

14/15/0020

CHIPMUNK SOUTHWEST LTD

**CHANGE OF USE FROM STORAGE AND DISTRIBUTION (USE CLASS B1/B8)
TO GENERAL INDUSTRIAL (USE CLASS B2) FOR WOOD PROCESSING AND
STORAGE AT WALFORD CROSS UNITS, WALFORD CROSS, TAUNTON**

Location: WALFORD UNITS, WALFORD CROSS, TAUNTON, TA2 8QP

Grid Reference: 327684127982

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

- (A1) DrNo 5054_01 Existing Floor Plans
- (A1) DrNo 5054_02 Existing Elevations
- (A1) DrNo 5054_04 Proposed Floor Plans
- (A1) DrNo 5054_05 Proposed Elevations
- (A1) DrNo 5054_06 Proposed Roof Plan
- (A4) DrNo 5054_07 Location Plan
- (A2) DrNo 5054_08 Site Layout Plan

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

2. There shall be no use of a wood grinder or wood chipper on site at any time.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy policy DM1.

- 3.

The LAeq,T rating noise level from the operations (as defined within BS 4142:2014) as measured under free-field conditions at 5 m from the nearby residential façades (in locations to be agreed in writing) should not exceed the prevailing representative LA90, background noise level by more than 3 dB at any time.

The assessment time period T should be defined as follows:

- o Daytime (07:00- 23:00 hours): 60 mins;
- o Night-time (23:00- 07:00 hours): 15 mins.

All measurements and assessment should be carried out in accordance with the guidance of BS 4142:2014.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

4. The canopy roof must join the boundary wall and the “biomass” building (existing building to the north) in a continuous join with the solid/brick boundary wall to the east and the existing building to the north to be effective and the underside of the canopy roof shall be clad so it has a construction with a weighted sound reduction index of 30dB Rw. This should extend from the roof to the solid/brick boundary wall. The said works shall be carried out within one month of the permission hereby granted and if not the use of the site shall cease until the said works are carried out.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

5. The **use of the site** hereby permitted shall **cease** within 14 days of the failure to meet any one of the requirements set out in (i) to (iv) below:
 - i. within 1 month of the date of this decision schemes for the management of dust, **dust monitoring and monitoring of flue emissions** shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation and the ongoing monitoring of dust and emissions;
 - ii. if within 3 months of the date of this decision the local planning authority refuse to approve the scheme, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
 - iv. the approved schemes shall have been carried out and completed in accordance with the approved details and timetable and thereafter complied with for the duration of the site operations.
 - v. Should a dust emission occur operations shall be suspended until the source of dust has been determined and measures put in place to prevent further occurrence. Should smoke or water vapour be emitted from the flue the boilers should be turned off, until measures have been put in place to prevent a further occurrence.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of dust which would be contrary to DM1(E)

of the Taunton Deane Core Strategy.

6. All fuel used in the biomass boilers shall comply with the recognised standard for wood chip fuel, G50 W30 and have a moisture content below 35%.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of pollution which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. You are advised to draw up a noise management plan to ensure the noise from the site does not breach the noise limit condition.

PROPOSAL

The proposal is to retain the alterations carried out to the building on site and to change the use of the building from B8 storage and distribution to a general industrial use for the processing and storage of wood chip. The process involves the industrial drying of wood chip delivered to the site and includes the loading of two drying machines and depositing the dried chip within the building where it is then moved to be packed prior to distribution.

SITE DESCRIPTION AND HISTORY

The site lies at Walford Cross and consists of a large storage building previously used by Langdons for as an unrestricted B8 cold storage depot. The building extends to the boundary of the site with the 4 residential properties to the north.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL - I would advise that the Creech St Michael Parish Council considered this "retrospective" application at its meeting held on the 3rd August. The meeting was well attended with 17 members of the public attending most of who wished to speak against this application.

The CSM PC share their concerns, indeed the PC wrote to you previously advising of the use of these premises. The PC is left wondering why no enforcement action has apparently not been taken by TDBC to prevent this change of use, especially when TDBC knew of the problems when the company operated at a previous site in

Taunton.

