

Development Control Committee
Meeting to be held on 1st March 2017

Electoral Division affected: Garstang
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Wyre Borough: application number. LCC/2016/0084

Change of use of existing buildings and land to use for the production of agricultural bedding materials from imported waste paper products including installation of drying equipment and biomass boiler, installation of flue and weighbridge, erection of new storage building, formation of hard standing, access alterations and siting of two portacabin buildings for offices / rest rooms and toilet / shower block.

Foggs Farm, Hobbs Lane, Claughton on Brock.

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - Change of use of existing buildings and land to use for the production of agricultural bedding materials from imported waste paper products including installation of drying equipment and biomass boiler, installation of flue and weighbridge, erection of new storage building, formation of hard standing, access alterations and siting of two portacabin buildings for offices / rest rooms and toilet / shower block.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, storage activities, highways and traffic, landscaping and ecology.

Applicant's Proposal

The application seeks permission to change the use of an agricultural farm complex to a use for the production of farm bedding materials to be produced from imported waste paper pulp products.

Waste paper pulp would be imported to the site and stored under cover within an existing agricultural barn which would be refurbished as part of the development. The pulp would then be transferred into an external drying facility that would be sited on the northern side of the farm buildings.

The drying facility would be fitted within two shipping containers with total dimensions of 20 metres by 2.4 metres by 2.8 metres in height and which would include various flues and heat exchangers fitted to the outside of the containers . Dry product would be discharged from the end of the drying facility and transferred by conveyor back into bays within the building pending export from the site. The applicant estimates that the site would dry a maximum of 12,500 tonnes of paper crumble per year

Heat for the drying facility would be provided by a 999kW biomass boiler. This would be located within one of the existing buildings at the site and would be fuelled by a mixture of virgin and recycled wood chip. The boiler would require an exhaust stack which would protrude through the roof of the existing building by approximately 3.5 metres. The fuel for the boiler would be stored within the building.

The proposal also includes proposals to improve the vehicle circulation routes around the farm complex to allow access by HGVs. This would require the demolition of an existing farm building to create room for an HGV delivering waste paper pulp or fuel to reverse into the building. The existing track around the perimeter of the farm complex would also be improved by surfacing including provision of a weighbridge. The farm building to be demolished would be replaced through the erection of a new portal frame shed on the western boundary of the site which would be used for the storage of machinery to be used in the business.

The waste treatment operations would take place on a 24 hr / 7 day a week basis. Delivery of waste material and fuel and export of dried product would take place between 07.00 and 18.00 hours Monday to Friday.

Two portable buildings would also be required for office and toilet / showering uses.

The access to the site from Foggs Lane would be widened to provide a 10 metre width from the public highway and would be surfaced in concrete or tarmac. For a distance of 20 metres. A further passing place would be provided on the access road.

The proposal would create 3 - 4 jobs.

Description and Location of Site

Foggs Farm is a former agricultural complex located off Hobbs Lane which is a C class road located in a rural area approximately 5km south east of Garstang and 3 km west of Beacon Fell Country Park.

The site is located within the Forest of Bowland AONB and the surrounding land is comprised of agricultural grazing land. The farm complex is comprised of a range of portal frame and stone farm buildings. There is one residential dwelling immediately adjacent to the farm complex which is occupied by the landowner's gamekeeper. Other properties are located at other farm complexes, the nearest of which are around 350 metres from Foggs Farm.

A public right of way crosses the access track and farm land immediately to the east of the site.

Background

History; There is no relevant planning history.

Planning Policy

National Planning Policy Framework: Paragraphs 7 – 14, 17, 18 -22, 28, 115, 116 and 118 are relevant with regards to the presumption in favour of sustainable development, core planning principles, securing economic growth, supporting the rural economy, development within AONB's and ecology.

National Planning Policy for Waste: Section 7 is relevant with regards to the determination of planning applications.

