

Development Control Committee

Meeting to be held on 7 June 2023

Electoral Division affected:
Wyre Rural East

Wyre Borough: application number LCC/2023/0005

Variation of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day. Foggs Farm, Hobbs Lane, Claughton-On-Brock

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Brief Summary

Application - Variation of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day. Foggs Farm, Hobbs Lane, Claughton-On-Brock.

Recommendation

That planning permission be **Granted** subject to conditions controlling working programme, highway matters, ecology, landscaping and storage locations.

Applicant's Proposal

Planning permission was granted on 1 March 2017 for the 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 and siting of two portacabin buildings (ref LCC/2016/0084).

Condition 8 of the planning permission requires as follows:

8. *Not more than two heavy goods vehicles (HGVs) shall leave the site in any one day.*

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



The requirements of this condition shall not apply to heavy goods vehicles (HGVs) associated with the importation of biomass for the purposes of fuelling the boiler.

The application proposes to amend condition 8 so that the daily limitation on heavy goods vehicles (HGVs) leaving the site is increased to six per day (12 movements).

Description and Location of Site

Fogg's Farm is located off Hobbs Lane, an unclassified road approximately 4km south east of Garstang within the Forest of Bowland Area of Outstanding Natural Beauty. The site has been historically used as a dairy farm but ceased to be a working farm in 1998. The surrounding land is comprised of agricultural grazing land. The farm complex is comprised of a range of portal frame and stone farm buildings together with an external drying unit, all of which have been used since 2017 for the applicant's business which is the production of agricultural bedding products from imported waste paper pulp.

There is one residential dwelling immediately adjacent to the farm complex which is occupied by the landowner's gamekeeper and also used as mess/office accommodation for the business. A public right of way crosses the access track and farm land immediately to the east and north of the site. Other properties are located at other farm complexes, the nearest of which are around 350m from Fogg's Farm.

History

Planning permission was originally granted in March 2017 for the change of use of land and buildings and the erection of various new pieces of plant for the purposes of manufacturing agricultural bedding materials from imported waste paper products. (Ref LCC/2016/0048).

Planning permission for the erection of a new building for the storage of plant and equipment with linked canopy for the loading of waste products was granted in July 2017 (Ref LCC/2017/0036).

Planning permission was granted in October 2017 to amend condition 3 of planning permission LCC/217/0036 to allow the storage of waste materials and plant within the building.

Planning permission ref LCC/2020/0031 was granted in October 2020 for the erection of a new building to accommodate production plant and bagging equipment and erection of a roof structure over the wet crumb storage area.

Planning Policy

National Planning Policy Framework

The following paragraphs are particularly relevant: 7-11 (achieving sustainable development), 111 (highway considerations) and 178 (development in Areas of Outstanding Natural Beauty (AONB's)).



Joint Lancashire Minerals and Waste Local Plan (JLMWLP):

Policy DM2 – Development Management

Wyre Local Plan

Policy SP2 – Sustainable Development

Policy SP4 – Countryside Areas

Policy SP5 – Forest of Bowland AONB

Policy CDMP1 – Environmental protection

Policy CDMP6 – Accessibility and Transport

Policy EP8 – Rural Economy

Consultations

Wyre Borough Council: No observations received.

Claughton Parish Council: No observations received.

Lancashire County Council (LCC) Highways Development Control: No objection – the proposed increase in heavy goods vehicle (HGV) movements is acceptable. However, due to the width of Hobbs Lane and lack of passing places, Lancashire County Council (LCC) Highways would be concerned if all the proposed vehicle movements occurred in a short space of time. Highways request that a condition is imposed to manage heavy goods vehicle (HGV) movements to no more than two within any hour in order to manage this risk.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received objecting to the application on the following grounds:

- The proposal would result in an increase in the number of vehicle movements to this site from four per day to 12 per day.
- The present restriction on heavy goods vehicles (HGVs) is on the limit of the engineering load capacity of the local roads.
- The width of the roads and frequent bends makes the route inadequate to allow such vehicles to pass each other safely.
- The heavy goods vehicles (HGVs) present a risk to safety of cyclists.
- The additional heavy goods vehicles (HGVs) will cause damage to the verges and sides of the roads.
- Several parts of the roads used by heavy goods vehicles (HGVs) to this site are in very poor condition – for example Brock Mill Lane, Ducketts Lane and Bleasdale Lane.
- May Lane is a route used by pupils attending St Marys Primary School.
- This area, including Beacon Fell and Brock Bottoms, is becoming increasingly popular as places to visit. There is a conflict with promotion of tourism and increased heavy goods vehicle (HGV) traffic.