The applicant's neighbours advised the PC of the relationship they had with the former operator, Langdon's over many years yet they advise they are at their wits end already with this applicant after just three months. The Parish Councils planning panel have visited the site too and have also adversely reported on the operations at this site.

To summarise the CSM PC concerns;

Why has the company been allowed to operate by TDBC without planning permission for 3 months, when clearly the Company and TDBC have not complied to Environmental Permitting Program (EPP). It is considered that along with virgin wood, waste wood is also being processed and in such instances falls under the Wood Incineration Directive (WID), and this should be enforced by TDBC, we believe it's not being enforced. This is based on reports of two bio mass boilers in use by the company.

We understand that a building has been demolished and a new one built, without planning permission, and furthermore what is that building being used for and does it fall within Part J of the building regulations for Bio Mass Plants "Pepper" dust created by the production process extends across both the site and the area in and around domestic houses and other business premises. It creates a H&S concern, an environmental concern and a nuisance to Parishioners. Again Part IV of the Environmental act 1995 Air Quality and Dust, we believe is being breached in terms of dust and other obnoxious gases and particulates which are being exhausted to atmosphere without any form of control or dust extraction. The dust cloud is creating poor visibility adjacent to the M5 and 2 A roads. Again TDBC is the responsible authority for this, why has no action been taken? When this Company seems to be in breach of the Clean Air Act 1993 and Pollution Prevention Controls and IPPC.

It is also noted that under DEFRA, the local authority must regulate these operations, it is considered that TDBC have failed to regulate this company and failed the local community of CSM.

Also the site (both machinery and heavy plant) is being used 24/365 without regard for the noise being generated, in particular to neighbours, at all hours. This company seems to be operating at night and the noise levels are such that the residents are finding it difficult to sleep and we would suggest that the db level is above 85db. Large lorries are also accessing the site and are having to cross the A38 at all times of day and night.

Furthermore the smell created is, unpleasant and the applicant claims 10 new jobs have been created but we had understood the company has simply moved from Trull to this area so at best the Company has managed to keep the existing employees. We believe this is down to the stench of the wood and a large runoff of effluent from the site onto neighbouring land, which is in breach of the Environmental Act and Waste water directives.

The CSM PC is for these reasons **STRONGLY OBJECTS** to this application and requests the application be refused and the refusal enforced on all ground sighted within this letter.

CSM PC is aware that this company is also "chipping" at a site in Lyng. The PC wishes to make it clear to TDBC that it does not want chipping being undertaken at this site.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment received.

HIGHWAYS ENGLAND - We are satisfied that the traffic movements associated with the development will be negligible and will not affect the M5 motorway. Our only concern which stems from the major incident in November 2011, is the possibility of smoke and/or dust arising from the manufacturing process affecting the M5.

The site is largely screened by vegetation and the M5 north at Walford Cross which is in a cutting. The site is west of the M5 and with a prevailing wind being south westerly so any potential smoke could affect the M5.

It appears the site has been operational for around about five months without permission for change of use and as far as we are aware there has been no record of smoke affecting the M5 and no complaints from public to date.

However five months takes us back to March and therefore the site hasn't been subject to the winter months when cold/drizzly weather may intensify potential smoke across the M5 especially when combined with night time working (24hour operation).

From our discussion I note that the Environmental Control Officer has requested that the applicant should provide a report with details of the processes that could generate dust on the site, whether this could, or is, affecting nearby premises, and details of any mitigation needed to allow the process to operate without dust affecting any other premises. We request that as well as dust, this report should also include a look at the possible effects of smoke, how both of these could affect the M5, and details of mitigation measures to reduce the potential impact of the emissions.

14/10/15 - We welcome the additional assessments for noise, air quality and the dust audit. You will recall we spoke about this application and Highways England's concern about the potential issue of dust. In view of the conclusions of the dust audit we have no further comment to make.

ENVIRONMENTAL HEALTH OFFICER - The report assesses the potential for noise from the wood processing site to affect nearby residents. The report outlines the proposed activities at the site including deliveries of wood chip which will then be ground, sorted and bailed. Some wood chip will also be dried using dryers powered by biomass boilers. The dryers will be loaded using a wheeled loader.

