

Application Number 07/2023/00130/FUL
Address Farington Moss Recycling Centre
Moss Lane
Farington Moss
Lancashire

Applicant John Cooper Recycling Ltd

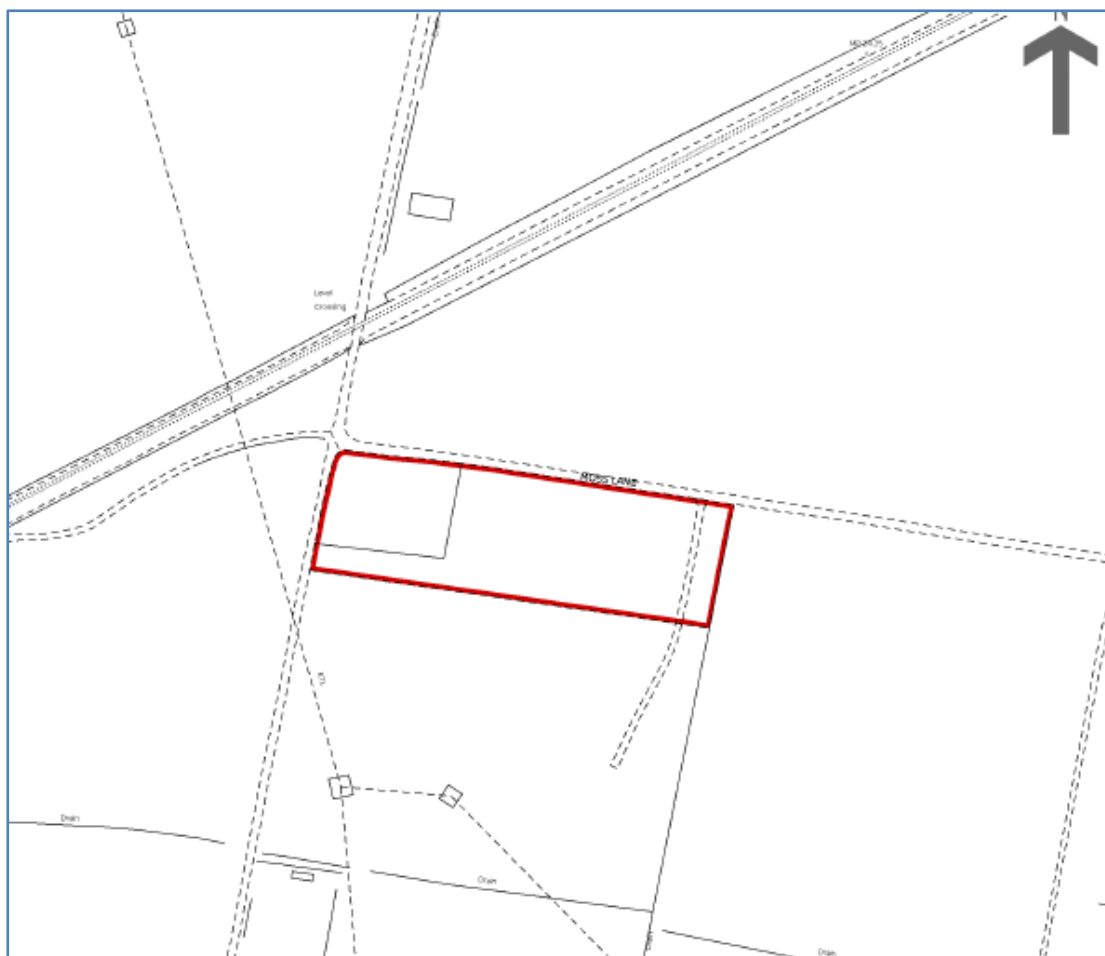
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Development Erection of storage building with ancillary staff welfare facilities, office and compost bagging line following removal of 7 existing portacabins/shipping containers together with the formation of ground mounted solar PV array

Officer Recommendation **Approval with Conditions**

Date application valid 14.02.2023
Target Determination Date 16.05.2023
Extension of Time

Location Plan



1. Report Summary

1.1 The application is for a large 'agricultural' style building and solar array within the Farington Moss Recycle Centre. The site is within the green belt but it is an existing commercial site and, due to the nature of the business, is considered as previously development land.

1.2 Although a number of potential issues were raised during the planning process, these have now been resolved or can be controlled by planning conditions.