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

Policy CS7 Managing our waste as a resource
Policy CS8 Identifying capacity for managing our waste
Policy CS9 Achieving sustainable waste management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management
Policy WM3 Local Built Waste Management Facilities

Wyre Borough Local Plan

Policy SP13 Development in the Countryside
Policy SP14 Standards of design and amenity
Policy ENV1 Forest of Bowland AONB
Policy ENV6 Species Protection Policy
Policy EMP12 Diversification of the Rural Economy
Policy EMP13 Conversion of rural buildings in countryside areas

Consultations

Wyre Borough Council: Object to the application as further information is required to adequately assess the application in terms of the elevations of new building, the proposed B1 use, the access alterations and impacts on ecology. Wyre BC also require further details about the biomass boiler and associated emissions.

Cloughton on Brock Parish Council: No objection. However, the Parish Council observe that increased HGV movements may be needed to service the proposal and that the condition of the rural roads in the vicinity of the site is poor.

LCC Development Control (Highways): No observations received.

Environment Agency; No objection in principle. The drying activity will require a bespoke permit from the EA. If the fuel source for the biomass boiler is classed as waste, this could require a further permit from the EA or Borough Council.

LCC Specialist Advisor (Ecology): The buildings that would be used appear to be unsuitable for use by bats and therefore the mitigation measures included in the ecology report should be sufficient and can be secured by condition. Swallow nests were noted within the buildings to be used and therefore replacement nest sites should be provided for any existing nests that are removed. Barn owls were noted to nest in a stone barn adjacent to the application site and therefore there is potential for adverse impacts on this species through disturbance. If impacts cannot be mitigated, replacement barn owl nest boxes at greater distance from the application site would need to be required through condition.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

Advice

The application is for the change of use of part of a former agricultural complex to a use for the production of agricultural animal bedding material from waste paper pulp.

During winter periods, dairy farmers keep cattle under cover within buildings and lay bedding materials on the floor for the animals. These materials are normally products such as sand, sawdust or straw. However, these materials can quickly become contaminated which can lead to problems such as mastitis and the need to clean teats before cows are milked. The applicant produces an alternative cattle bedding material produced from waste paper pulp which is very absorbent and which reduces such problems, thereby of benefit to dairy farmers. Following use, dirty material can be pumped into a slurry tank and applied to land as a conventional fertilizer.

The paper pulp produced from the recycling of paper is a fibrous material, grey / blue in colour due to the ink content. It has a high water content and is normally disposed to landfill or can be applied direct to land as a soil improver.

The applicant proposes to import paper pulp direct from paper recycling factories and to dry and granulate the material to produce a highly absorbent bedding material that would be sold to dairy farmers in the local area. Drying capacity would be provided by means of a wood powered biomass boiler that would heat water, the hot water generated being used to dry the material within a separate drying plant being housed within converted shipping containers.

The development is at a former dairy farm complex which is comprised of a series of portal frame shed buildings and a stone barn. The proposal would utilise two of the existing portal frame buildings for the purposes of housing the fuel storage / biomass boiler and for the storage of waste material and dried product. The stone barn and attached lean-to building would remain in their current agricultural storage use by the landowner.

National Planning Policy for Waste requires that waste is managed at the highest level possible within the waste hierarchy. The proposal would allow waste paper pulp to be recycled into a new product capable of beneficial reuse and would therefore secure a move up the waste hierarchy for this material compared to landfilling or land spreading which is the most common waste management method for these materials at present. It is therefore considered that the proposal would generally accord with the aims of National Planning Policy for Waste.

The site is located within a rural area that is designated as AONB and which is served by a network of minor roads. It is therefore necessary to consider the appropriateness of the site location for this type of development having regard to the policies of the development plan relating to the location of industrial development, the protection of important landscapes and highway impacts.

