

Development Control Committee
Meeting to be held on 7th March 2018

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| Electoral Division affected: Padiham and Burnley West |
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Burnley Borough: application number LCC/2018/0004
New building to house biomass boilers including 2 x 9m high flues at Hapton Valley Colliery Site, Accrington Road, Hapton

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – New building to house biomass boilers including 2 x 9m high flues at Hapton Valley Colliery Site, Accrington Road, Hapton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme and hours of materials delivery.

Applicant's Proposal

Planning permission is sought for a new building to house two biomass boilers including two, 9m high stainless steel flues (as measured from ground level). The completed building would be approximately 24m by 42m and 6.8m high at the ridge. The building is, and will be constructed with a lower course of block work, merlin grey coloured wall cladding, and olive green coloured roof cladding. At the time of writing the building is part constructed and the boilers are being installed. Each biomass boiler would have an output of less than 1 MW of power for heating.

Description and Location of Site

The former Hapton Valley Colliery site is a waste transfer station / scrapyard complex located some 500 metres south of the A679 Accrington Road, 3km west of Burnley. To the west is the Network 65 Business Park and to the north is a small residential estate known as Valley Gardens which runs parallel with, and at a lower level to, the access to the site. Burnley Cemetery is located some 100m to the east beyond the Green Brook Valley.

Other waste transfer related operations (and which have the benefit of separate planning permissions) are located elsewhere on the former colliery site. All operations at the site share the access road to the A679.

Background

History

The application site is at the former Hapton Valley Colliery.

Planning permission for the development of a waste transfer station was granted in June 1997 (Ref. 12/96/228).

Planning permission to vary conditions 2 and 13 of planning permission 12/96/228 to allow the redesign of the site layout and to allow skips containing sorted wastes to be stored outside the building was granted in June 1998 (ref. 12/97/479).

Planning permission for the erection of a structure for storage of materials from the nearby Waste Transfer Station to the east of the site was granted in July 2001 (ref. 12/01/0175). The area of this permission covers that subject of application LCC/2018/0004.

Planning permission for the establishment and operation of equipment for shredding of tyres, timber and green waste to the southwest of the site was granted in July 2003 (ref. 12/03/0208).

Planning permission for the erection of a building and hardstanding for end of life vehicle breaking to the southeast of the site was granted in April 2004 (ref. 12/04/0176).

Planning permission for the extension to existing waste transfer and treatment building and realignment of access road, proposed introduction of a concrete crushing operation and levelling of land for the parking of trailers was granted in April 2008 (ref. 12/07/1134).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123 - 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise and air quality.

Burnley Local Plan – Second Review

Policy GP1 – Development within the Urban Boundary

Policy GP3 – Design and Quality

Consultations

Burnley Borough Council – No objection in principle and in terms of noise and air quality.

Hapton Parish Council – Object as the flues are excessively high and will spoil visual amenities. The plan would result in emissions of nitrogen oxide which creates acid rain near to residential properties and agricultural areas causing environmental problems to farmers.

Coal Authority – The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

Environment Agency – No objection in principle. The installation may require a permit. A medium combustion plant permit would be required for anything with a thermal input of >1MW. The EA will be permitting these for anything that comes into operation after 20th Dec 2018. Otherwise such installations are permitted by the Local authority. Anything below that size is not permitted but covered by the Eco Design Directive.

LCC Highways Development Control - The additional HGV movements associated with the proposed development would have little noticeable impact bearing in mind the current number of vehicles visiting the site and on this basis no objection is raised to the proposal on highway grounds.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Two representations have been received objecting for the following summarised reasons:

- Impact on residential amenity.
- Impact on nature conservation and trees, conservation area or listed buildings, animals, owls, birds and air quality, health and wellbeing.
- It is a smokeless environment.
- Inappropriate near a cemetery.