1.3 The application is recommended for approval subject to the imposition of conditions.

2. Site and Surrounding Area

2.1 The application relates to the Farington Moss Recycling Centre located at the junction of Moss Lane and Parker Lane in Farington Moss.

2.2 The site was formerly agricultural moss land but was then used as a tip for waste foundry sand from the local Farington Works foundry and is therefore contaminated. The site is now operated by John Cooper Recycling, a green waste composters and land clearance company

2.3 The site is within the Green Belt with surrounding land uses being agricultural. To the north is a railway line and crossing with Parker Lane beyond. Parker Lane is a mix of farm buildings, a small industrial estate and residential properties.

3. Planning History

07/2006/0333/CM County Matter. Green waste composting site

07/2013/0209/CM Variation of condition 2 of permission 07/06/0333 (working programme) to allow 20 HGV per day, including an increase in green waste storage at the site to 3848 tonnes at any one time and variation of condition 3 of permission 07/06/0333 to allow hours of operation to increase to 6am to 6pm Monday to Fridays 7am to 3pm on Saturdays and 7am to 12 noon on Sundays.

LCC/07/2020/00068 A change of use of land to align with existing planning permission 07/06/0333, and 07/13/0209 to store machinery and roots from arboricultural activities. Retrospective permission for concrete pad to facilitate vehicle movements, extension to the existing concrete pad and erection of an agricultural-style building for storage

4. Proposal

4.1 The application proposes the erection of a storage building with ancillary staff welfare facilities, office and compost bagging line following removal of 7 existing portacabins/shipping containers together with the formation of ground mounted solar PV array.

4.2 The building will measure 24.38m by 24.38m with a pitched roof over with a ridge height of 8m. It will be constructed in Yorkshire boarding above concrete panels and the roof will be in corrugated cement fibre boards. It will be constructed on a solid concrete floor to the south-western corner of the site

4.3 The proposed solar array will be located to the south-eastern corner of the site and will measure overall 11.3m by 22.79m and a height of 4.17m. The solar array will consist of 90 panels overall in a row of 30 with 3 No panels in portrait. The panels will be 545W mono half-cell MBB Solar Panel Modules on a double post racking system

5. Summary of Publicity

5.1 Neighbouring properties were notified and a site notice posted with no letters of representation being received.

6. Summary of Consultations

6.1 **County Highways** initially commented, based on all the information provided by the applicant to date and with knowledge of the area. They have concerns over the proposals, as the application and submitted plans do not make it clear if there is to be a material increase to the site, or if there is to be an increase in staffing levels or whether traffic to the site will be increased. Additionally, the application states "ancillary staff welfare facilities", this is rather ambiguous and County Highways question does this mean residential staffing facilities, or amenities for staff during their work breaks? There is also an office being proposed, which would accommodate facilities for staff breaks.

6.2 In addition, County Highways are aware of concerns of HGVs from the industrial site utilising Parker Lane to exit onto Chain House Lane. This site is served from Moss Lane on the west side of the roundabout at the junction of the A582 Penwortham Way / B5253 Flensburg Way, and this is the preferred and suitable route for HGVs.

6.3 As such, County Highways requested further information to clarify the points raised.

6.4 The applicant responded to the points raised and County Highways were re-consulted. Any comments received will be reported verbally at planning committee or by way of an update sheet.

6.5 **Public Right of Way** were consulted by made no comment

6.6 **Environmental Health** advised that, further to investigations, they have no comment to make.

6.7 **Network Rail** advised, with reference to the protection of the railway, that they have no objection in principle to the proposal but set out a number of requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.

6.8 However, the application site is not directly adjacent the railway and this was raised with Network Rail who confirmed that their asset protection team reviewed the proposal and there is no requirement for an interface, therefore there are no further comments and no objections.

7. Policy Background

7.1 **Policy G1: Green Belt** has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, exceptions to this are buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing

development.

8. Material Considerations

8.1 Green Belt

8.1.1 The application site is within the Green Belt where Policy G1, in line with the National Planning Policy Framework (NPPF) has a general presumption against inappropriate development and planning permission will not be given for the construction of new buildings unless there are very special circumstances. However, among the exceptions to this general presumption are buildings for agriculture and forestry.

