



Officers Report

Planning Application No: 133568

PROPOSAL: Retrospective planning application for change of use of field to woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

LOCATION: Orange Farm Sykes Lane Saxilby Lincoln LN1 2NX
WARD: Saxilby
WARD MEMBER(S): Cllr Mrs J Brockway and Rev Cllr D J Cotton
APPLICANT NAME: Mr Colley

TARGET DECISION DATE: 06/07/2016 (Extension of time agreed until 31st October 2016)
DEVELOPMENT TYPE: Change of Use

RECOMMENDED DECISION: Grant permission subject to conditions

Following the planning committee meeting dated 19th October 2016 this application was differed by the members for a site visit on 7th November 2016 at 2pm. At the request of the planning committee the Environment Agency have provided a further response to the application and the agent has confirmed that the biomass boiler is used to heat the home and water supply. These have been added into the report content.

Description:

The application site is currently split into two sections. One section has planning permission for the use of a woodyard (see 130561 in planning history) and the second section currently has an agricultural use as a field. However the second part of the site is being used as a woodyard resulting in this retrospective planning application. The site sits within the open countryside approximately 1,315 metres to the north west of Saxilby. The site has a wide vehicular access and onsite parking and turning space. The site slopes gently from the south to north. The site is screened to the north and south by hedging. The site is open to the west boundary with hedging and trees close by. The east boundary is a mix of low fencing and open boundary treatment. To the north and south of the site is open countryside with residential dwellings to the west. Approximately 90 metres to the east is Willow Tree Farm which is used for the transfer and treatment of recyclable domestic and light industrial inert waste. The entire site sits within flood zone 2 due to the proximity of the watercourse to the south. The woodyard business which includes the use of machinery, chainsaws and bulk storage of tree trunks.

The application seeks retrospective permission for the change of use of a field to a woodyard for log cutting and amendment to 3 sided cutting shed to incorporate amendments made on site, including bio mass unit.

It has been requested by a ward member that the application goes to the planning committee because 'it is a highly contentious' application.

Relevant history:

130561 - Planning application for change of use of field to woodyard for log cutting, including the erection of an outbuilding and installation of permeable hardstanding – 25/03/14 - Granted time limit and other conditions

Representations

Chairman: No representations received to date

Ward member: Representations from Councillor Brockway:
This is a highly contentious application so could I please ask for it to go to the Planning Committee for determination.

Other Ward Members: No representations received to date

Saxilby Parish Council: Comments

- Further information is required on the Environmental Impact of the application, particularly in relation to small and fumes.
- There is a lack of appropriate vehicular access through the village to the site.
- The council requests that the application is referred to the WLDC Planning Committee for consideration.

Local residents: Representation received from 1 Sykes Junction Cottages, 4 Sykes Junction Cottages, The Haven and Haven Equestrian, Sykes Lane, Saxilby:

Residential Amenity

- Noise from operation of the site and poor sound barriers.
- Air pollution from smoke and odour from biomass boiler affects use of external spaces, health and provides sleep disturbance.

Visual Impact

- Boiler, chimney stack and large piles of trees is a blight site and industrial in appearance. Inappropriate and adverse visual impact on the open countryside location.
- Page 29 of the Saxilby with Ingleby Neighbourhood Plan protects existing features and the natural landscape.

Highway Safety

- Impact of heavy lorry loads on verges and require passing places.
- Large lorries are a hazard to pedestrians, cyclists and horse riders.

Drainage/Flood Risk

- Risk of flooding due to highly compacted site and extensive hardcore coverage.

Tourism

- Impact on tourism as supported by the Saxilby with Ingleby Neighbourhood Plan

Other

- Decreases value of house
- Fire Risk
- Impact on Local Businesses and employment through loss of customer
- Breach of human right
- Loss of paddock area.
- The site will only be improved by the removal of the biomass boiler and cease the use of the site.

Public Protection Officer: No objections with comments

- The proposed extension will address concerns regarding noise from the activity on site, particularly chainsaw noise.
- I have no concerns regarding smell and odour from the site other than a requirement that the boiler be operated according to manufacturer's instructions and that records of maintenance and servicing are kept by the operator and made available to officers upon request.

LCC Highways: No objections subject to condition and advisory note

Response received 21st June 2016:

The Highway Authority would request the applicant submits a Transport Statement outlining the number of vehicle trips to and from the site with a breakdown by type and size.