It is proposed that deliveries will be between 07:00 – 17:30 seven days a week and bailing and grinding will occur between 07:00 – 23:00 seven days a week The

drying will occur 24/7. At night a single wheeled loader will be used outside to load the driers.

The Report involved comparing the predicted level of noise from the operations on the site to the existing background noise levels at the nearest residential properties. The assessment follows British Standard BS4142 (2014).

Some assumptions were made, for example - data on the noise from the biomass boiler flues was not available and so it was assumed that the level from each terminus will not exceed 55dBA at 1m.

- the grinder was not in use, although it was noted that it is indoors and fitted with an acoustic enclosure.
- Mobile plant will be fitted with white noise/broadband reversing alarms

Noise monitoring was carried out to determine existing background noise levels at a nearby residential property.

Measurements were taken of noise from plant and equipment and general site noise.

This information was used, along with noise mapping software, to estimate the level of noise from the site at nearby residential premises. The estimated level can also be given a rating depending on whether it will be tonal or impulsive (as these types of noise are more likely to disturb neighbours). The 24 Acoustics assessment (sec 6.4) assumes that the noise emission from all the plant will be steady and continuous and that mobile plant will be fitted with white noise/broadband reversing alarms, therefore a correction for tonality or impulsive noise was not used in the assessment.

Assessments were made for noise generated during the day (07:00 – 17:30), evening (17:00 – 23:00) and night-time (23:00 – 07:00).

The assessment calculated that the rated noise level would be below the background noise level during the day and evening and 3dB above the background level at night.

The report refers to the Noise Policy Statement for England (NPS) and Planning Practice Guidance (PPG). It concludes that during the daytime and evening periods there will be a low/very low noise impact. At night the assessment level of +3dBA would be in the region of “lowest observable adverse effect level” (LOAEL) or “significant observable adverse effect level” (SOAEL) and the report says that this would be acceptable in planning terms. It concludes that the proposals will not cause any harm or loss to the quality of life to the occupants of the nearest residential receptors.

Comments

The report that has been carried out is a way of estimating the potential impact of noise on nearby residents. In this case the site is already operating, so it has been possible for the applicant's consultant to assess most of the plant and equipment while it is actually on site.

Environmental Health have received complaints from residents about noise from the

site, including vehicles and loaders moving around, banging, reversing alarms and drones from machinery. The noise is more of a problem at night as the background noise levels are lower and people are more likely to be disturbed by the noise. Some monitoring has been carried out by Environmental Health¹ at night and there was noise audible inside neighbouring properties. This seemed to be a low rumble/drone of a vehicle moving around, probably inside as the noise was of a low frequency. There was also a constant humming noise on some nights.

Some parts of the Noise Assessment report need to be clarified. There should be more information regarding the calculation of noise levels from the equipment at the site (Sec. 5 and Appendix C). For example, how was the noise from the mobile loaders measured (were they moving, stationary, loading?) and clarifying using the doors as a noise source. I have spoken to the consultant at 24Acoustics who explained that measurements were taken of plant on site and used to estimate noise levels and that they would be able to provide additional information.

The report mentions that the site will have a grinder, however, I now understand that this has been removed and will not be used on the site.

The plans in the report showing the building aren't accurate as the southern façade of the "middle" building is further north (i.e. the yard is bigger) and also an extension has been added that does not cover the whole width of the yard. The applicant should clarify whether this would affect the estimated noise levels. The location of the measurement point should be shown clearly.

There is no comment on the structure of the building and how this would affect the noise breakout. From visits I have made it is noticeable that the main buildings are solidly built, although they have large doors. The new extension over the yard does not appear to be as likely to contain noise (I note that the gable end of the old building is covered with a plastic sheet down to the level of the extension).

The assessment did not apply a rating level for tonality or impulsive noise. Based on the information from the report and visits to the area I can accept there is not likely to be any tonal noise from the plant on site. However, complaints have been received about noise from machinery moving around and bangs from material being picked up and tipped. It is likely that this is from wood chip/shavings being tipped into the high level hoppers of the dryers. If this noise was happening regularly and was loud it could require a correction to be added to the rating level.

