer comment: on the basis of the explanation now provided for the cleaning hours requested, it is considered that there would be justification for a limited extension to the hours recommended as part of condition 9 which has been amended accordingly (see below).

Condition 10 – Deliveries currently take place up to 17.30. The condition states 17.00.

Officer comment: it is not considered that requiring that deliveries cease by 17:30 rather than 17:00 would result in a material increase in the impact of the development on the amenity of local residents as the extra time requested is limited in extent and would tie-in with the cessation of operating hours recommended in condition 9. Recommended condition 10 has been amended accordingly (see below).

Condition 13 – (no external storage of goods/materials)

The applicant seeks confirmation that this condition would not relate to the containers included on the site layout plan submitted.

Officer comment: it was not Officer's intention that the condition excluded the existing/proposed containers from the development to be permitted. The wording of the recommended condition has been amended for the avoidance of doubt (see below).

Condition 16 – (odour control measures)

The applicant states that these details have already been submitted. There is a lead in time of 3-5 weeks to install these measures, but this process will be started as soon as the Council resolves to grant planning permission.

Officer comment: this condition was recommended based on the advice of the Specialist – Environmental Health but confirmation that details are required has been sought.

Condition 21 – (removal of generator)

The applicant has advised that the new substation will replace the existing sub station situated adjacent to the main factory building (Building E1), that UKPN have upgraded the power supply to the factory and the final connections to the main building will be carried out in the next 2/3 weeks. The applicant's agent states that the additional generator will then be

shut down and only ever used in an emergency if there is a power cut to avoid any loss or wastage of fresh and freezer products stored at the site but would never be used after 15:00. **Officer comment:** given this explanation for the need to retain the generator on site for emergencies, the wording of the recommended condition has been amended to allow its retention on site but limit its use to times of power cuts.

PROPOSED AMENDED CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

0984-01 rev.B
0984-02 rev.A
0984-03 revA
0984-04 revA
0984-05 revA
0984-06 revA
0984-07 revC
0984-08 rev A
0984-10 revA
0984-11

Noise Impact Assessment Report for Commercial Fixed Plant (July 2022)
Flood Risk Assessment (May 2022)
SUDS Checklist December 2021

REASON: To ensure that the development is carried out in accordance with the details as approved.

5. Within 3 months of the date of this planning permission, the vehicular turning facility for articulated vehicles as shown on drawing nos.ATR001 and IT2347/SK/001 shall be constructed, surfaced and maintained as such, and free from obstruction at all times thereafter to enable uninhibited vehicular manoeuvring.

REASON: To ensure that large vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

6. Within 1 month of the date of this planning permission, details of storage for bicycles and the provision of electric car charging points in accordance with Maldon District Council's Vehicle Parking Standards (2018) shall be submitted to and approved in writing by the local planning authority. . The parking areas, including the car parking proposed (as shown on drawing 0984-01 rev.B), shall be provided in accordance with the approved details within 3 months of the details having been approved and thereafter maintained free from obstruction and available for their intended use in perpetuity.

REASON: To ensure adequate provision for parking is provided within the site to avoid the need for on-street parking in the interests of the safety and convenience of highway users, in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.

7. Within three months of the date of this planning permission, details of a workplace travel plan shall be submitted to the local planning authority. The details shall include a timetable for the implementation of the travel plan. Use of the site shall be carried-out in accordance with the approved details in accordance with the approved timetable and retained as such thereafter.

REASON: To promote the use of sustainable means of transport in accordance with Policies D1 and T2 of the Maldon District Approved Local Development Plan and the NPPF.

9. The operating hours for the site shall be as follows: No machinery shall be operated or industrial processes carried out at the site outside any of the buildings at any time. Furthermore, no machinery shall be operated or industrial processes carried out at the site inside any of the buildings at any time on Saturdays, Sundays or Public/Bank Holidays, and subject to that absolute prohibition in respect of Saturdays, Sundays and Public/Bank Holidays, no machinery shall be operated and no industrial process carried out at the site inside any of the buildings except between the hours of 06:30am and 17:30pm on other weekdays. The only exception to this is for washing down/cleaning inside Building E1 on weekdays (but not Public/Bank Holidays) which is permitted for a maximum of three hours in the evening until 20:30pm except for no more than two days a week when washing down/cleaning inside Building E1 is permitted for a maximum of five and a half hours in the evening until 23:00 .

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

10. Deliveries to and collections from the site shall not be undertaken on Saturdays, Sundays or Public Holidays and only between 07.00 and 17.30 on other weekdays.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

13. Except for the containers included on the Site Layout drawing no. 0984-01 rev.B, there shall be no storage of goods or materials outside any of the buildings/extended hereby permitted.

REASON: In the interests of the character and appearance of the area, in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.

- 14 All 'short-term' noise mitigation measures as detailed in the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report referenced CLI0204/R1/Rev.F carried out by Climate Acoustics shall be installed within one month of the date of this planning permission and retained as approved thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

- 15 All 'long-term' noise mitigation measures as detailed in the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report referenced CLI0204/R1/Rev.F carried out by Climate Acoustics shall be installed within eight months of the date of this planning permission and retained as approved thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

- 16 Details of suitable and sufficient odour control systems to be installed to extraction systems D1, D2, D3, D4, D5 and G1 as identified in the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report

referenced CLI0204/R1/Rev.F carried out by Climate Acoustics shall be submitted to and agreed in writing by the Local Planning Authority no later than one month of the date of this planning permission. The odour control system(s) shall be fitted as approved and operational within 3 months of having been approved and retained as such thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

- 21 The existing generator shall not be used at any time from 1 August 2022 except during times the mains electricity supply to the site is unavailable due to no fault of the site operators and only between the hours of 08:00 to 15:00 each day. No other generator shall be used at the site at any time.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

- 22 All commercial foul waste shall be stored at and removed from the site in accordance with the details set out as part of the Flood Risk Assessment submitted as part of the application.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.