Advice

Foggs Farm is a former agricultural unit that now operates as a site predominately for the manufacture of agricultural livestock bedding products which are produced from imported waste paper pulp. Planning permission for the change of use of the former farm complex to this use was granted in 2017 and a number of further permissions have since been granted for additional buildings.

When the 2017 planning permission was granted it was subject to a condition (condition 8) restricting the level of heavy goods vehicle (HGV) movements to the site to two loads (four movements) per day. This condition reflected the applicant's anticipated level of business activity at the time of the application. This level of heavy goods vehicle (HGV) movements was considered acceptable in terms of the highway network serving the site and its location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

The applicant now states that due to business growth and demand for the product, there is a need for heavy goods vehicle (HGV) movements in excess of those permitted by condition 8. This is particularly the case during the winter months when demand for bedding products increases due to cattle being kept undercover. The applicant states that during the winter months over the last two years, approximately five heavy goods vehicles (HGVs) have been leaving the site per day. The type of heavy goods vehicles (HGVs) associated with the operation are mainly articulated tippers importing wet paper crumb and biomass. As well as normal heavy goods vehicles (HGVs), product is also exported in smaller vehicles or in tractors/trailers as self-collection by farmers. The applicant wishes to increase the daily limit to six heavy goods vehicles (HGVs) leaving the site per day (12 movements).

The site is served by a number of minor rural roads that eventually lead to the A6 south of Catterall (approximately 6km from the site). The site is also located within the Area of Outstanding Natural Beauty (AONB).

Paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Policy SP5 of the Wyre Local Plan states that the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) will be protected from any development which would damage or adversely affect the character, appearance and setting of the Area of Outstanding Natural Beauty (AONB) and that development will be required to conserve, enhance and make a positive contribution to the natural beauty of the area.

Although there would be no change in the visual impact of the site itself, it is considered that there are potential conflicts with allowing the expansion of a manufacturing site within the Area of Outstanding Natural Beauty (AONB) particularly in terms of an increase in heavy goods vehicle (HGV) traffic on the rural roads used to access the site. Even though there may be no issue in terms of highway safety or capacity, it is considered that there must be a threshold where a use generating significant levels of heavy goods vehicle (HGV) movements would be better located on a suitable industrial site rather than within a rural area designated



for its special landscape character. It will be a matter of planning judgement to establish the point at which heavy goods vehicle (HGV) movements from the site begin to have an unacceptable impact on the character of the Area of Outstanding Natural Beauty (AONB).

The applicant states that production at Foggs Farm has expanded since installation of the plant for a number of reasons including:

- dry storage of the incoming paper crumb
- creation of more storage capacity for finished product allowing continuous production throughout the year and improved throughput
- better understanding of how to maximise efficiency of the drying plant and minimising breakdowns.

The applicant has explained their view that production is now approaching the ceiling that can be achieved with its current arrangements at Foggs Farm and that they have no proposals to further increase drying or production capacity at the site. Although demand for their product remains high due to shortages in other bedding materials, the company say they can meet the demand for their product through partnering with other drying facilities with Foggs Farm being retained to keep a baseline production and retain employment for key members of staff.

The applicant has provided further information on the breakdown of vehicle movements to the site for a summer week and also winter week when sales were greatest. Over a 5-day Monday to Friday period in summer the site generated 19 heavy goods vehicle (HGV) movements whilst the figure for the winter week was 29 movements, hence why the applicant has requested the condition be modified to six heavy goods vehicle (HGV) loads per day. The applicant notes that when using articulated tipper lorries for importing paper waste, that there are opportunities for back loading with finished product which helps to reduce overall numbers of heavy goods vehicle (HGV) movements. In terms of export during the winter week, eight of the total heavy goods vehicle (HGV) movements were self-collection by farmers (using tractor and trailer).

