

Development Control Committee
Meeting to be held on 12th April 2017

Electoral Division affected:
West Lancashire South

West Lancashire Borough: Application number LCC/2017/0007
Erection of building to house four 1MW biomass boilers each with a 7.2m high exhaust stack, and four associated fuel silos and a drying floor, and the provision of photovoltaic solar panels on the southern half of the roof of the building. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application – Erection of building to house four 1MW biomass boilers each with a 7.2m high exhaust stack, and four associated fuel silos and a drying floor, and the provision of photovoltaic solar panels on the southern half of the roof of the building. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour and finish of building materials, lighting and noise.

Applicant's Proposal

Planning permission is sought for an extension to an existing portal frame building to house 4 x 1MW biomass boilers, and 4 no. associated fuel silos and a drying floor. Each of the biomass boilers would have an exhaust stack. Photovoltaic solar panels would be installed on the south facing pitch of the roof.

The building would measure 54m x 22m, with a pitched roof measuring 7.2 metres at the ridge. The building would be constructed from corrugated steel cladding. The building would have 8 x vehicle entrance/exit roller shutter doors to each measure 4.8m high x 6m wide, and 3 x double personnel steel access doors. The biomass boiler exhaust stacks would be stainless steel and be 0.6m wide with an overall height of 7.2m. The whole of the building, except for the 0.6m wide gap between the roller shutter doors and up to 2m high, would be coloured a light blue/grey to match the existing building that it would adjoin. The majority of the south facing pitch of the roof would be covered in photovoltaic solar panels while the north facing pitch would be formed from translucent Glass Reinforced Plastic (GRP) corrugated sheeting.

The feedstock for the biomass boiler would be waste wood that has been separated from the waste materials imported to the site. The skip waste is sorted in a building on the west side of the applicant's waste transfer station. Sorted wood would be chipped and transported to the proposed building where it would be stored and dried on the drying floor, using the heat from the biomass boilers, until it is sufficiently dry that it can be transferred into the silos that feed each individual biomass boiler. From the silos, the fuel material (waste wood) would be automatically agitated into the boiler chambers. The heat to be generated by the biomass boilers would not just dry the chipped wood that is to be used in the biomass boilers on site, but also to produce a dried chipped wood that could then be exported from the site for use as a feedstock for biomass boilers generally. There would also be the ability to supply heat to the adjacent building, via internal ducting.

The boilers would use approximately 5,500 tonnes of waste wood per year. Ash produced from the boiler would be collected in an enclosed vessel and removed from site as and when required to a suitable, permitted waste facility. The boiler would operate continually other than for essential maintenance, although the acceptance and chipping of the wood would only take place during normal operating hours.

Description and Location of Site

The application site is part of an existing waste management site/ waste transfer station located within Simonswood Industrial Estate to the south of Stopgate Lane approximately 800m from the northern edge of Kirkby.

Vehicular access to the site is via the internal road that runs through the industrial estate. The applicants waste transfer site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials. A waste transfer and an office building are located on the west and north sides of the site, respectively. The application site is on the south side of the site and is a hardstanding area that used to be occupied by a building. The site has planted screen mounds along the north and south boundaries of heights 6m and 7.25m, respectively.

Beyond the northern boundary are agricultural fields and then the nearest residential dwellings that are approximately 290m to the north-west of the application site itself. Beyond the eastern boundary is another inert waste processing company with the Kirkby to Wigan railway line to the south with agricultural fields beyond. Beyond the western boundary is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles, and land used for the storage of shipping containers.

Background

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions.

The most relevant permission to this proposal relates to the building that would be extended. Planning permission for the erection of the waste transfer building was granted in February 1997 (ref: 8/96/1168).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123, 124 and 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, air quality and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications and the waste hierarchy.

National Planning Practice Guidance

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

Policy CS7	Managing Our Waste as a Resource
Policy CS9	Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management
Policy DM4	Energy from waste

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3	Criteria for Sustainable Development
Policy EC1	The Economy and Employment Land - Other Significant Employment Sites – Allocated Waste Sites
Policy EN1	Low Carbon Development and Energy Infrastructure

Consultations

West Lancashire Borough Council – The Borough Council originally objected to the application as they considered that insufficient information had been submitted to be able to assess the night time noise impacts from the biomass boilers and associated development on the amenities of the nearest residential properties on Stopgate Lane and Siding Lane. On receipt of further information, the Borough Council's objections have been withdrawn and request that conditions be imposed on any permission to require the implementation of the proposed mitigation in the form of additional sound insulating material to the building housing the biomass boilers, and that noise levels from the site's plant, equipment and machinery shall not exceed 35dB(A) $L_{Aeq, 15min}$ between 2300 and 0700 hours on any day as measured or calculated at the boundary of any nearby residential dwelling.

Simonswood Parish Council – Object for the following reasons:

- The applicants have failed in the past on several occasions to operate to the agreed license arrangements.
- The PC suspect the size of the biomass is far too large for the purpose that has been outlined in the application.
- There is very little detail regarding feedstock. Assurance is needed that no contaminated feedstock would be burnt.
- The site is in close proximity to a food processing facility (Freezeserve).
- There would be a large increase in H.G.V movements on roads already unsuitable for purpose.
- The development may pose a fire risk.
- The proposal is totally unsuitable for this site.
- A considerable amount of work has already been undertaken to construct the building.
- There appears to be no extra drainage associated with the new building.

Knowsley Metropolitan Borough Council - No observations received.