Paragraph 116 of the NPPF states that planning permission should be refused for major developments in AONB's except in exceptional circumstances and where it can be demonstrated that they are in the public interest. All waste developments would be categorised as major developments within planning guidance. However, this particular development is small scale, would take place within an existing agricultural complex and would have limited visual impacts. For these reasons it is considered that the requirements of paragraph 116 of the NPPF should be considered against the other material considerations raised by this proposal.

The Wyre Borough Local Plan also contains a number of policies relating to the rural economy and development in the countryside. Whilst these policies predate the NPPF, they are considered to be in general accordance with current central government policy and therefore still carry weight.

Policy SP13 of the Wyre Local Plan requires that unless otherwise justified by the policies of the plan, development within the countryside will not be permitted except for the essential requirements of agriculture, forestry, suitable forms of tourism and related activities. All proposals in the countryside will be considered with regard to issues of amenity, scale, design and materials.

Whilst the development is associated with the agricultural industry, it is not considered to be of a type that is essentially required for agriculture and therefore potentially conflicts with Policy SP13. However, Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by supporting expansion of all types of businesses in rural areas including through conversion of existing buildings and by promoting the development and diversification of agricultural and other land based businesses. The proposal would return a redundant farm complex to economic use and would give rise to new employment positions thereby providing a form of agricultural diversification. It should be noted that the Borough Council have not raised objection in terms of policy SP13 and the proposal is considered to accord with the general aims of paragraph 28 of the NPPF.

Policy EMP12 requires that proposals for diversification of the rural economy will be approved where the scale and nature of the activity is not detrimental to the

character of the area, that any new buildings are necessary and appropriate to a rural location and that the use does not conflict with adjacent land uses.

Policy EMP13 states that the change of use of rural buildings in the countryside for employment generating uses will be approved provided that the building is capable of reuse without substantial rebuilding, that the new use does not conflict with adjacent land uses or require extensive alterations to its external appearance and that the parking and traffic impacts are acceptable.

The development would predominately utilise existing farm buildings. Two existing portal framed buildings would be used for the location of the biomass boiler and wood store and for the storage of imported waste material and dry material. The building to be used for the storage of waste and dry materials would require extensive works to create storage bays but these would not affect its external appearance and the only other works to the existing structures would be recladding works which would not alter the appearance of the buildings. The elements of the development that would be external to the existing structures would be the stack through the roof of the biomass boiler building, two small portable buildings for office/welfare facilities, a weighbridge and the drying units.

The main visual impact would arise from the external drying plant. The farm complex is in a relatively remote location which is at least 450 metres from the nearest road. The external structures are not of a significant scale and with these separation distances it is considered that the visual impacts from the nearest highways would not be significant. The main visual impact would be from the adjacent footpath which crosses the fields and access road immediately to the east of the site. The applicant has sought to address the visual impact of the external structures by moving the drying unit closer to the existing building and replacing a large loading hopper that was to be used to load waste material into the drying process with a screw conveyor that would have less visual impact. The other external elements of the development are small scale and would not be readily noticeable as part of an existing farm complex. The existing buildings are capable of reuse without significant works, the main building operations required being confined to some recladding works to the walls which would preserve their agricultural appearance. The applicant is also agreeable to undertaking some landscaping by reinstating a field hedge around the northern boundary of the farm complex which in time would assist in providing some additional landscaping and wildlife habitat.

The proposals also involve demolition of an existing agricultural barn in order to create a vehicle manoeuvring area. The barn would be replaced by erecting a new building on the western boundary of the farm complex. The new building would be of a similar scale and appearance to the existing structure and would therefore maintain the agricultural appearance of the site.

The visual impacts of the development are therefore acceptable and would not detract from the landscape qualities of the AONB or amenities of the countryside more generally. However, conditions should be imposed regarding the colour of external structures, the containment of waste, finished product and fuel within the buildings and the implementation of a landscaping scheme around the boundary of the site.