BS41442:2014 includes comments on the assessment of the impact of noise (sec11).

This states that where "the rating level does not exceed the background sound level this is an indication of the specific sound source having a low impact, depending on the context". In this assessment the night-time rating level is 3dB above the background level.

With similar commercial developments Environmental Health would normally recommend that the noise level (from the commercial site) at nearby residential premises does not exceed the background noise level outside normal working hours.

The 24Acoustics assessment refers to the Planning Policy Guidance and the

Lowest Observable Adverse Effect Level and says that this would be acceptable. However, the guidance could also be read to state that if the noise is within LOAEL then there should be action carried out to “mitigate and reduce to a minimum”.

I understand that some steps have been taken to reduce noise from the wheeled loaders, however, this has not been mentioned in the report. Also, there is no information on alternative ways of operating the site to minimise noise, in particular loading the dryers at night. It may be that an alternative to loading by tipping with vehicles would reduce noise levels, and may also reduce dust generated on site.

Recommendations

The applicant should provide clarification of some issues

- Confirmation that the grinder will not be used on site
- Clarification on the calculation of the specific noise levels and reference time intervals
- Whether the difference in layout of the buildings/canopy will affect the noise level assessment
- Comment on the structure of the building in relation to noise attenuation.
- Alternatives to using a wheeled loader to tip the wood chip into the dryer’s hoppers.

The applicant should also look into the source of other noises at night, such as vehicle movements (probably inside) and also a constant drone (although that has not always been present).

Regarding controlling the noise if the permission is given. I attach a condition that has been used on other commercial developments in the area. This may need to be amended to suit the circumstances at the site. If there are any specific sources of noise that could cause a disturbance would it be possible to restrict the times that this activity/equipment could be used?

If there were complaints about noise from the site in the future the Environmental Health section has a duty to investigate them as a potential statutory nuisance, and could take action to ensure that the operators are using best practice to control any noise. However, it would be preferable to ensure that any potential noise (or dust/smoke) is controlled via the planning process to prevent any disturbance.

21/10 Comments on amended detail

Additional information has been submitted.

- Dust Audit, September 2015. Isopleth Ltd
- Air Quality Impact Assessment, September 2015, Isopleth Ltd
- Renewable Heat Incentive (RHI) Emissions Certificate for Heizomat burner. 23 December 2013. EMCo Air Quality and Mineral Management (LMM) comments re statutory consultees and public representations
- Email from Matt Stoling at Isopleth with additional information 29 September 2015
- Updated Noise Impact Assessment and covering letter 23rd September 2015, 24 Acoustic

This is in addition to the report already submitted

- Updated Noise Impact Assessment 13th July 2015, 24 Acoustics

My comments on the information provided are given below. If the application is given permission I would recommend that conditions are used to minimise disturbance to nearby residents. I have outlined where conditions that could be used, but have not drafted fully-worded conditions as some will require input from planners to ensure they are acceptable, and others may need additional information from the applicant/agent.

Comment on dust report

Regarding the ejection trailer it would be good if the applicant could clarify what percentage of deliveries will be made using this. Over the last few months there have been a lot of deliveries with tractors and trailers. Could the use of the ejection trailer be required as a condition, or would that be too onerous and rule out deliveries from anywhere else?

I have also been in touch with Chipmunk Ltd and am aware that they are considering the use of a cyclone filter to remove the dust/vapour from the outlets of the dryers, which would work in place of the misters. The applicant should get comments on this from a consultant (re noise and dust) and ensure that it will be effective and will not be noisy.

If planning permission is granted there should be conditions in place to ensure that the work outlined in the report is completed, and that the management procedures described are carried out. A condition could also be used stating that dust from the operations must not leave the site, and a condition that requires the operator to carry out dust monitoring at the boundary of the premises or off-site.

Air Quality

The site has two 990kW biomass boilers on site which are used to generate heat to dry wood chip. There are residential premises close to the site and there have been complaints about smoke from the site since the process has been in operation.

The Air Quality Impact Assessment report estimates pollution emissions from the two biomass boilers on the site and uses modelling to quantify the impact on sensitive receptors (nearby residents) and determine the significance of these impacts.