Environment Agency – No objection. It is commented that the proposed biomass boilers would not be covered by the environmental permit that is in place for the site. Biomass boilers can fall to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant. If the activity were to fall to the Environment Agency this would require the applicant to apply for an installation environmental permit.

LCC Highways Development Control - No observations received.

LCC Specialist Advisor (Ecology) – No objection.

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

Advice

Planning permission is sought for a building to house four 1MW biomass boilers each, and associated fuel silos and a drying floor, so as to generate heat for transfer for use in other buildings on the City Centre Commercials site. The photovoltaic solar panels to be attached to the roof of the building would generate electricity to be used at the site.

The main issues associated with the application are the need for the development, the acceptability of the site to be used for this purpose, the visual impact, noise and air quality.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site

and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy.

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, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable. The impacts of the photovoltaic solar panels on an existing industrial building are deemed to be acceptable and hence comply with Policy EN1 of the West Lancashire Local Plan DPD.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage waste as a resource. The development would allow the use of some of the waste wood separated at the site as a fuel resource to generate heat. This heat would be used to reduce the moisture content of other wood based materials that are collected at the site so that they could be processed and sold from the site as a biomass material to be used as a fuel. Any other surplus heat would be used for space heating elsewhere on the site. The proposal would therefore allow the recovery of energy from waste wood thereby securing a move up the waste hierarchy in compliance with National Waste Policy and policy WM4 of the LMWLP.

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed use would have an industrial character and hence conforms with Policy EC1.

The building would not be overly large and is of a size necessary for its intended purpose. The design, materials and colour of the building would match the existing building it would extend, and are acceptable. As the site is on the south side of Simonswood Industrial Estate, then the only views of the development are from the fields to the south and these would be largely obscured from view by the screen

mounds along the southern boundary. It is considered that the proposed design and use of materials would have minimal visual impact but that a condition should be imposed requiring that the colour of the building matches that of the adjacent building. While no lighting is currently proposed, it may be introduced in the future, and so to ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval.

West Lancashire Borough Council consider that the potential night time noise impacts from the biomass boilers and associated development on the amenities of the nearest residential properties on Stopgate Lane and Siding Lane would be acceptable provided that conditions are imposed on any permission to require the implementation of additional sound insulating material to the building housing the biomass boilers, and that noise levels from the site's plant, equipment and machinery should not exceed $35\text{dB(A)}_{L_{\text{Aeq}, 15\text{min}}}$ between 2300 and 0700 hours on any day as measured at the boundary of any nearby residential dwelling. The potential noise impacts of the development are therefore considered acceptable. It is considered that the development would not create issues related to dust.

In relation to highway matters, the proposal should reduce the number of vehicle trips on the public highway associated with the applicants business as some of the waste wood would be used as fuel on site and would therefore not be exported. The ash that would be generated would need to be exported for disposal but would be a minor amount

Simonswood Parish Council have commented that the development has commenced and that there is no extra drainage associated with the new building. In response, the applicant has advised that the site of the proposed building already consists of a hardstanding. The rainwater from the building would discharge onto the existing site hardstanding which itself drains to the sluice on the west side of the site with the final discharge point at a nearby natural watercourse by the southern boundary of the industrial estate. The development would therefore not increase the surfaced areas at the site and would not increase rates or volumes of run off and the development is considered acceptable in terms of drainage. All of Simonswood Parish Council's other concerns are addressed elsewhere in this report.

Subject to the imposition of conditions as recommended above, it is considered that the development accords with the requirements of the NPPF, and Policy CS9 of the Lancashire Minerals and Waste Core Strategy DPD, Policy DM2 of the LMWLP, and Policy GN3 of the West Lancashire Local Plan DPD. Notes should also be attached to any permission to advise that the applicant is required to apply for the relevant permit for the biomass boilers to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

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:

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 validated by the County Planning Authority on 13 January 2017, and the emails from the applicant dated 10 February 2017 and 21 March 2017.

b) Submitted Plans and documents validated by the County Planning Authority on 13 January 2017:

Design and Access Statement
Phase 1 Preliminary Risk Assessment
Environmental Statement
Drawing No. P122_200A - Site Location Plan
Drawing No. P122_201 - Existing Site Plan
Drawing No. P122_202 - Block Plan
Drawing No. P122_203 - Existing Plans and Elevations
Drawing No. P122_204 - Existing Site Sections
Drawing No. P122_205 - Proposed Site Plan
Drawing No. P122_206 - Proposed Plans and Elevations
Drawing No. P122_207 - Proposed Site Sections
Drawing No. P122_208 - Proposed Drainage Plan

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 Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies GN3, EC1 and EN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Building Materials

3. The building materials used for the external elevations and roof of the extension shall match those used on the existing building that it would extend, and shall be maintained in that colour throughout its presence on the site.

Reason: In the interests of the visual amenities of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Floodlighting

4. No external lighting and floodlighting shall be erected on the new building unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and power of lights
- b) Types of masking or baffle at the lighting head
- c) Number and size of lighting units
- d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties
- e) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Control of Noise

5. The building housing the biomass boilers shall incorporate the additional sound insulating materials described in the email from the applicant dated 10th February 2017

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Noise emitted from the development shall not exceed 35dB(A)LAeq, 15min between 2300 and 0700 hours as measured or calculated at the boundary of any nearby residential dwelling.

The measurements shall be undertaken in accordance with the methodology described in BS4142:2014.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

The applicant is required to apply for the relevant permit for the biomass boilers to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

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

Paper	Date	Contact/Directorate/Ext
LCC/2017/0007	13 January 2017	Rob Jones/534128

Reason for Inclusion in Part II, if appropriate

N/A