The development would require approximately 2 HGVs per day to import waste material and export finished product. Fuel would be imported by HGV once every four days. Whilst the site is accessed by a network of C class rural roads which are not of a standard that can support high levels of HGV movements, the levels of traffic generated by the development would be similar to those from most dairy farming operations and are therefore acceptable on this basis. The access to the farm from Hobbs Lane would require some slight widening which would require removal of small amount of hedgerow together with creation of a passing place on the existing access track between Hobbs Lane and the farm itself. However, the access has generally good visibility and the improvement works would not have an unacceptable visual appearance. Subject to conditions relating to vehicle movements and sheeting of vehicles associated with the export of finished product, the development is considered acceptable in terms of highway safety.

The storage and processing operations would be contained within buildings. The use of a telehandler would be required to load waste product into the building and to load HGVs associated with dry material. However, the noise impacts associated with these operations would be similar to those generated by agricultural machinery at many farm sites. The biomass boiler would run continuously and would generate some noise emissions from the stack.

The nearest dwelling houses other than those on the application site are located over 500 metres from Foggs Farm. There is a residential dwelling located immediately adjacent to the farm complex but this dwelling house is owned by the owner of the farm and is the residence for his game keeper. The applicant has undertaken a noise assessment of the development which concludes that whilst the noise from the stack would not give rise to unacceptable impacts inside the property, there would be noise impacts from this source in the external areas surrounding the house. This is mainly as a result of the low background noise in the area. The applicant therefore proposes that the stack will incorporate a silencer which will reduce noise levels to below the background level. The fitting of a silencer can be the subject of a planning condition. It is not expected that the development would generate any dust or other amenity impacts that would have an unacceptable impact on residential properties and no representations have been received from any local residents.

The applicant has carried out an ecological survey of the site as part of the planning application. The existing agricultural barns to be used for the development have little ecological value with the exception of swallow nests and no bat roosting potential was found. However, an adjacent stone barn that will be retained in its existing agricultural storage use has an active barn owl roost. LCC Specialist Advisor Ecology states that the proposal should include provision for replacement swallow nesting sites either in the new agricultural barn building or other buildings on the site. The barn owl roost would not be directly affected but there is a risk that the increased activity in the adjacent buildings would give rise to disturbance that would result in the owls abandoning their existing nest site. To mitigate for such impacts the applicant is proposing to erect a new owl nest box on an existing tree to the south of the farm complex. Subject to these matters being covered by planning conditions, it is considered that the ecological impacts are acceptable.

In conclusion, this proposal would involve the re-use of a former agricultural complex for a new use that would have some benefits in terms of agricultural diversification and production of a useful product from waste materials. The site is located within the AONB and is also served by a minor road network. However, the development is small in scale and can be carried out without large scale conversion of the existing buildings or the need for new plant or buildings that would impact on the visual amenity of the countryside. The development is therefore considered acceptable in terms of Policies EMP12 and EMP 13 of the Borough Local Plan.

In view of the nature, scale and location of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 18th November 2016 as amended by the email from ML Planning Consultancy dated 15th February 2017.
 - b) Submitted Plans and documents:
 - Drawing 0032/FF/GA00 Proposed Site Layout
 - Drawing 0032/FF/ES00 Proposed Sections
 - Drawing 3143-WMTR 1.5 - LINKS - Dryer Dimensions
 - Drawing ML/HR/55256 - Landscaping proposals
 - Drawing ML/HR/55257 - Elevations of New Barn Building
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policies EMP12 and EMP13 of the Wyre Borough Local Plan.

3. No waste material or finished product shall be stored except within the bays within the building as shown on drawing 0032/FF/GA00 Proposed Site Layout. No storage of waste material or finished product shall take place outside of the building within the open yard area.

No storage of biomass for the purposes of fuelling the boiler shall be stored except within the building shown as shed 3 on drawing 0032/FF/GA00 - Proposed Site Layout Plan.

Reasons : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP12 of the Wyre Borough Local Plan.

