

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 July 2014
Application Number	14/04903/WCM
Site Address	Land off Abberd Lane, Calne, SN11 8TE
Proposal	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).'
Applicant	Calne Aggregates Ltd
Town/Parish Council	CALNE WITHOUT
Electoral Division	CALNE SOUTH AND CHERHILL
Grid Ref	400852 171642
Type of application	Full Planning
Case Officer	Greg Lester

Reason for the application being considered by Committee

Councillor Christine Crisp has requested that the application be determined by the Committee for the following reasons:

- Scale of Development
- Visual Impact
- Environmental Impact
- Highway Impact

1. Purpose of Report

To consider the above application, and recommend that permission be GRANTED.

2. Report Summary

The main issues in the consideration of this application are as follows:

Whether the reasons for the imposition of condition 5 of permission reference N/09/01253/WCM (hereinafter referred to as 'the original permission'), would prevent the modification of the condition to allow a stockpile storage height of 5.0 metres.

The application has generated 2 letters of objection from local residents.

Calne Town Council objects to the proposed development.

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.

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 being located to the western portion of the site, comprising offices, staff welfare facilities and covered sorting and storage areas. The land rises towards the east, starting with a moderate rise, becoming steeper towards the back of the site. The site is surrounded in the main by mature hedgerows and trees.

Land surrounding the site is predominantly in agricultural use, with a farmyard and buildings bounding the site immediately to the north. A large solar farm is currently in the final stages of construction, and lies to the north on both sides of the bridleway. The access road leading to bridleway 56 also provides access to a landfill site and minerals and concrete products factory.

The site subject of the current application is located to the western portion of the site and has been in use since 2009 as an area for the storage of reclaimed materials, lorry turning and for the storage of empty skips.

4. Planning History

14/02739/WCM	Section 73 Application - Erection of building for sorting, recovery and reclamation of waste, office, weighbridge and office and messroom 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)
N/97/02353/FUL	ERECTION OF BUILDINGS FOR SORTING, RECOVERY AND RECLAMATION OF WASTE, OFFICES, MESSROOM, VEHICLE WORKSHOP AND WEIGHBRIDGE
N/01/02209/COU	ADDITIONAL AREA FOR TURNING AND SKIP STORAGE

N/07/01393/FUL	Construction of Steel Framed Covered Yard and Fodder Store
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
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.
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).
N/10/03007/FUL	Agricultural General Purpose Building
N/12/02367/SCR	Screening Opinion as to whether EIA is required In Respect of A Proposed Solar Park
N/12/04169/FUL	Installation of 25.53Ha 12MW Solar Park Including Transformer Housings, Security Fencing and Cameras, Landscaping and Associated Works.
13/07238/WCM	Extension to existing waste processing building and erection of covered store

5. Proposal:

The proposal seeks to amend Condition 5 of planning permission N/09/01253/WCM to allow a change in stockpile heights from 3.0 metres to 5.0 metres. Planning permission was originally granted for the Change of Use of the site in 2009, with the physical works having been completed shortly thereafter. No other changes or intensification of use are proposed as part of the application.

6. Planning Policy

Wiltshire and Swindon Waste Core Strategy Development Plan Document

WCS3 – Preferred Locations of Waste management Facilities by Type and the Provision of Flexibility

WCS4 – Safeguarding Waste Management Sites

WCS5 – The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

Wiltshire and Swindon Waste Development Control Policies Development Plan
Document September 2009.

WDC1 – Key Criteria for Sustainable Waste Management Development
WDC2 – Managing the Impact of Waste Management
WDC7 – Conserving landscape Character
WDC8 – Biodiversity and Geological Interest
WDC11 – Sustainable Transportation of Waste

North Wiltshire Local Plan 2011

NE15 – The Landscape Character of the Countryside

ISSUES

The section 73 procedure for such applications requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted. If it is decided permission should be granted subject to conditions differing from the previous permission the planning authority may grant planning permission accordingly. Alternatively, if the planning authority decides that permission should be granted subject to the same conditions as in the previous permission, then it should refuse the application.

7. Consultations

Calne Town Council

Members fully endorsed the objections made by Calne Without Parish Council and went on to add their own comments and concerns.