Response received 16th September 2016:

Condition

The Highways Authority consider a scheme of passing places is required to facilitate this development due to the narrow nature of the carriageway and the verge damage evident. Please condition that no development should take place until a scheme of passing places has been submitted to and approved by the Local Planning Authority.

Environment Agency: No objections

Response received 24th May 2016

Owing to the small scale and low flood risk vulnerability of the proposal, we do not wish to make any comments on this application.

Response received 24th October 2016

We have no objections and do not wish to request any planning conditions.

We would however appreciate it if the following advice could be passed to the applicant:

'The applicant should review our waste exemption pages, in particular the *U4 Burning of Waste as a fuel in a small appliance* exemption, if they are using or intending to use waste materials as fuel in the biomass boiler. The applicant should also be reminded that this restricts the wastes to clean woods only. Painted, treated and glued woods are not suitable as they can produce noxious fumes. Further information is available at <https://www.gov.uk/guidance/waste-exemption-u4-burning-of-waste-as-a-fuel-in-a-small-appliance>

Archaeology: No objections

IDOX checked: 4th November 2016

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 12 Development in the Open Countryside

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 17 Control of Potentially Polluting Uses

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

The submission draft local plan has now been submitted to the Secretary of State for examination. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. However, the development plan is still considered to be the starting point when considering development. The policies relevant to this application are noted to be:

LP1 A presumption in Favour of Sustainable Development

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP19 Renewable Energy Proposals

LP26 Design and Amenity

LP55 Development in Hamlets and the Open Countryside

http://central-lincs.objective.co.uk/portal/central_lincolnshire/further_draft/fdlp?tab=files

Saxilby with Ingleby Neighbourhood Plan

The Saxilby with Ingleby Neighbourhood Plan group has formally consulted the public (Stage 3) on their draft Neighbourhood Plan for a 6-week period from Wednesday 4th May until the 15th June 2016. The draft plan was due for submission to the Local Authority (Stage 4) at the end of September 2016 but this has now been put back due to further discussions and amendments. The Saxilby with Ingleby Neighbourhood Plan therefore carries some weight.

Policy 2 Design of New Developments

Policy 8 Small Scale Business Development

Policy 11 Minimising the impacts of Development on the Natural Environment

Policy 16 Traffic and Movement around the Village

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan/>

National Guidance

National Planning Policy Framework 2012 (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/>

Main issues:

- Principle of Development
- Rural Economy
- Renewable Energy
- Impact on Residential Amenity
- Impact on Visual Amenity
- Flood Risk
- Highway Safety
- Archaeology

Assessment:

Principle of Development

This is a retrospective planning application which comprises three different elements. These are listed below along with any current or previous important relevant details.

1. The retrospective change of use of agricultural land to a woodyard business. This area is currently used for the storage of piled tree trunks.
2. The retrospective siting of a biomass boiler with chimney and dryer unit. This is not just installed but in operation as well.

3. The retrospective siting of a building for chainsaw activity. A noise reduction building was given permission in planning application 130561 but was partially constructed in the wrong position. Instead of being orientated east to west it was orientated north to south. The southern half of the building constructed was located in the correct position but still not in accordance with the plans due to the orientation. Therefore the entire building requires retrospective planning permission.

Saved Policy STRAT 12 states that development within the open countryside will not be granted unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. The site in planning permission 130561 which is adjacent the change of use site has already established the principle of having a forestry business in this location. The established site along with the application site is used for processing firewood from delivery of the tree trunks to distributing the firewood to customers.

The principle of the development is therefore acceptable as the use meets the definition of forestry. This is dependent on all other material consideration being satisfied.

Rural Economy

Paragraph 28 of the National Planning Policy Framework (NPPF) clearly states that planning policies should support economic growth in rural areas in order to create jobs and prosperity. The business currently employs four full time and two part time staff including Mr Colley.

Additionally it supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. As previously discussed the site includes a timber building which has been partially incorrectly positioned and it requires the completion of the building approved in planning permission 130561. The timber building provides an area to operate the chainsaws to reduce the noise impact of its use on the nearby residents.

Renewable Energy

One of the core principles contained within paragraph 17 of the NPPF states that planning should '*support the transition to a low carbon future in a changing climate*' and '*encourage the use of renewable resources*'.

Guidance contained with paragraph 93 of the NPPF states that '*planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development*'.

Furthermore paragraph 95 goes on to say that *'to support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings'*.

Paragraph 98 states that *'When determining planning applications, local planning authorities should:*

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable'.*

Submitted CLLP local policy LP19 supports the use of non-wind renewable energy developments providing they are *'assessed on their own merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme'*.

