

Item 4 **15/00141/FUL**

Case Officer **Ian Heywood**

Ward **Wheelton and Withnell**

Proposal **Erection of new building to house timber drying equipment.**

Location **Woods Fold Saw Mill
Dole Lane
Abbey Village**

Applicant **Derek Fox & Son (Timber) Ltd**

Consultation expiry: **31 March 2015**

Decision due by: **24 April 2015**

Recommendation **Permit Full Planning Permission**

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the development plan and the Framework and represent a sustainable form of development within the Parish of Withnell.

UPDATE

Since the committee meeting a number of points have been clarified.

- The existing use of the site, as a saw mill, was established in 1996 under permission granted under reference 96/00028/FOR. The application for a Certificate of Lawful Use, 05/00574/CLEUD relates to a different site, the former quarry which lies immediately to the south of the application site.
- The dimensions of the proposed building are shown on drawing number 698:PL05 that was submitted with the application and which are, length 60 metres, depth 23 metres, height to eaves 8 metres, height to ridge (dual pitched roof) 10 metres. The volume therefore equates to 12420 cubic metres. The volume of the existing building is calculated to be approximately 8000 cubic metres. Approximately 5000 cubic metres of earth have been removed from this part of the site by terracing the area in readiness for the proposed development.
- The process is designed to operate 24 hours a day 365 days a year and can operate automatically for several days, i.e. during weekends without the need for operatives to be on site.
- The Government Grant scheme, under which the proposal is being submitted, requires the achievement of strictly controlled emissions over a twenty year period. The Council's Environmental Health Officer has already confirmed that projected noise levels are 19dba which compares favourably to a level of 35dba which is considered to be a quiet level of background noise.
- The agent has confirmed that the current number of vehicle movements is five 38 tonne articulated wagon loads per day. The proposed process, when running at full capacity, will produce less than half (0.395) a 38 tonne wagon load of material a day. Effectively the projected number of vehicle movements is therefore one every two days at most. LCC Highways have commented that they have no objections to the proposal.
- The agent has confirmed that the area of the site immediately to the north of the location of the proposed building is only to be used for vehicle manoeuvring and will not be used for outside storage purposes. A suitably worded condition will secure this.
- A site visit is proposed for 20th May 2015.

Representations

Councillor Margaret France: Objects to the proposed development on the following grounds: <ul style="list-style-type: none">• Inappropriate development in the Green Belt• Noise and emissions• Traffic
Withnell Parish Council: No comments have been received.
In total four representations have been received which are summarised below
Objection
Total No. received: 4
<ul style="list-style-type: none">• Additional Noise• Additional emissions• Inappropriate development in the Green Belt – harm to the openness• Increased traffic
Support
Total No. received: Nil

Consultees

Consultee	Summary of Comments received
Chorley Council Environmental Health Officer	No objections
Chorley Council Waste and Contaminated Land Officer	No objections
Lancashire County Council Public Rights of Way Officer	No comments have been received.

Policy Position with regard to the emerging Chorley Local Plan 2012 – 2026

1. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
2. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
3. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
4. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Description of the site

5. The site is an established forestry processing and saw mill site adjacent to a former quarry, within the Green Belt to the south west of Abbey Village. This is an elevated site that is, to some extent, screened by a stand of trees and a 2.5 metre (approximately) close-boarded fence to the northern side. It is to this side of the site that neighbouring properties are located, Barons Fold Farm, which is approximately 100 metres to the north west and Gladstone Terrace, which is approximately 200 metres to the north of the site. Sectional drawings submitted by the agent show the relationship between these properties and the site.
6. The location for the proposed building is currently covered by an expansive area of concrete hard standing and is currently used for the storage of timber. A 1.8 metre steel post and concrete railway sleeper wall/fence lines the southern site boundary where it abuts Twist Moor Lane. The former quarry, which is also currently used for the storage of timber, is located to the south of Twist Moor Lane, which it is to the south of the site.
7. Immediately to the north of the location for the proposed building is an existing steel portal framed, agricultural style, building similar in appearance to that proposed.
8. A public footpath, no. 49, runs along the length of Twist Moor Lane.