Members **strongly objected** to this application which will have a direct, negative impact on the local area and in particular the residents of the neighbouring housing development at Sandpit Road. Members felt strongly that the proposed expansion of this site (14/02739/WCM) and this latest application to increase the height of the stockpiles will only exacerbate the issues currently experienced with regards pollution, waste and litter in the area.

Members resolved to **strongly object** to this application

Calne Without Parish Council

Calne Without Parish Council object to Application 14/04903 which proposes an increase in the height of materials stored on site from the existing height of 3m to 5m.

We endorse the calling in to committee of this application and agree with the grounds namely Visual Impact on the Surrounding Area, Scale of Development, and Environmental/Highway Impact.

We are concerned about the management and current operation of this site and feel that an increase in the height of the stockpiles would only exacerbate this, as would the extensions to the scope of business sought in the previous Planning Application 14/02739/WCM. Neighbouring properties have already complained about the impact of rubbish and dust which extends beyond the perimeter of the site and the disruption created by the lorry movements to and from the site along a public bridleway. There is also the concern about the impact on the new housing on Sandpit Road.

Going forward, we would also request monitoring of the operations at this site by the appropriate officers at Wiltshire Council.

Environment Agency – No objection.

Wiltshire Council Rights of Way Warden – No objection.

Wiltshire Council Environmental Health Officer – No adverse comments.

Local Highways Authority – No objection.

Wiltshire Council Landscape Officer – ‘...the above application to vary Condition 5 of application N/09/01253 to increase the height of stock piles from 3m to 5m, I have no objections in terms of landscape. The existing site is well screened and there should be sufficient height in the surrounding hedgerows and trees to provide visual containment. I understand that the stockpiles at the moment are in excess of 5m so once the site is brought back into compliance amenity should be restored’.

8. Publicity

In addition, the development was advertised by press notice, site notice and a neighbour consultation exercise undertaken. Two letters were received raising the following concerns:

- Access route is along a public bridleway.
- Increasing number of vehicles are visiting the site
- Signage should be provided to alert HGV drivers of the likely presence of other bridleway users (pedestrians, cyclists, riders).
- Speed along access route should be restricted
- Piles of waste unsightly
- Dust, litter and smoke spoils enjoyment of the bridleway
- Rubbish appears to be burnt on site
- There must be a limit to expansion
- Stacks of skips can be as high as a house
- Parking on bridleway causes obstruction for agricultural vehicles

9. Planning Considerations

Principle of Development

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. Nonetheless, the authority may be unrestrained in its consideration of the full planning merits of the application, and the result of a successful application under s.73 is a wholly new planning permission.

The application seeks to 'vary' Condition 5 of Planning Permission ref: N/09/01253/WCM dated 22 September 2009. The development approved by that permission is: *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/scalping together with an area for storing reclaimed materials for disposal to appropriate sites without compliance with condition 3 of permission N/08/07027/WCM dated 18 June 2009 (to change operation hours)*. This permission is a variation to the development permitted by permission N/08/07027/WCM on 18 June 2009.

Condition 5 reads: *'The height of any stockpiles or stacks of reclaimed or salvaged materials shall not exceed a height of 3.0 metres above existing ground level'*.

The proposed 'variation' to the condition will strike out the height '3.0 metres' and replace it with the height '5.0 metres'. The reason given for the imposition of the original condition was *'To protect the visual amenities of the area'*. In terms of the current application, regard must be had to the reason for the imposition of the original condition, and whether the proposed amendment to the condition will have a detrimental impact on the visual amenities of the area.

The applicant has requested an increase in the height of the stockpiles of recovered material stored on site due to the pressures experienced in the past with having insufficient space to store recovered material prior to its collection. The proposal to increase stockpile heights would serve to provide a degree of flexibility to the site operator, allowing more material to 'bulked-up' on site prior to removal.

The area of the site used for the stockpiling of materials and the storage of skips is located to the northeast of the existing buildings on site. This land has been in use for this purpose since planning permission was originally granted in 2009.

The existing stockpiles on site are in excess of the currently permitted levels (3.0m). Indeed it should be noted that some of the stockpiles on site are in excess of the level requested under the modified condition (5.0m). This is due to a period of poor management of the site, which both the Council's Minerals and Waste Enforcement Officer and the Environment Agency are aware of, and working to resolve. At the time of the Case Officer's visit, the stockpile heights had reduced from those levels previously witnessed.