The RHI emission certificate gives details of the levels of emissions of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) measured when the boilers are running (at over 85% of their operational efficiency). The certificate states that this was carried out using specified types of fuel (“chipped wood B1 (EH 303-5) up to 35% moisture” and “compressed wood C1 (EN303-5) up to 12% moisture”)

There is a biomass screening tool for assessing the potential impact of emissions. However, this cannot be used for this site as the stack height is the same/lower than the nearby buildings. Therefore, the assessment used more detailed

dispersion modelling to assess the potential impacts.

The potential emissions were modelled, based on the data from the RHI certificate assuming that both boilers would be running 24 hours a day, seven days a week. The model produced an estimate the levels of NO and PM10 that would be produced by the boilers (tables 6-1 and 6-2 shown as "PC" (the process contribution). It estimated an annual mean level and short term levels.

I have checked with the consultant who confirmed that the short term levels in the tables are not a mean level, but the level that would be exceeded a certain number of times (18 times a year for NO₂ and 35 times for PM₁₀), which is in line with the national air quality standards (given in table 3-1).

There are plans showing the level of NO₂ and PM₁₀ that could come from the process. The hourly/24 hour results do show the highest levels away from the flues, the consultant confirmed that this would be expected as this was an example of the worst case short term exceedence.

Table 6-1 and 6-2 add the level of pollutants from the flues (the process contribution PC) to the background levels (from government estimates) to give the Predicted Environmental Concentrations (PEC). These can then be compared to the air quality standards (table 3-1) and it also shows how the process levels compare to existing background levels.

The report concludes that the level of pollution at nearby properties would be negligible and there is no need to raise the level of the flue.

Comment on air quality report

Taunton Deane Environmental Health does not have the air quality software to check the modelling that was carried out. However, based on the data provided there is no reason to doubt the modelled pollutant levels, which are likely to come from a modern boiler burning good quality, dry wood chip.

My previous comments asked for some information including the anticipated maximum fuel rate (kg/hr). The agent's information states that this will be 10kg/hr. I have carried out a simple calculation and, using a wood chip fuel at 30% moisture (with a calorific value of 3.5kWh/kg) this would produce approximately 35kW of power. The boilers are rated at 990kW, which means that they will be operating at below 4% of their maximum capacity. The applicant should provide confirmation from the manufacturer that the boilers can operate efficiently at this level.

The plant has been running on site for several months and complaints have been received by neighbours about smoke from the site. When running correctly the boilers should not produce smoke (this has been confirmed by the manufacturers). However, I have visited the site recently and witnessed smoke from one of the flues (the other boiler was not running) which was drifting into the gardens of neighbouring properties. After liaising with the site operators it was found that a rain water gully had become blocked and water had run down a wall into the bunker containing the wood chip fuel for the boilers, dampening the bottom of the pile from where the automatic auger feed was taking the wood chip. As only the bottom was damp the operators did not notice the problem. This did highlight a concern as the

boilers are fitted with sensors for temperature and oxygen levels but these did not trigger an alarm that the boiler was not operating correctly and was producing smoke.

I have spoken to the manufacturers of the boilers who said that if the wood chip was damp the burners should be able to operate for a period without creating smoke, but there could be water vapour coming out of the flue. The information from the monitor on the boilers could be reviewed (by the operator/manufacturer).

A planning condition should be used to require the operators to use suitable fuel that would allow the boiler to operate effectively. This could refer to the current standards for the type of wood fuel and the moisture content.

I would recommend that a planning condition is used to ensure that monitoring is installed and maintained on the boilers that will raise an alarm if the conditions arise that could lead to smoke (or water vapour) coming from the flue. It is likely to be necessary to liaise with the manufacturers to ensure that any condition specifies equipment that will be effective.

It may also be possible to require off site monitoring of particulates, probably in the garden of a nearby premises that is downwind from the flues. This could be for a set period to check that the boilers are working correctly.

