

Application No: 14/3395M
Location: ROBINSON NURSERIES, BOLSHAW ROAD, HEALD GREEN
Proposal: WOOD CHIP BIOMASS BOILER
Applicant: PETER ROBINSON, W ROBINSONS NURSERIES LTD
Expiry Date: 15-Oct-2014

Date Report Prepared: 15 October 2014

SUMMARY RECOMMENDATION
REFUSE

MAIN ISSUES

- Principle of Development/ Green Belt
- Renewable Energy/ Sustainable Development
- Amenity
- Design/ Visual impact
- Ecology
- Highway Safety
- Trees

REASON FOR REPORT

The application is for the erection of a building over 1,000 sq. m and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 6,219.28 sq. m and comprises W Robinsons Nurseries Ltd– an existing nursery business.

The site is bounded by a residential estate to the East, Bolshaw Road to the North with Styal Golf Course to the south east, south and west. A spur for the Manchester Airport Eastern Link Road runs along the southern site boundary in a north western to south easterly direction.

There is a public footpath running north to south adjacent to the nursery business along a field boundary.

DETAILS OF PROPOSAL

The development proposes to construct a single biomass Combined Heat and Power plant on part of the commercial Nursery site to provide affordable heat and power to the Nursery with the double aim of maintaining the economic viability of the Nursery and associated jobs, and to make a significant reduction in the carbon footprint of the Nursery. Any surplus electricity would be exported to the National Grid. The building would measure 30m x 40m reaching a height of 14m to eaves, 16m to ridge and the flue would have a height of 20m.

Wood would be delivered from various locations and would be burned to provide energy for the existing business. At present, the business is reliant on coal, heavy fuel oil and gas.

Planning History

Various applications for glass houses associated with the existing business and applications for the Manchester Airport Eastern Link.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC63 – Contaminated Land
T7 – Safeguarded Routes
GC1 – Green Belt
DC13 – Noise
DC62 – Renewable Energy
DC63 – Contaminated Land

Cheshire Waste Local Plan - Saved Policies

Policy 1 Sustainable Waste Management
Policy 2 Need For Waste Management Facilities
Policy 12 Impact of Development Proposals
Policy 14 Landscape
Policy 15 Green Belt
Policy 19 Agricultural Land Quality
Policy 20 Public Rights Of Way
Policy 23 Noise
Policy 24 Air Pollution: Air Emissions Including Dust
Policy 26 Air Pollution: Odour
Policy 27 Sustainable Transportation of Waste and Waste Derived Materials
Policy 28 Highways
Policy 36 Design

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
PG3 – Green Belt
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerow and Woodland
SE9 – Energy Efficient Development
SE11 – Sustainable Management of Waste
SE14 – Jodrell Bank
CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
Planning Practice Guidance

CONSULTATIONS (External to Planning)

PROW Unit – no objections subject to informative

Environment Agency – no objections but permit is required

Environmental Health – recommends refusal on the grounds of insufficient information

Highways Agency – No objections

Highways – No objections

VIEWS OF THE TOWN COUNCIL

Handforth Town Council objects - Councillors also expressed concern about the lack of consultation with neighbours. Given the scale of the development residents of Clay Lane and Bolshaw Farm Lane should have been made aware of the proposals within this planning application. Councillors also question whether adequate justification has been given to warrant releasing land from the Green Belt.

Styal Parish Council has no objections to this planning application in principle but would want reassurances that any odours emanating from the operation are strictly controlled and minimised.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Planning Statement

This statement provides details of the proposals, policy framework and details of the benefits of the proposals.

Protected Species Survey

Great Crested Newts, Badgers, Breeding Birds and Bats were not present and there is no requirement for an EPS licence. Mitigation is proposed.

Contaminated Land Report

Details of the ground conditions.

CO2 Saving Impact Assessment

Details of the carbon savings associated with the boiler.

Visual Impact Assessment

Plans showing the building from various vantage points.

