

PLANNING COMMITTEE

Tuesday 15 September 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

19 Late Observations

(Pages 2 - 13)

Agenda Item 19

RYEDALE
DISTRICT
COUNCIL



Please Contact: Mrs Karen Hood
Extension 386
Email: karen.hood@ryedale.gov.uk

All Members of the Planning Committee
Council Solicitor
Head of Planning & Housing
Managing Development Team Leader

Ref: Agendas/Planning/2015/2016

11 September 2015

Dear Councillor

Meeting of the Planning Committee - 15 September 2015

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

Yours sincerely



Mrs Karen Hood
Managing Development Team Leader

Enc

Application No: 15/00348/FUL

Location: Boortmalt Group, Poplars Lane, West Knapton

Proposal: Raising the roof of part of existing building to allow installation of new roasting plant and associated equipment, installation of external plant and chimneys ranging in height from 12m to 23m and siting of an external steel container

Update report

Members will note that this application was deferred at last planning Committee on August 18th 2015, to enable further discussions to take place in relation to the precision and enforceability of the conditions previously proposed. Since the meeting, Officers have held extensive discussions with the Environmental Protection Officer, and the applicant. They have also taken note of further concerns raised by neighbouring occupiers in relation to noise from a tractor and trailer which transport goods from bin stores to one of the roasters. The proposed conditions have been revised to take account of these concerns. The revised conditions now include a requirement for an odour management plan, and dust management plan for the *entire* site. A further condition is recommended to restrict tractor and trailer movements to the hours 8am until 6pm Monday to Friday, 8am until 1pm Saturdays, with no movements on Sundays or bank holidays.

The revised recommended conditions are listed below:

1. The development hereby permitted shall be begun on or before

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Within 2 months of the completion and commissioning of the new roasters and whilst all six roasters are operating, noise monitoring shall be undertaken by a qualified acoustic consultant to check that the noise level arising from the combined impact of the existing four roasters and two new roasters does not exceed the level of 64dB (LAeq15min) 5metres away from the external façade of the building housing the roasters. If the measured level exceeds 64dB(A), the applicant must identify and implement appropriate measures to attenuate noise from the plant so that it does not exceed the predicted level of 64dB (LAeq15min). Details of such measures shall first be submitted to and approved in writing by the Local Planning Authority. Such agreed noise mitigation shall be completed and implemented within 3 months of the date of the noise survey or such longer period as may be agreed in writing by the Local Planning Authority. Should such measures fail to be implemented, the new roasters hereby approved shall cease operation until the agreed mitigation is implemented.

Reason:- To protect the amenity of neighbouring occupiers by preventing an increase in noise levels at noise sensitive properties, and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3. Unless otherwise agreed in writing by the Local Planning Authority emissions to air from the roasting drums and coolers to which this permission relates shall at all times discharge through cyclone arrestment systems so as to minimise emissions of particulate matter. Materials captured by the cyclones shall be transferred via enclosed conveyance systems to secure enclosed storage vessels. Such systems shall be maintained.

Reason:- To protect the local amenity by minimising emissions of particulate matter and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4. Each of the two roasters to which this permission relates shall be equipped and operated with an afterburner to treat exhaust air from the roasters so as to prevent emissions to air of visible smoke and offensive odours, from the roasters hereby approved. Details of which shall first be submitted to and approved in writing by the Local Planning Authority. The afterburners shall be installed downstream of the cyclones used to capture particulate matter.

Reason:- To protect the local amenity by preventing or minimising emissions of odour and smoke and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5. Emissions from the roaster afterburners shall be discharged to air vertically upwards from a 23 metre high stack. The exit velocity for gases discharged from the stacks shall be a minimum of 12 metres per second. In order to ensure that dispersion is not impaired by either low exit velocity at the point of discharge, or deflection of the discharge, no cap, cowl or other restriction shall be fitted to the stack. However, a cone may be used to achieve the specified minimum exit velocity. Details of which shall be submitted to, and approved in writing by the Local Planning Authority within 2 months of the development hereby approved being operational. Thereafter any required amendments to the afterburners shall be carried out within three months of the date of this decision notice, unless an extension of time has first been agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers and by ensuring adequate dispersion from the roasters, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

6. Within three months of the date of this decision notice the applicant shall submit a written, site specific odour management plan, for the entire site, for the approval in writing by the Local Planning Authority. Once approved the plan must thereafter be maintained and implemented. In drawing up the plan the applicant shall have regard to the guidance contained in the Institute of Air Quality Management publication: Guidance on the Assessment of Odour for Planning 2014, which includes (in Table 7 on page 24) a summary of the recommended content of the plan.

