

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 12 MAY 2015**

**PLANNING APPLICATION – WORKSHOP, 10 CARSEVIEW ROAD FORFAR DD8 3BT**

**GRID REF: 346178 : 751540**

**REPORT BY THE HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 15/00060/FULL for the proposed installation of four metal extraction flues at Workshop 10, Carseview Road, Forfar, DD8 3BT. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that this application be approved for the reason and subject to the conditions detailed at Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

- 3.1 The applicant seeks planning permission for installation of four metal flues on the south facing roof slope of an industrial building.
- 3.2 The application site is located on Carseview Road a short distance north of its junction with Market Street. The site comprises an industrial building and its associated curtilage. The site is bound to the north, east and west by industrial uses and to the south by residential properties.
- 3.3 The application proposes the installation of four metal flues on the south facing roof slope of an annex building attached to the south wall of the main building located at the site. The flues proposed would serve two spray booths located within the annex building. They would be located centrally on the south facing elevation of the annex building and would extend 1.5 metres from the roof slope and 0.8 metres above the ridgeline. The flues would have a polished aluminium appearance.
- 3.4 The application has been subject to variation. An amended elevation plan was submitted on 6 February 2015 which provided for an increase in the number of flues proposed on the south elevation from two to four. The occupants of the neighbouring dwellings were notified of the proposed change.
- 3.5 The proposal has been advertised in the press as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to six individual objections.

#### 4. RELEVANT PLANNING HISTORY

The application has been submitted in response to an enforcement enquiry in relation to the installation of a metal flue.

#### 5. APPLICANT'S CASE

Supporting information has been submitted in the form of technical information regarding the form of the flues proposed, an air quality impact assessment and a noise impact survey.

The air quality impact assessment is summarised as follows:

- The flues proposed would serve two new paint spray booths to improve surface coating facilities;
- In terms of Odour the predicted process contribution at all sensitive receptors are predicted to be of low adverse significance or less;
- In terms of Particles the worst case process contribution is insignificant in terms of the assessment framework;
- It proposes measures for spray booth and shot-blasting operations.

The noise impact survey:

- Indicates that the four flues proposed (one already installed) would serve two new paint spray booths which will not operate outwith the hours of 07:00 – 19:00 Monday – Friday and 07:00 – 13:00 on Saturdays;
- Outlines a number of scenarios and offers noise mitigation measures;
- Concludes that Noise from the proposed new spray booths is predicted to be of low adverse significance if silencers are installed on the spray booth fans to reduce the impact:
- The predicted levels outside dwellings are close to the lower level recommended by the WHO for outdoor living areas and are acceptable in terms of protecting the amenity of gardens.

#### 6. CONSULTATIONS

- 6.1 The Roads Service - has not objected to the proposal in respect of traffic safety.
- 6.2 The Environmental Health Service – offers no objections, subject to conditions to control noise, hours of operation and a detailed scheme for the control of emissions.
- 6.3 Scottish Water - no response has been received within the prescribed consultation period.
- 6.4 Community Council - no response has been received within the prescribed consultation period.

#### 7. LETTERS OF REPRESENTATION

Two letters stating the objections of six individual households have been received. The correspondence will be circulated to Members of the Development Standards Committee and copies will be available to view in the local library and on the council's Public Access website.

The letters of objection raise the following matters:

- **One flue has already been installed** – a complaint was received regarding the erection of a flue at the property. The owner was advised to cease operations and submit a planning application for the development. The applicant is entitled to make a retrospective planning application.
- **Impact on residential amenity due to noise from plant associated with the proposed flues** - this issue is discussed in detail under Planning Considerations.
- **Health and safety concerns, specifically in respect of dust and residue from a sandblaster** - this issue is discussed in detail under Planning Considerations.

- **The impact of lorries visiting the site and from traffic on the site** – this application is not for a change of use of the site and the applicant can continue to use the site in the same manner without the need for planning permission. The applicant will need to satisfy other relevant legislative requirements in relation to noise associated with the current operation of the site and the Council’s Environmental Health Service has contacted the applicant regarding the current operation of the site. Issues relating to the current operation of the site not associated with the installation of the flues are not relevant in the determination of this planning application.