OFFICER APPRAISAL

Principle of Development

The site lies in the North Cheshire Green Belt as defined by the Development Plan. New buildings in the Green Belt are regarded as inappropriate development unless they meet one of the exceptions within paragraph 89 of the Framework. Paragraph 91 of the Framework states that:

“When located in the Green Belt, elements of many renewable energy project will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

The proposed biomass boiler is considered to be inappropriate development when measured against policy GC1 of the Macclesfield Borough Local Plan and paragraphs 89-91 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whilst the building would be located on an existing field, this seems the most logical location to extend the site, located adjacent to its southern boundary where it would be viewed as part and parcel of the existing site with its backdrop of substantial horticultural buildings.

The flue would be tall and whilst it would be seen against the backdrop of these buildings its sheer height would make it incongruous resulting in encroachment and impact upon openness.

This harm together with the harm by reason of inappropriateness would need to be clearly outweighed by other considerations in favour of the development in order to conclude that there may be very special circumstances to permit the development.

Renewable Energy/ Sustainability

The Nursery currently relies on three existing boiler houses which have served this function as the Nursery has expanded. The biomass plant would displace all coal boiler heat and much gas boiler heat. In addition the CHP would export to the grid and would displace electricity generated by large power stations. The CO₂ reduction would be the broad equivalent of taking 4220 family cars off the road or the emissions of 1635 semi-detached houses.

Policies within the NPPF, emerging Local Plan and adopted Local Plan are all supportive of the inclusion of renewable technologies and improvements towards achieving a low carbon future.

There is some synergy between renewable energy and sustainability as this would not only reduce the carbon footprint of the business by replacing fossil fuels, it would also reduce fuel miles thereby reducing the need to travel. This is a significant benefit of the proposals.

Air Quality

The applicant state there would also be a reduction in particulate matter and nitrogen oxides. As discussed further in the report, this has not been demonstrated conclusively. Whilst a potential benefit, it is not possible to attribute much weight to this with the information provided in the application.

Jobs

2 full time jobs would be created in transportation and 1-2 jobs on the harvesting and chipping of the wood chip.

This is a benefit that is considered carries some weight in favour.

Ash Waste

The applicant has identified that the ash is waste material used in fertiliser and ideal for re-use elsewhere across the site. This adds to the sustainability benefits of the proposal and carries some weight in favour of the development.

Green belt balance

The combination of the above factors would constitute benefits in favour of the proposals (subject to more information on the pollution impacts of the boiler). The proposal has the potential for wider environmental benefits which paragraph 91 of the Framework indicates could be considered as very special circumstances. However, it is considered that the scale of the building, albeit in context of the existing horticultural layout, has a significant impact on openness. This is a key attribute of the green belt and should be afforded significant weight. It is not considered that the applicant has demonstrated the very special circumstances needed for this project to succeed. The considerations in favour are not considered to outweigh the harm by reason of inappropriateness and the other harm to the Green Belt (harm to openness and encroachment).

(It is noted that the “Redhill” case, which is a legal case affecting the technical approach to considering applications for planning permission in the Green Belt, is currently at the Court of Appeal. However, the outcome does not affect the overall recommendation for this proposal as the application has been assessed using the “Redhill” approach and the extent of “any other harm” as set out in para 88 of the NPPF has been limited to consideration of other harm to the Green Belt only. Any reversal of the Redhill decision would only add to the considerations of potential harm that could be considered in the Green Belt balance).

Amenity

The key considerations in respect of amenity would be noise, odour and impact upon air quality.

Noise

The noise sources related to the installation are as follows:

- Pumps
- Fans

- The fuel delivery auger (intermittent)
- Deliveries of fuel to the site

The Environmental Health team has dealt with applications for similar biomass boilers elsewhere and therefore has a basis for comparison in terms of the noise output from the above equipment/activities. Observations elsewhere have indicated that noise generation is low, with noise barely audible at 5m from the building in any direction.

Adding to this, the proposals are located behind an existing business which is a large scale operation – there is already a high degree of background noise. In addition, the site is located over 200m from residential properties. The noise from similar installation has normally been below current ambient noise levels.

Moreover, any noise generated could be mitigated via conditions requiring insulation of the building and that activities take place inside the building. It should be noted that the Planning Statement already specifies an intention for all works associated with the proposals to take place inside the building post construction. Therefore the proposals would not have a significant adverse impact upon neighbours through noise.