4. The new dutch barn building shall not be constructed other than in the location shown on drawing No. ML/HR/55243 dated 11th November 2016. The dimensions and external cladding materials shall conform to the details shown on drawing ML/HR/55257 dated 15th February 2017.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP 12 of the Wyre Borough Local Plan.

5. No development shall commence until details of the silencer to be fitted to the exhaust stack have been submitted to and approved in writing by the County Planning Authority. The submitted details shall include information on the design of the silencer and the noise levels that would result from the operation of the biomass boiler with the silencer in place.

The approved silencer shall be fitted to the exhaust stack before the biomass boiler is used and shall thereafter retained thereafter.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. Prior to any waste materials being imported to the site, the site access from Hobbs Lane shall be improved in accordance with the following:
 - a) The junction of the farm access road with Hobbs Lane shall be widened in accordance with the drawing in Appendix 2 of the Transport Statement labelled 'Proposed Improvements to Highway Access at Foggs Farm, Hobbs Lane, Claughton on Brock'
 - b) The first 20 metres of the access measured from the carriageway edge of Hobbs Lane shall be surfaced in tarmac, concrete or other similar hard surfacing materials.

Reason: In the interests of highway safety and to conform with Policy EMP14 of the Wyre Borough Local Plan.

7. The hedgerow on either side of the access with Hobbs Lane shall be maintained at a height not exceeding 1 metre above ground level at all times to provide a visibility splay free of obstruction measuring 2.4 metres by 120 metres in each direction.

Reason: In the interests of highway safety and to conform with Policy EMP13 of the Wyre Borough Plan.

8. All vehicles associated with the export of finished products from the site shall be securely sheeted.

Reason : In the interests of highway safety and to protect the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP12 of the Wyre Borough Local Plan.

9. Not more than two HGVs shall leave the site in any one day.

The numbers of HGVs leaving the site shall be recorded and such a record shall be made available for inspection to the County Planning Authority. Such a record shall contain details of the date and time of the movement and vehicle registration number.

The requirements of this condition shall not apply to HGVs associated with the importation of biomass to the site for the purposes of fuelling the boiler.

Reason: In the interests of highway safety and local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EMP 13 of the Wyre Borough Local Plan.

10. No HGVs shall leave the site except between the hours of 07.00 - 18.00 hours Mondays to Fridays. No such vehicle movements shall take place on Saturdays, Sundays or public holidays.

Reason : In the interests of local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy EMP 13 of the Wyre Borough Local Plan.

11. In the first planting season following the commencement of the development, the area on the northern boundary of the site shown in green shading on drawing ML/HR/55257 shall be subject to landscaping works undertaken in accordance with the specification accompanying the email from ML Planning Services dated 15th February 2017.

Thereafter, the landscaping works shall be managed for a period of five years including replacement of failed plants, maintenance of protection measures and weed control.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

12. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

13. Prior to the commencement of development, the barn owl mitigation described in the letter from Envirotech Ltd dated 13th February 2017 shall be undertaken. The mitigation measures shall thereafter be maintained throughout the duration of the development.

Reason: In the interests of ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

14. No development works shall take place within the buildings at the site until a survey has been undertaken by an appropriately qualified ecologist to establish whether the barn owl roost identified in the ecological survey is in use. The survey shall be undertaken prior to the intended commencement of any works within the buildings and the results of the survey submitted to the County Planning Authority within 5 days of the date of the survey.

If the survey confirms that the existing barn owl roost is being used for nesting, no development works shall take place within the existing buildings until it has been confirmed by subsequent survey that all eggs have hatched and attendant young have left the nest site.

Reason: In order to protect barn owls and to secure compliance with section 25(1) of the Wildlife and Countryside Act 1981 and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
LCC/2016/0084		

Jonathan Haine
Planning and Environment
534130

Reason for Inclusion in Part II, if appropriate
N/A