8.1.2 Green Belt policy also allows for the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.1.3 The NPPF advises at paragraph 151. That, when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

8.1.4 As the proposal has two distinct elements, an assessment of each has been carried out below.

8.1.5 Proposed building - The applicant describes the proposed building as 'agricultural style' and indeed it has the appearance of an agricultural building commonplace in Green Belt locations. However, it will not be used for agricultural purposes but for the storage of equipment, staff welfare and office facilities and also support the installation of a compost bagging line and replaces 7 porta cabins/shipping contained.

8.1.6 The site can be considered to be a previously developed site in that it has been used for a commercial activity, the recycling of organic waste and the production of compost. The supporting statement advises that the company processes more than 25,000 tonnes of green waste, specialising in land clearance ranging from small sites, comprising just a few trees, all the way up to tens of acres of established woodlands. They remove organic material from clearance sites with full traceability and produce compost using the BSI standard PAS100, follows the Quality Compost Protocol and are fully certified. The company supply the agricultural and horticultural markets, as well as the soft landscaping markets, offering a delivery service to clients.

8.1.7 The test therefore is whether the proposed building will have a greater impact on the openness of the green belt. The proposed building is of an agricultural appearance and has a footprint of 590sq m. The building replaces 7 existing shipping containers/portacabins on the site. The building will be located to the south-western corner of the site, beyond the existing weighbridge and in an area currently used for external storage. To the northern, western and eastern site boundaries are tree bunds to a height of 8m. Given the screening afforded to the site and the fact that the building replaces existing structures, then it is considered the additional impact on the green belt will be minimal, particularly as the building is of an agricultural appearance. As such it is considered the proposed building is acceptable in terms of green belt policy.

8.1.8 Solar Array - The proposal also includes a solar array to be located to the south-eastern corner of the site. It consists of 1 x 30 rows with 3 no panels above each other totalling 90 panels in all. Each panel will measure 2.27m by 1.13m and the total height will be 4.17m with the panels being mounted on posts at a 32 degree angle. The panels will supply AC

electricity via a 3 phase hybrid inverter to a 60 kWh battery storage system which will then be able to power the site.

8.1.9 Para 151 of the NPPF states that “*elements of any renewable energy projects will be inappropriate and therefore require very special circumstances*”. Para 151 continues by stating that VSC may include wider environmental benefits associated with increased production of energy from renewable sources.

8.1.10 The applicant advises that the “*minor earthworks proposed to address natural indentations in the land and provide a flat site for the installation of the solar array would be minor engineering operations. These works would not change the character of the land, nor would they have an adverse effect on openness or purposes of the Green Belt. They would not therefore be inappropriate development.*

However, it is accepted that the installation of the solar panels and associated infrastructure may constitute inappropriate development in this area, with a loss of openness and encroachment into the countryside. On this basis, it is acknowledged that the development would only be justified if very special circumstances exist to outweigh the harm to the Green Belt, and any other harm.”

8.1.11 The ‘very special circumstances’ provided by the applicant are as follows:

- *The proposed site is currently within an unused part of a green waste composting site and is regarded as derelict in nature and not suitable for other use. It is surrounded by mature trees.*
- *The site is not connected to mains electricity grid and the operators wish to transition away from fossil fuels to a move sustainable footing by installing an off-grid system comprised of solar PV and battery storage. A mains connection is not economically feasible due to the distance between the site and the nearest point of connection.*
- *Solar PV array are considered to be appropriate for the area and allow the site to eliminate the need for diesel generators, which are recognised as contributing towards negative climate change and air quality. The solar PV array and battery storage system will enable the site to save ~12,000 litres diesel per annum and subsequent carbon emissions.*
- *The site does not benefit from CCTV due to not wishing to run the generators 24/7, however, this will become feasible if permission is granted to install an off-grid solar/ battery storage system.*
- *The size of the system and battery storage is considered appropriate for the current usage and also would allow for additional battery storage to support additional energy usage.*
- *The owners have considered other forms of power generation however these would have a larger impact on the area. Wind energy installations are considered to have a significantly greater risk of visual impact in this location than a ground mounted solar system.*

The applicant considers that these benefits, taken together, would clearly outweigh any harm to the area associated with the solar array/battery storage system and any other harm such that the proposals would be acceptable in the context of local and national policy.