Notwithstanding the above, Environmental Health has requested further information in respect of the proposals which, at the time of writing the report, was not forthcoming. In the absence of this information, Environmental Health cannot be certain that the proposals would not have an adverse impact upon neighbours through noise, pollution and air quality.

Air Quality

The proposals would involve the burning of wood pellets which would release contaminants into the atmosphere which are measured as part of air quality assessments. However, these need to be balanced against the relative reduction in pollutants released from burning fossil fuels.

It would appear on face value, that as the boiler would be burning wood pellets only and the design includes a chimney to ensure fumes are discharged at a height of 20m above ground level that this should reduce the impact upon air quality, however, as noted above for noise, there is insufficient information within the submission to demonstrate this conclusively.

Design/ Visual Impact

The structure would be in the form of a simple industrial shed constructed from profile steel box cladding, coloured olive green to match that on the packing shed and existing coal boiler housing. The agent considers that this would blend in with the wooded background of the site.

As the chimney is 20m it is proposed that this be finished in matt silver metal to match the existing. The height of the building is necessary for the size of boiler and associated pipe work.

The Visual Impact Assessment submitted is not of the quality that one would expect for a major application. It is a very poor example and is not convincing in respect of the visual impact of the proposals.

However and on balance, this is not a particularly sensitive location particularly given the site would abut the new SEMMM A6-MARR link road and would be viewed against the backdrop of existing industrial buildings and trees.

In addition, its form follows function and reflects details on the adjacent buildings which is in keeping with its location and the purpose it would serve.

On that basis, the visual impact would not be significantly adverse.

Trees

The proposed building would be located adjacent to a band of large mature trees which would provide important screening to the building. Additional information in respect of trees was requested however, as above, this information was very poor quality and is not sufficient to demonstrate that the construction of the building and its proximity would not undermine the long term retention of these trees. On that basis, there is insufficient information to determine that the proposals would not have an adverse impact upon trees that have amenity value.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In the NPPF the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The submitted Survey indicates that protected species are not present on the site and are unlikely to be so. Nevertheless, it recommends mitigation measures.

The Council’s Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to conditions relating to breeding bird mitigation.

Highways

The key issues in respect of highway safety are as follows:

1. Accessibility
2. Traffic Generation

The site is located at the edge of a residential area and therefore vehicles to the main entrance to the site have to pass through this residential area. However, this is an existing situation- this is already a large business which generates high volumes of traffic to and from the site. There is also another business premises directly adjacent which also generates significant traffic which also passes through this area. The road network is therefore considered suitable owing to the fact that it already accommodates HGV movements in this location. The access is also suitable for similar reasons.

Turning to traffic generation, the agent has indicated that the wood chip would be delivered in bulk tippers. Deliveries would be greatest during the winter months. They would average 2-3 deliveries per day, Monday-Saturday during the period 0800-18:00 hours. This would not add noticeably to existing HGV movements along Bolshaw Road to service the Nursery and adjoining farm shop especially as the bulk tipper deliveries of wood chip would displace current coal deliveries.

The highways engineer has not provided formal comments as yet, and whilst further highways information has been requested, in light of the above, it is unlikely that the additional movements associated with this boiler would have a significant adverse impact upon highway safety through traffic generation to the extent that it would justify a reason for refusal.

It should also be noted that the Highways Agency has considered the proposals in the context of SEMMMS and has no objections to the proposals.

The proposals would not have an adverse impact upon highway safety in accordance with policies DC6 within the MBLP and guidance within chapter 4 of the NPPF.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is inappropriate development in the Green Belt. The proposal would also cause harm through encroachment and reduction in openness. To be permitted, this substantial harm must be clearly outweighed by other considerations.

The proposals would have some very positive benefits to fulfilling a low carbon future and would also result in some job creation. Whilst these benefits are welcomed, this would not outweigh the identified harm to the Green Belt.

In addition, there is insufficient information to demonstrate that the boiler would not have an adverse impact upon trees or neighbours through noise, fumes or air quality. On that basis, the proposals are recommended for refusal.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION:

1. R02TR - Insufficient information in respect of impact upon trees
2. R12LP - Contrary to Green Belt / Open Countryside policies
3. Insufficient information in respect environmental health considerations relating to noise and air quality

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