Advice

The former colliery site is used for a variety of waste management activities including materials recycling, tyre shredding, and recycled aggregate production that operate with the benefit of planning permission. The new building subject of this application has replaced a former open fronted industrial shed and concrete yard area that was used for the storage of recycled waste products. The new building would house two biomass boilers, a workshop area, and would also be used to store recycled waste products and woodchip to fuel the biomass boilers.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. The NPPF also states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, and supporting the delivery of low carbon energy. To help increase the use and supply of low carbon energy, the NPPF advises that planning authorities should recognize the responsibility on all communities to contribute to energy generation from low carbon sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for low carbon

energy and that planning authorities should recognize that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for low carbon energy development should be approved if impacts are (or can be made) acceptable.

The application site falls within the Burnley urban boundary. Policy GP1 of the Burnley Local Plan advises that all new development, except that appropriate to a rural area, should be located within the urban boundary subject to meeting certain criteria. This includes considering the use of previously developed land, not having a detrimental effect on residential amenity by reason of noise and other nuisance, and not having a detrimental effect on the safe and efficient operation of the road infrastructure. Policy GP3 of the Burnley Local Plan seeks to ensure that development is of a good design and quality.

The development is small in scale and is of a size and location appropriate for its intended purpose. The design, materials and colour of the building are acceptable. The building has already been partially constructed but has no significant impact on the local area and when completed would similarly be acceptable particularly when considering the built development it would replace.

The heat produced from the boilers is likely to be transferred via underground ducting to other parts of the waste management site including use for the drying of solid recovered fuel (SRF). Development associated with this aspect may be subject to separate planning applications. The site is within a Smoke Control Area. However, the applicant has stated that the boiler type is listed by DEFRA as an exempt appliance under the Clean Air Act 1993 and meets air quality emissions requirements for the non-domestic renewable heat incentive scheme using compliant imported virgin woodchip. No waste products would be used as fuel in the boilers. On this basis it is unlikely that air quality issues would arise.

The nearest residential properties are located at Valley Gardens some 225m from the building and the cemetery is over 100m distant. Sound level data has been provided for the boiler components, which demonstrates that they would not be a significant noise source, particularly when housed within the building and would be unlikely to have any impact on sensitive neighbours given the stand-offs.

Neither Burnley Borough Council nor the Environment Agency have raised concerns in respect of air pollution or noise control and given the nature and location of the proposal it is considered that detrimental impacts would be unlikely.

Vehicle movements for the importation of fuel are estimated to be 2-3 HGVs per week, which would be insignificant in relation to the existing site operations. The County Council's Highways Development Control officer has commented that the additional HGV movements associated with the proposed development would have little noticeable impact bearing in mind the current number of vehicles visiting the site and on this basis no objection is raised to the proposal on highway grounds. However, in line with the operating hours for the main waste transfer activity it is considered reasonable and necessary in the interests of the amenity of local residents to restrict HGV delivery times to 0700-1800 hours Monday to Fridays and 0700-1300 on Saturdays with no deliveries on Sundays or Public Holidays.

The built development and operation of the biomass boilers would have no impact on trees or nature conservation interests, the site is not in a conservation area and no listed buildings would be affected.

Overall, it is considered that the development accords with the policies of the NPPF and the Development Plan.

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

Recommendation

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

Working Programme

1. 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 form dated 14.12.17

- b) Submitted Plans and documents:

Drawing no 501, Rev C - Existing and Proposed Biomass Boiler Plans, Elevations, Location Plan and Drainage Scheme.

Drawing no. 11575/30 - Biomass Boiler Infrastructure Layout Plan.

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 policies G1 and G3 of the Burnley Local Plan.

2. No delivery or removal of materials to or from the biomass boiler building shall take place outside the hours of:

0700 to 1800 Monday to Friday (except Public Holidays),
0700 to 1300 hours on Saturday.

No delivery or removal of materials to or from the biomass boiler building shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G1 of the Burnley Local Plan.

Notes

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

| Paper | Date | Contact/Ext |
|---------------|----------|--------------|
| LCC/2018/0004 | Feb 2018 | R Hope/34159 |

Reason for Inclusion in Part II, if appropriate

N/A