Reason: To protect the local amenity by minimising emissions of odour and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

7. Within three months of the date of this approval the applicant must submit a written site specific dust management plan for the entire site for the approval in writing by the Local Planning Authority. Once approved the plan must thereafter be maintained and implemented. The plan must demonstrate the adoption and use of the best practicable means to minimise emissions of dust. The plan should include measures for controlling emissions of dust to air arising from: process exhausts; and the storage, handling and transfer of materials, including waste materials.

Reason: To protect the local amenity by minimising emissions of particulate matter, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

8. Unless otherwise agreed in writing by the Local Planning Authority, tractor and trailers for the transfer of goods within the site shall only operate between the hours of 8am until 6pm Monday to Friday, 8am until 1pm on Saturdays, and no such movements on Sundays or bank holidays.

Reason: To protect the local amenity by minimising emissions of particulate matter, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

Object

CC

RYEDALE DM

LM

11 SEP 2015

DEVELOPMENT
MANAGEMENT

Mr M E Carter
The Larches
West Knapton
Malton
YO17 6RL

Members of the Planning Committee
Copies to Planning Officer and Environmental Health Officer

10 September 2015

Dear Councillor

**Planning Application No 15/00348/FUL –
Boortmalt, West Knapton**

Further to the above planning application, which was considered by the Planning Committee at its meeting on 18 August 2015. Members unanimously agreed to defer a decision to enable officers to obtain further information for their consideration.

I would suggest that the Noise Assessment carried out by Clover Acoustics is fundamentally flawed and is based mostly on theory not fact; the document states that only three one-ton roasters were running when the study was undertaken and these were measured at 61dB, in addition none of the fans or ancillary equipment were operating at that time. Roaster no. 5 has a two ton capacity and was not running at the time of the survey. In addition the two new roasters have a capacity of two tons each; therefore a total of 6 tons capacity was not in operation at the time of the study, which is therefore based on assumptions. Yet Clover estimates that when all roasters (a total of 9 ton capacity) plus input and output fans and other ancillary equipment are operating at the same time the noise level will be 64dB, an increase of only 3dB. The Environmental Health Officer's report suggests that any future on-going noise monitoring be undertaken by Boortmalt themselves. However, my own opinion is that for the avoidance of any doubt the Council should undertake its own noise assessment, together with any on-going monitoring, thus ensuring that the process is transparent and open to scrutiny.

With regard to the afterburners – Kelt Engineering have designed the afterburners to run at 1600kw, yet the old No. 5 black roaster operates at 2500kw, a shortfall of 900kw. In order to operate efficiently and burn off noxious odours the new afterburners need to cover the 900kw discrepancy. No. 5's afterburner operates erratically due to its age, all factors that give rise to complaints relating to smell. It would be interesting to learn how many afterburners Kelt has built and if they are tried and tested or are we the guinea pigs?

Issues relating to dust are well documented and are not just limited to the malting's roof area. I have submitted several photographs and these are shown on the website, under the planning application reference number together with photographs submitted with other neighbour responses. As I stated at the Planning Committee meeting the dust on the roof accumulates to such an extent that it forms a thick crust, which then ignites and burns. The last time this happened it took two days to clear the roof with a pressure hose.

The existing levels of noise, dust and smell are unacceptable and given the likely 80% increase in these levels the Council should take the opportunity to request as much information as possible on the environmental impact and potential health risks of Boortmalt's proposals.

Boortmalt has a sister plant in Bury St Edmonds. I have spoken to the local planning authority for that area and they reported that the plant does not have a black roaster. An application to install a black roaster would not be allowed for environmental reasons.

At the Planning meeting in August a Member suggested that a site inspection might be useful. The Head of Planning advised somewhat strongly that he considered this unnecessary particularly in view of the financial implications for the Council. I personally was of the opinion that in this instance a site inspection would have been extremely beneficial and fully justified, even given the related travelling expenses, as some Members of the Committee may not be familiar with the site.

I was disappointed to learn that neighbour consultation responses are not included in the agenda papers. Responses take time and effort to prepare and in some cases include a lot of information for Members' consideration. To have responses summarised and reduced to two or three words by the planning officer is unfair. I appreciate that not all the issues raised are based on material planning considerations, however they are important to those people affected. I acknowledge that the letters are available on the website, but I found it a lengthy time consuming process accessing the record for each application and then each individual response. Councillors have enough demands on their time and it would be far more productive to include responses with the agenda papers as was the case in the past.

At the meeting the planning officer reported that there was no record of any complaints received prior to submission of the planning application. I have no doubt that this is the case as anyone contacting the Council with a complaint is asked to speak to Boortmalt direct.

