

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	12 July 2017
<b>Application Number</b>	17/01154/FUL
<b>Site Address</b>	Abberd Lane, Wiltshire, Nr Calne, SN11 8TE
<b>Proposal</b>	Erection of 2 No 10 metre high chimneys
<b>Applicant</b>	Bromview Ltd
<b>Town/Parish Council</b>	Calne Without
<b>Electoral Division</b>	Calne South And Cherhill Cllr Alan Hill
<b>Grid Ref</b>	400852 171642
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

**Reason for the application being considered by Committee**

The application has been called into committee at the request of Cllr Alan Hill who would like the Committee to consider the impact of the proposal on the local area. In particular he would like consideration of the development's impact on the character and appearance of the area, impact on adjoining properties, impact on the environment and impact on the local highway network.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to **GRANT** planning permission subject to conditions.

**2. Report Summary**

The key issues in considering the application are as follows:

- Principle of development.
- Impact on character and appearance of the area.
- Impact on the residential amenities of local residents
- Impact on the local highway network
- Environmental concerns

Calne Without Parish Council are concerned about the need for the chimneys and possible increase in traffic from the site. 1 letters of objection was also received.

**3. Site Description**

The site is an existing waste management facility located on the west side of bridleway 56 from which access is derived. Three passing places are located to the south of the site before the bridleway meets the public highway (Abberd Lane). The bridleway has a consolidated surface that continues just beyond the site entrance towards the recently constructed solar farm.

The site currently comprises areas of covered sorting and storage, outdoor storage of recovered material and storage of skips. A weighbridge is located inside the access gates, with existing buildings and currently under construction being located to the western portion of the site, comprising offices, staff welfare facilities and covered sorting and storage areas.

Land surrounding the site is predominantly in agricultural use, with a farmyard and buildings bounding the site immediately to the north. There is also a recently constructed solar farm in close proximity to the site.

#### 4. Planning History

- |                |   |
|----------------|---|
| N/08/07002/FCM | Change of Use of Agricultural Land to Use of Land for Storing Empty Skips and for Lorry Parking; Involving the Removal of Top Soil and Laying 450cm of Hardcore & Scalping- <b>Refused</b>  |
| N/08/07027/FCM | Change of Use of Agricultural Land to Use of Land For Storing Empty Skips and for Lorry Turning Involving The Removal of Top Soil and Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials at Land Adjacent Reclamation Yard- <b>Granted</b>   |
| N/09/01253/WCM | Change of Use of Agricultural Land to use of Land for Storing Empty Skips & for Lorry Turning Involving the Removal of Top Soil & Laying 450mm of Hardcore/Scalpings. Plus Area for Storing Reclaimed Materials for Disposal to Appropriate Sites Without Compliance with Condition 3 of Permission N/08/07027 Dated 18th June 2009 (to Change Operation Hours)- <b>Granted</b>           |
| 13/07238/WCM   | Extension to existing waste processing building and erection of covered store- <b>Granted</b>   |
| 14/02739/WCM   | Section 73 Application - Erection of building for sorting, recovery and reclamation of waste, office, weighbridge and office and mess room for staff, without compliance with conditions 4 and 6 of planning permission N/98/2073 (change types of waste handled and remove time limit imposed on the use)- <b>Granted</b>  |
| 14/04903/WCM   | Change of Use of Agricultural land to use of land for storing empty skips & for lorry turning involving the removal of top soil & laying 450mm of hardcore/scalpings together with an area for storing reclaimed materials for disposal to appropriate sites without compliance with Condition 5 of Permission N/09/01253/WCM (stockpile heights).'- <b>Refused but Granted at Appeal</b> |
| 15/10250/WCM   | Extension to existing waste processing building to replace existing workshop premises- <b>Granted</b>   |

#### 5. The Proposal

The planning application seeks consent for the erection of 2 x 10m high chimneys and external ducting. The chimneys will be installed on the northern elevation of the building and will project approximately 2 meters above the existing ridgeline of the building.

#### 6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy  
Core Policy 2- Delivery Strategy  
Core Policy 08- Spatial Strategy: Calne Community Area  
Core Policy 51- Landscape  
Core Policy 55: Air Quality  
Core Policy 57- Ensuring high quality design and place shaping  
Appendix D  
Appendix E  
Appendix G

National Planning Policy Framework 2012:  
Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)  
Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)  
Chapter 8- Promoting healthy communities (Paragraph 75)  
Chapter 11-Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 &123)

## **7. Summary of consultation responses**

### Calne Without Parish Council-

Highways- No objection

Public Protection (Noise)- No objection

Public Protection (Air Quality)- No objection in principle but do have some observations:

- a. The site is not within the Calne AQMA or AQ planning assessment zone.
- b. If the boilers are installed it is unclear if the height is sufficient for good dispersal of flue products.
- c. The proposed size of the boilers needs to be known in order for the LPA to consider whether an environmental permit is required for their operation.
- d. It is accepted that separate legislation covers the permitting of biomass boilers however it would be unwise to support this development without knowing that the requirements of an environmental permit the LPA was to issue could be met by the applicant. It would make sense for an application for an environmental permit to be made and agreed before submitting an application.