The biomass boilers will provide energy to the business and will be fed by timber which is dried in the dryer unit. The biomass boiler additionally provides heat and hot water to the host dwelling. The use of renewable technology is a benefit of the scheme.

Impact on Residential Amenity

The expansion of a forestry use into an open countryside location can have a detrimental impact on the living conditions of nearby residents in the form of noise, smell or dust. The business is already established in this area of Sykes Lane through planning permission (130561).

Noise and Dust:

Objections have been received in relation to noise and dust levels generated by the site. The situation with the building is explained in point 3 of the principle of development section above. The building approved in 130561 was not constructed in the correct position therefore although it reduces noise and dusts level impacts it does not fully provide the intended mitigation of a correctly positioned building. The proposed inclusion of the green hatched area on plan PL/A1/106A dated October 2015 will provide the necessary mitigation from the use of the chainsaws which is the loudest noise source created on the site. This area identifies the position of the proposed extension to the existing timber building used for chainsaw work. The building will only be open to the north side therefore reducing noise levels in all other directions.

The application has included the submission of a noise impact assessment completed by Environmental Noise Solutions Ltd dated 12th February 2014. In paragraph 4.10 it states that the building must be constructed from a material with a density of 10kg/m² or greater to allow for a reduction of at least 15 decibels.

The existing and proposed open sides to the north and east does and will direct the noise away from the nearby residents. It is considered that the proposed building when completed in full will reduce noise levels to an acceptable level providing it is positioned as submitted on PL/A1/106A dated October 2015 and constructed using a timber material of appropriate thickness (10kg/m²).

Noise on the site additionally occurs from the operation of the on-site vehicles plus heavy goods vehicles and light goods vehicles entering and existing the site. These operations and movements are not as noisy or as frequent as the chainsaw noise and are considered as acceptable.

The use of the site does cause levels of smell and dust associated with the various processes which occur on site. These levels are reduced by the tree cutting being completed within the confines of the timber building which will be subject of a planning condition. It is therefore considered that the levels of smell and dust are acceptable from the tree cutting process of the business. This is supported by the Public Protection Officer proving the building is completed in accordance with the plans. The permission will include a condition ensuring the building is completed within 3 months of the date of the permission.

Air Pollution:

Objections have additionally been received in relation to air pollution (smoke and odour) from the biomass boiler. The site has been visited on a number of occasion by the Public Protection Team following a number of complaints and they have no concerns regarding smell and odour providing the boiler is operated in accordance with the manufacturer's instructions and that records of maintenance or servicing are kept by the operator and made available to officers upon request. The site has also been visited on four unarranged occasions by the case officer and there was no experience of any odour or smoke from the operation of the boiler.

It is therefore considered that the operation of the boiler does not have a significant impact on the living conditions of neighbouring residents.

The existing business has permission to operate between the hours of 8:00-16:30 from Monday to Friday and Saturday mornings from 9.00-12:30. These hours of operation will be replicated on this permission.

Impact on Visual Amenity

Saved Policy STRAT 12 of the West Lindsey Local Plan Review 2006 places great importance on the open countryside and the conservation of its beauty, and maintaining its enjoyment its character gives. However this does have to be balanced against the need to encourage the rural economy and employment opportunities in the open countryside.

The visual impact of the proposal has been made simpler to assess by the business already operating on site and the existence of the biomass boiler. This application has applied to include areas used for tree trunk storage.

It has to be acknowledged that the proposal as a whole does have an impact on the character of the site but this impact has to be significant to warrant a refusal decision. The existence of large vehicles is not considered as uncommon in the open countryside due to the presence of agricultural vehicles which use Sykes Lane. The building will be completed in timber to match the existing building which is an appropriate material in this location. The expansion of the site has meant a greater spread of tree trunk piles but not to an extent that will cause a significant adverse visual impact. It might be considered as reasonable to limit the height of the tree trunk mounds but in reality this would be hard to monitor and/or enforce.

The biomass boiler includes a silver stainless steel chimney of approximately 7.75 metres in height (measurement taken from plan PL/A1/107 dated 10/15). This has introduced a reasonably high and shiny feature onto the site but the chimney has a low diameter.

However it is considered that the visual impact is limited to the close local area and does or will not affect the wider open countryside due to the hedging, high trees and the position and raised level of the railway line. Therefore the proposal does and will not have a significant visual impact on the open countryside and is considered acceptable.