The planning officer's report states that revised plans had been submitted and that one of the two new chimneys had been deleted. This statement is very misleading; although one of the 'structures' has been deleted the remaining new structure has been vastly increased in diameter so as to accommodate two new chimneys. Work started on its construction two days following the August committee meeting, it is now in situ for all to see. It is also noticeably shorter than the four existing chimneys and raises concerns regarding its ability to draw emissions away from the neighbouring environment.

The planning officer reported that the proposals would improve the plant's carbon footprint. It is worth pointing out that every ton unloaded at Boortmalt is transported by road in bulk grain wagons. Unfortunately, the grain produced in Ryedale is not of the quality required by the brewing industry. Grain is transported long distances from other parts of England and also from Scotland. If the application is approved we are looking at an 80% increase. No one knows what the emissions from the chimneys are in relation to dust, volatile organic compounds and smoke and more importantly the detrimental affect on air quality and the affect on the health of local residents. Who would be held responsible – Boortmalt for building the plant or the Council for allowing them to do so? I am firmly of the opinion that before any consent is given a full Environmental Impact Assessment should be undertaken.

I enclose for your information three photographs that illustrate the following:

- (a) The new chimney with its two outlets, one for each of the new roasters, work was completed on 23 August 2015. Photo taken 5 September 2015.
- (b) Shows the orange smoke which causes the noxious smell that covers the whole area. If the afterburner was operating it would burn off these VSOs (volatile organic compounds) and there would not be any orange smoke. Photo taken 28 August 2015.
- (c) Shows the dust accumulating on the roasting plant roof. The building is constructed of pale green profile sheeting and the photo clearly shows the discolouration caused by the dust from the black roaster, this dust covers our properties and cars etc. Photo taken 1 September 2015.

Yours sincerely

M E Carter

(a)



(b)



(c)



Mel Warters

Subject: FW: Station House low Moor Rillington, Steel fabrication business

From: Ailish Lilley
Sent: 09 September 2015 15:20
To: Helen Bloomer
Subject: RE: Station House low Moor Rillington, Steel fabrication business - 15/00723/FUL

Dear Helen

I am concerned that, in the light of concerns raised by nearby residents, regarding unsocial hours and external working, the acoustic report, whilst predicting the noise levels at the nearest property from the operation of machinery within the building, does not take account of the types of disturbance which can occur outside of the building, namely the movement of fork lift trucks, reverse alarms, deliveries, HGV movements. The development is in a sensitive location close to residential dwellings and has a potential to impact on them. Given that the noise consultant has stated from his client that there will be only one employee, and the justification for this development was that a larger building was needed to encompass all activities within the building, I feel the only way to mitigate the disturbance is to impose conditions such that activities take place within the building, and external activities' operational hours are restricted. I therefore suggest the following conditions

Operation of any associated tools, equipment, machinery or vehicles, apart from loading/unloading, within the development, hereby permitted, shall not take place anywhere on the site except within the building covered by this permission.

Reason:- To ensure that noise from the premises does not cause a nuisance to adjoining residents and in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF.

External storage of any associated materials, tools, equipment, machinery or vehicles shall not be permitted outside the permitted operating hours.

Reason :-To protect residential amenity

There shall be no unloading or loading of goods associated with the business outside of the permitted operating hours.

Reason :-To protect residential amenity

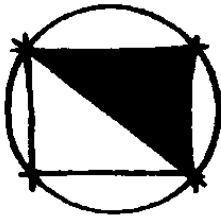
Reverse alarms associated with vehicles operated by the business shall be fitted with 'white noise' type alarms.

Reason :-To protect residential amenity

Regards

Ailish Lilley
Environmental Health Officer
TEL - 01653 600666 ext 256
FAX - 01653 600764
Email - ailish.lilley@ryedale.gov.uk
www.ryedale.gov.uk
Ryedale District Council | Ryedale House | Malton | North Yorkshire | YO17 7HH

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PLANNING & DESIGN ASSOCIATES

Orchard House, Buttercrambe
York, YO41 1XU
Tel/Fax: 01759 371309
Email: ian@timsal.plus.com

Mrs Rachel Smith
Development Management
RDC
Ryedale House
Malton

4th September 2015

Your ref 15/00859/FUL

Dear Mrs Smith

Erection of a four bedroom detached dwelling and associated garage following demolition of existing agricultural buildings at Low Street Thornton le Clay

Further to recent correspondence and in connection with your concern that the proposal lies just outside current village development limits I can inform you that the applicant is agreeable to the imposition, on a planning permission, of a restrictive condition limiting occupation of the new dwelling to persons employed in agriculture.

Yours sincerely

I.T. Dykes

RYEDALE DM
7 SEP 2015
**DEVELOPMENT
MANAGEMENT**

Principal: Ian Timothy Dykes Dip. T.P. M.R.T.P.I
Chartered Town Planner