Due to the position of the site, and the nature of the existing boundary planting, it is considered unlikely that allowing an increase of stockpile heights from 3 metres to 5 metres would cause demonstrable harm to the visual amenities of the area. The portion of the site used for stockpiling has limited visibility from outside the confines of the site, although glimpse views are possible from field gateways and occasional gaps in hedgerow planting and the elevated northern section of the bridleway, a situation which has been exacerbated through the removal of some portions of hedgerow to accommodate accesses to the new solar farm. However, when viewed from the bridleway to the north, the existing stockpiles are heavily filtered by vegetation, with only the top of stockpiles being visible at the time of the site visit. The intervening space between the viewpoint and the site is dominated by the newly installed solar panels, which are considered to be a more prominent feature from this location. In addition, an existing agricultural building immediately adjoining part of the site provides screening to the eastern section of the site.

It is not considered that the amenity will be harmed by transient glimpse views through field gateways and gaps in the hedgerow. Furthermore, the Council's Landscape officer raised no objection to the proposal to increase stockpile heights to 5 metres.

In winter months, whilst the site will be more open to views as a result of the loss of foliage, it is considered views into the site will continue to be screened and filtered by trees and hedges serving to 'break-up' the sites appearance.

The proposal does not seek to increase either the intensity of the operation, or the amount of traffic visiting the site, as the portion of the site subject of this application is used for storage and lorry turning only. No processing of waste is undertaken. However, it should be noted that the site for processing waste material to the east of the site currently has no restrictions on the amount of vehicle movements to the site or the quantity of waste that may be handled. In terms of the waste handled at the site, the Environment Agency Waste Permit will impose restrictions on the throughput of material and the material that may be stored on site.

Policy WCS3 sets out the preferred locations of waste management facilities. Waste Transfer Stations are considered to be appropriate on existing waste management sites. The site at Abberd Lane has been a waste site since 1992 and has become an established local waste site.

In terms of the impacts that can be generated from waste management developments, account has been taken of the existing mitigation measures / planning conditions which seek to avoid any unacceptable adverse impacts. These appear to have been effective given the absence of any complaints and can be re-imposed on any new permission. The site is also regulated by the Environment Agency under the terms of an Environmental Permit.

It is therefore not considered that the proposed increase in stockpile heights would lead to an adverse impact on the surrounding highway network or lead to an unacceptable environmental impact.

10. Conclusion:

The proposed development complies with the development plan and permission can be granted subject to conditions different from those previously imposed for the reasons explained.

Recommendation

To grant planning permission subject to the following conditions:

1. Landscaping of the site shall be carried out in accordance with the details as shown on plan number KS 07F-Rev A dated 18 March 2009 within the first available planting season coinciding with or immediately following the commencement of development. Within a period of five years of the planting, any trees or shrubs which die, become diseased, are removed or damaged shall be replaced in the first available planting season with others of a similar size and species.

Reason: In the interests of the visual amenity of the area.

2. No operations authorised by this permission shall take place outside of the following hours:

07.00 to 17.00 Monday to Friday

07.00 to 12.00 noon Saturday

No operations shall take place on Sunday or Bank or Public Holidays.

Reason: To protect the amenities of local residents and visitors to the area.

3. The land to which this permission relates shall be used for the purposes of storing empty skips, and reclaimed materials, and for the turning of vehicles and for no other purpose.

Reason: To secure the development as described in the application and for the avoidance of doubt.

4. The height of any stockpiles or stacks of reclaimed or salvaged materials shall not exceed a height of 5.0 metres above existing ground level.

Reason: To protect the visual amenities of the area.

5. Empty skips shall not be stacked/stored in excess of 3.0 metres above existing ground level.

Reason: To protect the visual amenities of the area.

6. No external floodlighting or other illumination shall be erected or installed at the site.

Reason: To ensure that the development is carried out in accordance with the submitted details and to protect the amenities of the area.

7. All loading shovels and other mobile plant operating within the site shall be fitted with "smart" reversing alarm systems which have a white noise audible alarm set at a level which would not impact upon the occupants of any nearby noise sensitive properties.

Reason: To safeguard the amenity of local residents and users of the bridleway.