## **8. PLANNING CONSIDERATIONS**

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
  - Angus Local Plan Review (Adopted 2009)
- 8.3 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.
- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council’s settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.
- 8.5 As indicated above this application relates to physical alterations to the building to form four metal flues on the south facing roof slope of an annex building located on the site. The flues will provide ventilation for two spray booths located within the annex building. Therefore the key issues in relation to this application are whether the physical alterations to the premises and the associated works give rise to any unacceptable impacts having regard to the relevant policies of the development plan.
- 8.6 Carseview Road is an established employment area and accommodates a range of business and commercial premises. The ALPR does not contain policies that deal specifically with alteration of existing business premises at such locations but it does contain general policies that are relevant to the assessment of an application of that nature. Policy S6 of the ALPR and its associated Schedule 1 requires assessment of criteria relating to amenity, roads/ access/ parking, landscaping/open space/biodiversity, drainage and flood risk, and waste management.
- 8.7 The flues subject of this application are located within an existing industrial area and are located on an existing building. Whilst they are visible from outwith the application site and from neighbouring residential property, their impact on visual amenity is not unacceptable. Similarly, the flues do not give rise to any significant issues in terms of roads, access, parking, landscaping, open space, biodiversity, drainage or flood risk.

- 8.8 However, concern has been raised by the residents of six dwellings located adjacent to the southern boundary of the site in respect of noise, dust, residue and hours of operation. In this respect it is relevant to note that, at its closest point, the existing building is located approximately 7.7 metres from the boundary of the closest residential property. Due to both the nature and proximity of the proposal to the residential properties to the south the applicant was required to submit both an air quality impact assessment and a noise impact survey. The assessments submitted indicate that the impacts of the proposal on noise and odour would be of low adverse significance and they outline a number of mitigation measures. The Environmental Health Service has reviewed these documents and has indicated that, subject to appropriate mitigation measures, noise emissions and odour/particulate matter levels should not adversely affect the amenity of the area. On that basis, and having regard to the fact that this planning application relates solely to the installation of the flues, the proposal is not considered likely to give rise to significant or unacceptable impacts on the amenity of occupants of neighbouring property subject to the conditions proposed below.
- 8.9 Notwithstanding that, the Environmental Health Service has indicated that the submitted assessments suggests that there may be some issues with existing operations at the site. Those operations are outwith the scope of this application and cannot be taken into account in its determination. However, the Environmental Health Service has confirmed that these other activities will be discussed directly with the site operator.
- 8.10 In conclusion, this proposal relates to relatively minor physical alterations to the external appearance of an existing industrial property. On the basis of the assessments submitted and the advice provided by the Environmental Health Service I am satisfied that the flues should not have an adverse impact on the amenity of the area subject to the proposed planning conditions. I note the concerns raised by neighbours regarding existing issues with the operation of the business. However, the use of the property for industrial activity is long established and this is not something that can be controlled by the current planning application. Notwithstanding this, matters regarding the existing activities at the site will be investigated separately by the Environmental Health Service. The installation of the four flues complies with development plan policy subject to the undernoted conditions and there are no material considerations that justify refusal.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that application be approved for the following reasons and subject to the following conditions:

### **Reason(s) for Approval:**

That the proposal will provide for the installation of four metal flues to serve two spray booths in an existing industrial premises in a manner that is compatible with the relevant policies of the Development Plan, subject to relevant planning conditions. There are no material considerations that justify refusal of the application.

**Conditions:**

1. That the flues hereby approved shall not be operated outwith the hours of 0700 – 1900 Monday to Friday and 0900 – 1300 on Saturdays.  
*Reason: In the interests of safeguarding the amenity of occupants of neighbouring properties.*
2. That noise from fixed plant associated with this development shall not exceed a Rating Level of 50 dB LA r 1 hour as measured within the external amenity area of any noise sensitive property and in accordance with BS4142:14 Methods for rating and assessing industrial and commercial sound.  
*Reason: In the interests of safeguarding the amenity of occupants of neighbouring properties.*
3. That noise from fixed plant associated with this development shall not exceed NR Curve 35 as measured within any noise sensitive premises with the windows open at least 50mm.  
*Reason: In the interests of safeguarding the amenity of occupants of neighbouring properties.*
4. That prior to any of the flues hereby approved being brought into use a detailed scheme for the control of emissions to air shall be submitted to and approved in writing by the Planning Authority. Once approved any mitigation measures specified as being necessary for the control of emissions to air shall be installed, fully maintained and operational at all times when the flues are in use.  
*Reason: In the interests of safeguarding the amenity of occupants of neighbouring properties.*

**NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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**Appendix 1: Relevant Development Plan Policies**

## APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

### Angus Local Plan Review 2009

#### **Policy S1: Development Boundaries**

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### **Policy S6: Development Principles**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### **Schedule 1 : Development Principles**

##### **Amenity**

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### **Roads/Parking/Access**

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

##### **Landscaping / Open Space / Biodiversity**

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

##### **Drainage and Flood Risk**

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of

disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

**Supporting Information**

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.