Comments on noise

I refer to my previous memo dated 9th September 2015 where I commented on the noise report submitted by 24Acoustics and asked for some additional information and clarification. Further information has been sent in by the applicant (letter from 24Acoustics 23 September 2015). Regarding the specific points raised in my memo

- The acoustic consultant has clarified the method used to estimate noise levels, by measuring noise from certain activities on the site.
- The letter confirms that the grinder will not be used on site.
- The noise modelling has been revised to take into account the amendments to the buildings (note that this assumes that the new canopy roof adjoins the biomass plant building and boundary wall)
- Re the structure of the building, the consultant states that their noise calculations assume that the canopy abuts, and is sealed against, the biomass plant building and the boundary wall. It also assumes that the canopy roof construction has a weighted sound reduction index of 30dB Rw. It gives an example of the structure that would be suitable. I would recommend that a planning condition is used to ensure that this work is carried out.
- Rating for tonality. The July Noise Assessment did not have a rating for tonal or impulsive noise. However, in the recent letter the consultant confirms that although the noise should not be impulsive there is the potential for such noise (from the loading vehicles), therefore, a +3 dB rating correction could be added if the noise was regular and loud.

The consultant has provided a revised planning condition that could be used to restrict noise levels from the site. This is similar to the one that TDBC have used at other sites in that it sets a limit for the noise from the site exceeding background levels. However, the parameters they suggest are different and they recommend that the rated noise level from the site should not exceed background levels by 5dB at any time. They recommend that the location for monitoring would be 5m from the nearest residential facade and in “free field” conditions, basically, away from any structures that could reflect sound. This would mean that the point where this would be measured would be in the garden of Hillside. This is on third party property and so would it be suitable for monitoring a planning condition? I would suggest that a monitoring location is also agreed close to the premises to the north east of the site as they are closer to the open yard area of the site and could be more affected by noise from movement outside at night. I will liaise with planning to come up with the wording for a condition and also to determine where the noise could be monitored.

There are works that need to be carried out so that the site complies with the assumptions made in the noise report. These works should be required as a planning condition.

- The canopy roof must join the boundary wall and the “biomass” building (existing building to the north). To be effective this must be a continuous join, noise will get through any gaps.

Underside of the canopy roof has a construction with a weighted sound reduction index of 30dB Rw. This should extend from the roof to the solid/brick boundary wall.

General comments

Based on the information supplied by the applicant the process should be able to operate without causing significant disturbance to neighbours. However, the site has been in operation for several months and complaints have been received about noise, dust and smoke and evidence is being gathered to determine how persistent and severe these problems are. Some things have been witnessed by officers from the Council (smoke/water vapour from the site, dust at nearby premises and recordings made of noise at night).

From speaking to neighbours there does seem to have been some improvement from when the site first started working, but there are still problems from the site. Therefore, if the site is given permission I would recommend that conditions are used to ensure that certain works are carried out to minimise disturbance and that conditions are used to control noise, dust and air quality. Even with conditions in place it is likely that there will be some noise audible at neighbouring premises.

From the comments above the type of conditions that could be used include

- Submission of a dust management plan to be agreed by the Local Planning Authority and implemented thereafter
- Within a set period work shall be carried out to seal any gaps between the canopy roof and the existing/brick boundary wall.
- Any dusty material, including wastes, shall only be stored in specified

locations.

- Loading and unloading of material shall only take place in enclosed areas (could these be specified on a plan?)
- Details of the dust abatement used for the exhaust from the driers shall be accepted by the LPA and used as agreed thereafter.
- No visible dust or particulate matter shall be emitted beyond the site boundary,
- Dust monitoring shall be carried by the site operator out at agreed locations beyond the site boundary.
- All fuel used in the biomass burners shall comply with recognised standards for wood chip fuel (details to be confirmed, as new standards have been produced recently) and with a moisture content below 35%
- The flue emissions from the biomass boilers shall be monitored by the site operator and an alarm/warning system installed that alerts the operator when any smoke/water vapour is emitted, and also when the conditions likely to lead to smoke/water vapour being emitted have occurred.
- It may be possible to carry out particulate monitoring off site for a period of time to ensure compliance with the condition regarding particulate matter beyond the site boundary.
- A noise condition should be imposed requiring that the noise from the site shall not exceed background noise levels by a set amount (details being drafted)
- The operator shall submit a noise management plan that shall be agreed by the LPA and implemented thereafter
- The canopy roof shall be lined with a material to give it a construction with a weighted sound reduction index of 30dB Rw. This shall cover the entire canopy and include a continuous join with the solid/brick boundary wall and the existing building to the north.

