

Item 3b **15/00141/FUL**

Case Officer **Ian Heywood**

Ward **Wheelton and Withnell**

Proposal **Erection of a building for the drying of timber and conversion of timber waste to biomass fuel pellets and extension of timber yard.**

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

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

Consultation expiry: **16 July 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

- A site visit was undertaken on 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: Objects to the proposed development. They cite the following grounds for objection: <ul style="list-style-type: none">• Inappropriate development in the Green Belt• Increased traffic• Emissions
In total twenty three representations have been received which are summarised below
Objection
Total No. received: 23
<ul style="list-style-type: none">• Additional Noise• Additional emissions• Inappropriate development in the Green Belt – harm to the openness• Increased traffic• Risks involved in the timber process – akin to the recent tragic events in Cheshire, risk of explosion
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.
Lancashire County Council Highways Officer	No objections

Planning Policy Position

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 Local Plan 2012-2026 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) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Description of the site

1. The site is an established forestry processing and saw mill site, established under application 96/00028/FOR, 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.
2. The location for the proposed building is currently covered by an expansive area of 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.
3. Immediately to the north of the location for the proposed building is an existing steel portal framed, agricultural style, building similar in appearance albeit smaller in scale to that proposed.
4. A public footpath, no. 49, runs along the length of Twist Moor Lane.

Assessment

Additional Clarification of the Details of the Development

5. 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 and regrading the area over a period of a number of years partly to improve the usability of the site as a whole by reducing gradients within it and partly in readiness for the proposed development.
6. The timber drying and biomass fuel production 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.
7. 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.

Principle of Development

8. Pertinent Policies are: Adopted Central Lancashire Core Strategy DPD (2012), Policy 1. Also of relevance is the Framework (National Planning Policy Framework) Section 9.
9. 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.*'
10. 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.*'

11. 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*'.
12. 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.
13. 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.
14. 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.
15. The use of the land for a saw mill and timber storage facility was established in 1996. Historic aerial photographs and site plans show that the current use of the land has been established since that time with all parts of the site, apart from that for which an extension is currently sought, having been established for in excess of 10 years. The proposed development is therefore considered to be directly related to the existing, established use of the site – processing of timber.
16. 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 footprint such that the overall impact on the openness of the Green Belt is considered to be not significantly greater than is currently the case.
17. 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.
18. 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. Site section drawings show the relationship of the proposed building to the surrounding area and the adjacent dwellings and it is considered that this demonstrates an acceptable relationship will be achieved. A suitably worded condition would secure additional screen planting. Consequently it is considered that no 'other harm' will be caused to the Green Belt by the proposed development.
19. 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

20. Pertinent Policies are: Adopted Chorley Local Plan (2015), 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.
21. 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.

22. 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.
23. 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.
24. 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 confirmed that projected noise levels compare favourably to a quiet level of background noise and that these are therefore acceptable.
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. 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. In terms of the days and timings for vehicle movements the agent has confirmed that these can be restricted to Monday – Friday and between 08:00 to 18:00. A suitably worded condition will secure this.
27. The agent has also confirmed that the process involved at the site in Cheshire where recent tragic events have unfolded after the milling plant exploded are completely different to that proposed or currently undertaken at Woods Fold. The site in Cheshire involved the use of resins and solvents in the manufacturing process. The proposal here involves the compression of wood waste material into biomass fuel pellets and the drying of bulk timber using a biomass fuelled boiler where the fuel is the same pellets produced on the site. There are therefore no safety concerns for this site's proposed use and it is not considered to be a potential hazard to local residents.
28. 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

29. Pertinent Policies are: Adopted Chorley Local Plan (2015), Policy ST4.
30. 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. Further details are included above.
31. The proposed development is therefore considered to accord with the aforementioned policies.

Public Right of Way

32. Pertinent Policies are: Adopted Central Lancashire Core Strategy (2012), Policy 24; Adopted Chorley Local Plan (2015), 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.

33. The proposed development is therefore considered to accord with the aforementioned policies.

Overall Conclusion

34. Whilst the application falls to be considered as inappropriate development in the Green Belt, having regard to the harm to the Green Belt and any other harm, there are considered to be very special circumstances that outweigh that harm in this case. 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 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.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>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</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
4.	<p>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.</p> <p><i>Reason: To safeguard the appearance of the area and to safeguard the amenity of neighbours.</i></p>

5.	<p>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.</p> <p><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></p>
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>
8.	<p>Heavy Goods Vehicle deliveries and collections shall be restricted to Monday – Friday (Bank Holidays excepted) and to between 08:00 and 18:00.</p> <p><i>Reason: To safeguard the amenity of neighbouring residential properties.</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.