Assessment

Principle of the Development

9. Pertinent Policies are: Adopted Chorley local Plan Review (2003), Policy DC1. Also of relevance is the Framework (National Planning Policy Framework) Section 9.
10. The aforementioned policies seek to protect the Green Belt from inappropriate and unsympathetic development. Paragraph 87 of the Framework states that, '*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*'
11. Paragraph 88 continues, '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*'
12. Paragraph 89 of the Framework states that, '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (first bullet point) buildings for agriculture and forestry.*'
13. In this case the agent asserts that the development is directly connected to forestry in the same way that a dairy attached to a dairy farm is directly associated with agriculture.
14. The 'Very Special Circumstances' put forward are that the proposed development is not only directly associated with forestry, but also that it is merely an extension of operations that are currently performed on the site. It is argued that the processing of saw mill waste product on site rather than transporting it elsewhere is a considerable enhancement to the sustainability of the operation overall.
15. Forestry is defined as the growing of trees for timber production and includes the felling and processing of trees into a raw state usually within close proximity to where it has been grown, but does not include the manufacture of finished products. In this situation it is considered that the proposed development cannot therefore be considered as an extension of a forestry operation and that therefore it falls to be considered as inappropriate development within the Green Belt.
16. However the site is considered to be previously developed land and to that end the proposed development is directly related to the existing use of the site – processing of timber, for which a certificate of lawful use was issued in 2005.
17. Whilst extensions to buildings within the Green Belt can be considered to be not inappropriate, in this case the proposal consists of an entirely new building. Nevertheless the new building is to be located close to an existing structure that is of a similar type and volume such that the overall impact on the openness of the Green Belt is considered to be not greater than is currently the case.
18. The very special circumstances in this case are therefore that firstly the proposal is an extension to existing activity undertaken on the site, an activity that will secure and possibly enhance current employment levels within the area. Secondly that the proposal is considered to be a sustainable form of development, that will enhance the sustainability of the site operations overall. Suitably worded conditions would secure the use of the building and see its removal in the event that the permitted use were to cease within a given time period from the grant of permission – usually ten years.
19. In terms of 'other harm' the application must also be considered in terms of the potential impact upon the openness of the Green Belt. In this case the proposed building is located within an established site complex of buildings and areas of hard standing, in other words it is within an existing area of built development. The site also has an existing, strong boundary treatment including close-boarded fencing and trees. It is suggested that strengthening the existing planting to the northern fringe of the site will ultimately result in a development that is almost entirely screened from view. A suitably worded condition would secure this. Consequently it is considered that no 'other harm' will be caused to the Green Belt by the proposed development.
20. Overall it is considered that very special circumstances have been demonstrated in

this case and that any potential impact upon the Green Belt is acceptable, and that with suitable mitigation (planting) will maintain or enhance the current position. It is therefore considered that the aforementioned policy requirements, as related to the Green Belt, have been met.

Impact on the amenity of neighbours

21. Pertinent Policies are: Emerging Chorley Local Plan 2012 – 2026, Policy BNE1. This policy, amongst other things, suggests that any proposed development should not have an unacceptable impact upon the amenity currently enjoyed by neighbouring properties.
22. The nearest neighbouring residential property is located at Barons Fold Farm which is situated approximately 100 metres north west of the site and which is largely screened by trees. Other neighbouring properties are situated at Gladstone Terrace which is located approximately 200 metres north of the site.
23. Chorley Council's Environmental Health Officer has examined the application and considers that emissions in terms of noise are acceptable and are well below tolerance levels.
24. The information supplied with the application with regard to other emissions such as smoke suggests that these are negligible. The specially designed and controlled boiler burns dried timber products, produced on site, in such a way that smoke emissions and smells produced are minimal. Such emissions are a condition to the government grant that the applicant will be applying for and cover a period of twenty years from implementation. Emissions therefore are strictly controlled.
25. Whilst the application site is elevated in relation to the neighbouring properties there is an existing fence and line of tree planting that lies between them. A suitably worded condition will require the strengthening of this planting to, in time, further screen the site from the surrounding area. Site section drawings show that overall the impact on views from neighbouring properties will not be materially altered as a consequence of the proposed development.
26. It is therefore considered that the proposed development will not have a material impact upon the amenity currently enjoyed by the neighbours to the site.