Representations

Ward Cllr Stone - I am very concerned that the noise which the wood chipping machinery would make will be unacceptable. While the Noise Consultant's report comes to conclusions which are reassuring, these do not tie up in any way with the reports I have from people who have heard the machinery where it has been in operation. One report describes the noise as horrendous and of course there are residential properties very close to Walford Cross and the 50 houses of Durston are just down the road. I therefore formally object to this proposal and request that it go to committee for a decision.

18 letters of objection on grounds of

- transport and road safety with use of the A38/A361 junction which is dangerous.
- increase in traffic, parking in lane and congestion,
- increase in vehicle movements will generate pollution,
- speed of traffic using lane,

- dust generation will cause breathing difficulties
- 24 hour operation will detract from the quiet rural area,
- impact on health due to smoke and dust,
- concern over nature of wood used,
- noise and dust affecting village community and lifestyle in Creech Heathfield,
- impact on residential areas and gardens,
- impact on public safety,
- inaccuracy of noise report,
- noise impacts on sleep and thus affects health,
- fire risk on site, building not fit to hold flammable material,
- saw dust covers area and is a hazard to health,
- impact on health of asthmatics,
- emissions certificate is dated 2013 and an updated one should be applied for.
- smoke can blow across road and affect visibility,
- restriction on access to emergency services,
- noise disturbance at night, plumes of smoke and smell and the dust will harm local amenity contrary to policy DM1e of the Core Strategy.

1 letter from Chair of Durston Parish Meeting - the previous use and operation apparently did not affect nearby residential properties, however increased working hours and associated noise will do and must be taken into account. The buildings already in situ may not readily lend themselves to conversion and the location of certain types of work may have constraints placed upon them as to where they can be performed to reduce risk which again may need investigation. Parishioners are concerned that if other wood which has been treated with preservative and/or paints are processed then potentially carcinogenic compounds could be released into the atmosphere. Dust in its own right is known to be a significant risk both to human health and ignition. With immediate neighbouring buildings and others not far away 'down wind' the need for Environmental evaluations have been voiced including any potential for future operational expansion to ensure safe working operations can be achieved.

1 letter of no objection from a commercial use.

1 letter of support on basis of job provision to the area.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP2 - TD CORE STRATEGY - ECONOMY,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

There is no CIL liability (to the nearest £500).

The development of this site would not result in payment to the Council of the New

Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

The main consideration with this proposal is the impact of the development on the amenity of the nearby residents. The use is an industrial one on an industrial estate and policy SS1 of the Core Strategy allows for future development for employment purposes at Walford Cross, although the current use proposed differs from the former B8 cold storage use.

Policy DM1 of the Core Strategy sets out the general requirements in assessing new development and states:

Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Management policies which apply in a particular case:

- a. Make the most effective and efficient use of land, giving preference to the recycling of previously developed land where this is in a sustainable location, and with the density of development varying according to the characteristics of the area, with the higher densities in centres and on public transport routes;
- b. Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- c. The proposal will not lead to harm to protected wildlife species or their habitats;
- d. The appearance and character of any affected landscape, settlement, building or street scene would not be harmed by the development;
- e. Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- f. The health, safety or amenity of any users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;

In this instance therefore the main criterion of relevance is (e) relating to pollution, nuisance and amenity. The Environmental Health Officer has investigated these issues and further evidence has been requested and submitted in respect of noise, dust and air quality.

Noise _

The assessment of noise in terms of its impact on surroundings is set out in the government guidance Noise Policy Statement for England and Planning Practice Guidance (PPG). The aim of the Noise Policy Statement for England is to avoid significant adverse impacts on health and quality of life and to mitigate and minimise such impacts where they are identified. The Lowest Observed Adverse Effect Level (LOAEL) is the level above which adverse effects on health and quality of life can be detected. This clearly applies in this instance where there have been objections from the nearest residential properties. The SOAEL is the next step up and is the Significant Observed Adverse Effect Level which is the level above which significant adverse

effects on health and quality of life occur. The aim is therefore to take all reasonable steps to mitigate and minimise adverse effects while also taking into account the guiding principles of sustainable development. This does not mean that such adverse effects cannot occur.