## **8. Publicity**

The application was advertised by neighbour letter, site notices and press advert.

The application has generated 1 letter of objection. A summary of the comments is set out below:

- Fire hazard - they have had a fire at the site previously causing extensive damage and pollution.
- Silage, hay and straw bales are stored adjacent to the site. This is a fire hazard.
- Smoke pollution will cause dangerous fumes for livestock and humans.
- We have had a constant battle with them over rubbish, dust and smoke blowing into feed stuffs and cattle sheds giving serious cattle welfare problems.

## **9. Planning Considerations**

### Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Local Plan saved in the WCS, forms the relevant development plan for the Area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

### Noise and Pollution

Taking into consideration the lawful use of the site it is considered that the proposal will not have an adverse impact on local residents and businesses in terms of noise disturbance as the application involves the construction of two chimneys. The development therefore accords with CP57 of the Core Strategy.

Concerns have been raised in relation to pollution and the discharge of toxins from the proposed chimneys. As set out in the consultation responses above- It would have been advisable to have secured the environmental permit prior to the submission of the planning application but it is not necessary for the consideration of this planning application. The license will ensure that any future boiler and the clearance above the ridge line are sufficient to meet the relevant legislation. If changes are required to the size and design of the chimneys then a further planning application may be required.

The application is clear that it seeks consent for only the chimney and the applicant is of the opinion that the boilers, shown for information purposes, do not require consent. If the boilers are installed this will be a matter for the council to investigate at a later date and to determine if these are permissible under the current use of the site or require a further grant of planning permission. Taking into consideration the above it is considered that the proposal for the chimneys is in accordance with CP57 and CP55 of the Core Strategy.

### Impact on amenity

The application has been submitted for the chimney only and though the supporting information indicates that these have been provided for use with a biomass boiler, permission is not sought for the boiler. The submitted layout clearly demonstrates that the proposal will not result in adverse residential amenities for existing or future occupants due to the distance between the nearest residential property and the chimney. It is considered that the proposal will not have a significant adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight daylight or privacy and will therefore accord with CP57 and the NPPF.

The points relating to the livestock sheds adjacent to the property and the concerns expressed by the land owner are noted. However, the installation of the boilers and use of them will require separate licensing and this will ensure that the correct standards are adhered to. Should a licence not be applied for or a breach occur there is separate legislation to control compliance.

### Impact on the Character and Appearance of the Area

The size and scale of the proposed chimneys is relatively minor in comparison to the existing building and only projects 2m above the existing ridge line of the building. Taking into consideration the existing site circumstances and the surrounding built development it is considered that the proposal will not have an adverse impact on the character and appearance of the area. The proposal is considered to accord with both local and national planning policies and in particular CP57 of the Core Strategy.

### Highways

Concern has been expressed with regards to highway safety. The proposed development is for the construction of two chimneys. The two chimneys do not alter the planning status of the land or alter the permitted use of the site. The use of the site is still controlled by the planning conditions attached to the decisions referenced in section 4 above.

The number of vehicle movements to and from the site will remain the same as that permitted by the previous approvals. Should the nature of the site change in the future this will be a matter for the Council's enforcement team to investigate and take appropriate action if necessary.

The proposed development will not result in and adverse impact on highway safety and the development is therefore considered to accord with the NPPF and CP63 of the Core Strategy.

## **10. Conclusion (The Planning Balance)**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*".

As set out above, though not ideal to have been submitted in this way, the proposed development is an addition to an existing waste site and would be in accordance with both local and national planning policies and would accord with CP1, CP2, CP55 & CP57 of the Core Strategy.

Concerns have been raised in relation to the ultimate use of the site and the need for the chimneys. However, there is no requirement within the Core Strategy to demonstrate need for additions to the building. Should any internal works materially alter the use of the site this will be a matter for the Council to investigate and take action, if deemed necessary and expedient to do so.

Taking into consideration the above it is considered that planning permission for the proposed chimneys should be approved subject to conditions.

## **RECOMMENDATION**

To **GRANT** planning permission subject to conditions

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act

2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

AB/017-03 A Received 14 June 2017

Site Plan received 14 June 2017

Location Plan Received 06 February 2017

REASON: For the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE TO APPLICANT:**

The development relates solely to the installation of two chimneys on site. The installation of biomass boilers on site and a change in the nature of the use of the site may require a further grant of planning permission.