Highway Safety and Parking

27. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy TR4; Emerging Chorley Local Plan 2012 – 2026, Policy ST4.
28. A key point made by the agent is that the proposed development will result in a reduced number of vehicle movements to and from the site. Currently waste material is removed from the site by HGV to other sites around the country. The proposed development will eliminate the need for these movements and will replace them with a reduced number of movements of finished products that can be coincided with current vehicle journeys. Thus overall the number of vehicle movements will be reduced.
29. The proposed development is therefore considered to accord with the aforementioned policies.

Public Right of Way

30. Pertinent Policies are: Adopted Chorley Borough Local Plan Review (2003), Policy LT10; Adopted Central Lancashire Core Strategy (2012), Policy 24; Emerging Chorley Local Plan 2012 – 2026, Policy ST1. The proposed development does not block or require the diversion of any of the public footpaths that intersect with the site. However a suitably worded informative will appraise the applicant of their legal obligations with this regard. The existing public footpath network will therefore be retained.
31. The proposed development is therefore considered to accord with the aforementioned policies.

Overall Conclusion

32. The application falls to be considered as appropriate development in the Green Belt. It is considered that it will result in no material impact upon the amenity of neighbours and accords with local and national policy in terms of highways. Consequently the application is

recommended for approval.

Planning Policies

33. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Ref: 05/00574/CLEUD **Decision:** PEREUD **Decision Date:** 16 September 2005

Description: Application for Certificate of Lawfulness for the storage of timber residue, the peeling and processing of timber, sawmill products and residues

Ref: 96/00028/FOR **Decision:** PAFOR
Decision Date: 16 February 1996

Description: Application for forestry works in respect of the erection of a sawmill and office

Ref: 96/00068/FUL **Decision:** PERFPP **Decision Date:** 9 April 1979

Description: Construction of car park for Woodsfold Woodland Office

Proposed Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing: 698:PL05 Proposed Plans & Elevations Received on 12.02.2015 Drawing: 6566 Proposed Site Plan Received on 13.02.2015 Drawing: 698SEC02 Site Sections <i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>
3.	The development hereby permitted shall not commence unless and until samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. <i>Reason: To ensure that the materials used are visually appropriate to the locality.</i>
4.	The development hereby permitted shall not commence unless and until details of a scheme for additional tree planting to the northern and north western boundaries of the site have been submitted to and approved in writing by the local planning authority. <i>Reason: To safeguard the appearance of the area and to safeguard the amenity of neighbours.</i>
5.	The development hereby permitted is only for the use of timber drying and for the conversion of timber waste material into biomass fuel and for no use within use class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment. <i>Reason: A change of use of the premises would have an unacceptable impact on neighbour amenity and the character and appearance of the area.</i>

6.	<p>The development hereby permitted shall be removed from the site and the land returned to its previous condition if the permitted use ceases for a continuous period of six months within ten years of the date of the grant of planning permission.</p> <p><i>Reason: To safeguard the appearance and character of the area.</i></p>
7.	<p>No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the area of the site immediately adjacent to the proposed building. This area shall only be used for the manoeuvring of vehicles.</p> <p><i>Reason: In order to protect the amenities of the area, and to maintain adequate parking and vehicle manoeuvring areas.</i></p>

Proposed Informatives:

Please Note: The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

Please Note: The grant of planning permission does not infer any permission to block or divert any public footpath. All public footpaths must remain open and free from obstruction both during the course of construction and upon occupation of the dwelling hereby permitted.

Diversion of any footpath requires the consent of Lancashire County Council to whom a separate application must be made.