The applicant has undertaken a revised Noise Impact Assessment and this clarifies that the wood grinder will not be used on site and that the gable end of the building will be suitably finished to match the rest of the building with appropriate insulation to reflect that in the noise model. Background noise levels have also been taken and noise from the site assessed in terms of British Standards for assessment levels. The noise report identifies that the level identified will be below 0 decibels during the day and at night will be +3dBA. This level is likely to generate a noise impact between LOAEL and SOAEL and so is considered an acceptable level in light of the guidance and given the mitigation. The noise assessment does say that the rated night-time noise level will be 3dB above background, so it would not be unreasonable to have a condition saying that this 3dB level must not be exceeded, rather than 5dB level suggested by the applicant. The Environmental Health Officer has not raised an objection and supports the mitigation requirements identified and it is considered necessary to condition the exclusion of certain equipment, the carrying out of noise attenuation work as well as the imposition of a noise level condition in order to suitably mitigate the noise from the site. With these restrictions it is not considered that a condition on noise management is necessary.

Dust

The applicant has submitted a dust report and this identifies the sources of dust on the site and mitigation measures to prevent dust from extending beyond the site. These measures include manual water spraying and the use of a drier misting system and sealing of the window to the storage area. The latter work has only recently been completed. The report identifies that with a robust system of mitigation the dust source risk associated with the operation is low. However it is recognised that with the proximity of residential properties the mitigation must be maintained for the duration of the site operations. Conditions in respect of prevention and monitoring are proposed.

Air Quality

The applicant has submitted an Air Quality Assessment which has been assessed by the Environmental Health Officer. The report concludes that the level of pollution at nearby properties would be negligible and there is no need to raise the level of the flue. When running correctly the boilers should not produce smoke, however this has been witnessed by local residents and the Environmental Health Officer. This was likely due to water getting into the dry woodchip. A condition is recommended to monitor the emissions from the flues on the site and this is included as condition.

Other Issues

Access

The development utilises the existing access to the site with no proposed alterations. The site was previous used by Langdons as a storage and distribution depot with no

control over the number of vehicles using the site on a 24 hour basis. Consequently it is not considered that the existing use can warrant an objection on highway safety grounds given the level of use of the site.

The site has adequate parking proposed for the nature of the use within the site which employs 10 people without causing a problem. There are people who park in the lane outside of the site but this is not related to the development.

The further information submitted has been assessed by Highways England and they are satisfied with the submission and have not raised an objection to the scheme in terms of impact on the M5.

Drainage

The site lies within Flood Zone 1 and there is no flood risk identified. The site has an existing surface water drainage system which will not be affected by the development and there is not considered to be an increased risk of flooding elsewhere. The Environment Agency has been consulted and has not raised comment on the proposal.

Fire Risk

The site is controlled by a number of different regulations such as Fire Regulations, Building Regulations and Health and Safety all of which are independent of the planning system. The Fire Service has been notified of the development specifically as fire risk has been raised as an issue and has not raised any comments.

Summary

In conclusion the use of this site for drying wood chip has been commenced without the appropriate planning permission. The use is on an industrial site but in a location where a former unrestricted B8 storage use was carried out. While this is a material consideration it has to be borne in mind that the former use did not result in the problems now identified in terms of dust and noise by local residents living adjacent to the site. That said the NPPF sets out to support business uses in appropriate locations and guidance seeks to minimise impacts wherever possible. The main issues here therefore are whether the mitigation measures identified will be sufficient to overcome the objections raised to prevent an adverse impact contrary to policy DM1 of the Core Strategy. The advice from the Environmental Health Officer is to impose conditions to try and address complaints received. This also does not prevent action under nuisance or other environmental legislation. On balance the conditions to mitigate the use are considered appropriate and necessary and the application is recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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