Flood Risk

The site sits within flood zone 2 due to the proximity of the watercourse to the south. Surface water from the timber building will be disposed of to a soakaway to the north west of the building. The use of a suitable soakaway for the ground conditions will be dealt with under Building Regulations. The proposed area of hardstanding will be constructed using a porous material which will allow rainwater to drain naturally into the ground. The Environment Agency initially decided not to comment on the development due to the small scale and low flood risk vulnerability of the proposal. The Environment Agency have now following a request by the planning committee provided a further comment stating that they have no objections to the proposal but request that advice is passed onto the applicant through an informative. The proposal will therefore not increase the risk of flooding.

Highway Safety

The application has included the submission of a Transport Statement received 8th September 2016. The transport statement includes the below table of vehicle movements.

	Frequency	Time	Days
HGV's	15 per Annum	08:00 - 16:30	Mon - Fri Only
PLG* Vehicles assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri
Cars assoc. with Business	Up to 5 per day	07:30 – 17:00	Mon - Fri

**For the purposes of this report, cars have been identified separately*

The Highways Authority has recommended that the proposal requires a scheme of passing places to be introduced due to the narrow nature of the carriageway and the verge damage evident. The agent has stated that the request for a scheme of passing places is not necessary along Sykes Lane. The amount of vehicle movements and employees is not different to when planning application 130561 was determined. In this application it was considered as unreasonable to apply this into the proposal due to the amount of heavy goods vehicle deliveries and traffic generated by the operation of the site.

The site has a wide access and a good sized parking area which ensures that all delivery vehicles can be parked off the highway whilst being unloaded or loaded, have an area to fully turn around and can enter and exit the site in a forward gear.

It is therefore considered that the proposal due to the small amount of deliveries by heavy goods vehicles will not have a significant impact on highway safety.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

Other Considerations:

None

Conclusion:

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 12 Development in the open countryside, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE14 Waste Water Disposal and NBE 17 Control of Potentially Polluting Uses of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP19 Renewable Energy Proposals, LP26 Design and Amenity and LP55 Development in Hamlets and the Open Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. Furthermore consideration has been given to the Saxilby with Ingleby Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the benefits of the proposal will outweigh any harm. The proposal enable the continuation of a rural business in this location and maintain the job opportunities it creates whilst utilising a source of renewable energy. It will not significantly harm the character and appearance of the open countryside or the living conditions of the neighbouring occupiers. The proposal will not have a significant adverse impact on highway safety, will not increase the risk of flooding or have an adverse archaeological impact. The proposal is therefore acceptable subject to a adhering to a number of conditions.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Recommendation: Grant planning permission subject to the following conditions;

Conditions stating the time by which the development must be commenced:

NONE

Conditions which apply or require matters to be agreed before the development commenced:

NONE

Conditions which apply or are to be observed during the course of the development:

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: PL/A1/105 Rev A, PL/A1/106 Rev A and PL/A1/107 dated October 2015. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

2. The wood yard shall only be in operation between the hours of 8:00 and 16:30 Monday to Friday and Saturday between 9:00 and 12:30.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review

2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

3. All deliveries and collections shall only be carried out during the hours of operation described in condition 2 of this permission.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

4. The proposed timber building extension shown on drawing number PL/A1/105 Rev A dated October 2015 shall be constructed within 2 months of the date of this permission in the position hatched green on drawing number PL/A1/106 Rev A dated October 2015 and retained thereafter.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 and local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

5. The operation of all chainsaws shall be carried out at all times within the timber building shown on drawing number PL/A1/105 Rev A and PL/A1/106 Rev A dated October 2015.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development:

6. No lighting shall be erected or introduced onto the site.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

7. The biomass boiler and dryer shown on plan PL/A1/106 Rev A and PL/A1/107 dated October 2015 shall be operated in accordance with manufacturer's instructions and records of maintenance and servicing are kept by the operator and made available to Local Authority Officers upon request.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan First Review 2006 local policies LP26 and LP55 of the Submitted Central Lincolnshire Local Plan 2013-2036.

Informative

'The applicant should review our waste exemption pages, in particular the *U4 Burning of Waste as a fuel in a small appliance* exemption, if they are using or intending to use waste materials as fuel in the biomass boiler. The applicant should also be reminded that this restricts the wastes to clean woods only. Painted, treated and glued woods are not suitable as they can produce noxious fumes. Further information is available at <https://www.gov.uk/guidance/waste-exemption-u4-burning-of-waste-as-a-fuel-in-a-small-appliance>