The main issue relates to the large articulated vehicles that access the site. Hobbs Lane is a single-track road and Bleasdale Lane, Gonder Lane and May Lane have areas of restricted width, some steep gradients and sharp bends where it is considered that a considerable increase in use by such large vehicles would not be desirable in terms of the amenities of the area and other road users. The export of material to local sites using tractors and trailers is considered to be less problematic as these types of vehicles are commonly found on rural roads in this area.

Lancashire County Council (LCC) Highways have raised no objection in terms of the capacity or safety of the local highway network. However, they have proposed a control on the numbers of heavy goods vehicles (HGVs) leaving the site per hour in order to avoid issues of heavy goods vehicles (HGVs) passing on Hobbs Lane where there are no passing places. It is considered that such a condition would be difficult for the applicant to comply with as they will have limited control of when heavy goods vehicles (HGVs) arrive at the site. The most effective control is considered to be to limit heavy goods vehicle (HGV) numbers to an acceptably low level which when



spread over the course of a full working day should minimise the occurrence of HGVs meeting on this road.

The applicant has requested if the method of control through a reworded condition 8 could be expressed as a weekly limitation rather than a daily limitation as that would provide them with greater flexibility regarding the management of vehicles. The applicant is willing to accept a weekly limitation of 25 heavy goods vehicles (HGVs) rather than the six per day/30 per week that was originally applied for. This is considered acceptable and would still be enforceable. It should be recognised that a large proportion of these heavy goods vehicles (HGVs) will be tractors and trailers collecting product for use on local farms and therefore a type of traffic that is more acceptable on local roads compared to large articulated heavy goods vehicles (HGVs).

At present the access road to the site where it joins Hobbs Lane has only a stone surface. There is some evidence of stone and other debris being deposited onto the surface of Hobbs Lane by heavy goods vehicles (HGVs) leaving the site. It is therefore considered that a condition should be imposed requiring the first 15 metres of the access road to be hard surfaced. The applicant is agreeable to such a condition.

Subject to the conditions discussed above, the proposal is considered acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy SP5 of the Wyre Local Plan.

In view of the scale, location and nature of the proposal, 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:

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 ref LCC/2016/0084 received by the County Planning Authority on 18 November 2016 as amended by planning application ref LCC/2023/0005 received on 1 February 2023.
 - b) Submitted Plans and documents submitted with planning application LCC/2016/0084:
 - 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



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 (LMWLP) and policies SP2, SP4, SP5 and CDMP1 of the Wyre Borough Local Plan.

2. No waste material or finished product shall be stored except within the buildings labelled Shed 1, Shed 2 and Shed 4 as shown on drawing 20-1133-PO1 Rev D submitted with planning application ref LCC/2020/0031. No storage of waste material or finished product shall take place outside of the buildings within the open yard area.

No storage of biomass for the purposes of fuelling the boiler shall be stored except within the building labelled as Shed 3 on drawing 20-1133-PO1 Rev D submitted with planning application ref LCC/2020/0031.

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 (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

3. Within two months of the date of this planning permission, that part of the site access road extending from the junction with Hobbs Lane for a distance of not less than 15 metres shall be surfaced in tarmac, concrete or other hard surfaced material. The surfaced area shall thereafter be maintained, free from potholes, for the duration of the development.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

4. The hedgerow on either side of the access with Hobbs Lane shall be maintained at a height not exceeding one 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 DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

5. 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 (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

6. Not more than 25 heavy goods vehicles (HGVs) shall leave the site in any one week.

The numbers of heavy goods vehicles (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.

Reason: In the interests of highway safety and local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

7. No heavy goods vehicles (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 (LMWLP) and policy CDMP1 of the Wyre Borough Local Plan.

8. The landscaping works shown on drawing ML/HR/55257 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 (LMWLP).

9. 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 (LMWLP).

10. The barn owl mitigation works described in the letter from Envirotech Ltd dated 13 February 2017 shall 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 (LMWLP).

Definitions

Heavy Goods Vehicle (HGV): A vehicle including a tractor and trailer of more than 7.5 tonnes gross weight.

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

Paper	Date	Contact/Directorate/Ext
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LCC/2023/005

June 2023

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Reason for Inclusion in Part II, if appropriate

N/A