8.1.12 The site does not have electricity and currently relies on diesel generators that require between 10,000 and 12,000 litres of diesel fuel per annum. The NPPF advises that ‘very special circumstance’s’ may include the wider environmental benefits associated with increased production of energy from renewable sources. It is considered that the proposed solar array will undoubtedly have an environmental benefit in that it will provide electricity to the site, negating the need for the existing diesel fuelled generator and the associated air pollutants like particulate matter and nitrogen oxides to the environment. As such it is considered that the ‘very special circumstances’ put forward by the applicant are acceptable and this element of the proposal are considered to be appropriate in this green belt location and is in accordance with the NPPF.

8.2 Highway Matters

8.2.1 Access to the site is off the roundabout at the junction of the A582 Penwortham Way/B5253 Flensburg Way via an unadopted access track.

8.2.2 County Highways were consulted and provide comments based on all the information provided by the applicant to date and with knowledge of the area. They have concerns over the proposals, as the application and submitted plans, *“do not make it clear if there is to be a material increase to the site, or if there is to be an increase in staffing levels. For example, is traffic to the site to be increased? Additionally, the application states “ancillary staff welfare facilities”, this is rather ambiguous. Does this mean residential staffing facilities? Or amenities for staff during their work breaks? Also an office is being proposed, which would accommodate facilities for staff breaks.”*

8.2.3 In addition, County Highways are aware of concerns of HGVs from the industrial site utilising Parker Lane to exit onto Chain House Lane. This site is served from Moss Lane on the west side of the roundabout at the junction of the A582 Penwortham Way/B5253 Flensburg Way, and this is the preferred and suitable route for HGVs.

8.2.4 Therefore, County Highways requested further information to clarify the points raised. In response, the applicant advised the following:

- *There is to be an increase in the GIA of the proposed buildings vs the 7no. portacabins to be removed. This is detailed in the application. The existing is 152.5m² and the proposed is 594.6m².*
- *The planning statement confirms an increase of 1 member of staff to support with the compost bagging process.*
- *We do not anticipate an increase to site traffic levels. Incoming green waste will remain and bagged compost will be bulk delivered in the same approx. quantities that it is currently hauled for land spreading. We do not wish to sell in small quantities directly from the site.*
- *The reference to staff welfare does not mean residential facilities. At present, welfare conditions are limited and the development will allow rest and canteen areas to be improved in terms of space and facilities. One of the portacabins is used as an office, but again this requires improvement.*
- *We do not propose to change the existing HGVs used to serve the site.*

8.2.5 County Highways were reconsulted and their response will be reported verbally at planning committee or by way of an update sheet.

8.3 **Network Rail Matters**

8.3.1 There is a railway line to the north-western side of the site, approximately 40m from the site boundary. As such, Network Rail advised that, with reference to the protection of the railway, they have no objection in principle to the proposal but set out requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary. Network Rail requested the LPA forward their response and the attached documents/forms/asset protection contact details to the applicant for actioning, which it did.

8.3.2 The applicant responded that the proposed development is *“well in excess of 10m of the network line. On reading through the “conditions” requests and all other associated info, it would appear that Network Rail believe the development to be occurring in the field adjacent to their rail line and this issue is a misinterpretation.”*

8.3.3 They further confirm that *“the solar array is circa 150m from the railway line and the cables will run directly west, along the southern boundary, to the battery storage, which itself will be 100m from the nearest part of the line.”*

8.3.4 It is clear from the site layout plan that the proposed building is over 100m from the railway line and the solar array approximately 150m away. However, Network Rail’s response

advised that any measurements must be taken from the operational railway/Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (eg cables, signals, overhead lines, communication equipment etc). However, it was noted at the case officer's site visit that fencing runs along each side of the railway line and embankments and it could be assumed that this is the extent of Network Rail's land.

8.3.5 It is also noted that when Lancashire County Council dealt with the application LCC/07/2013/0209, no comments were received from Network Rail and for application LCC/07/2020/00068, Network Rail only specified that any vehicles accessing the site must use the level crossing at the end of Parker Lane.

8.3.6 Clarification was therefore requested from Network Rail as to where their boundary is and whether the information supplied by the applicant negated the need for the conditions to be imposed. They confirmed by email that the Network Rail Asset Protection team reviewed the proposal and there is no requirement for an interface, therefore there are no further comments and no objections

8.3.7 In summary, as the Network Rail boundary is not adjacent to the application site and therefore the proposal will not affect the safe operation of the railway network, then the conditions requested are not appropriate to this application and Network Rail have confirmed they have no objections.

8.4 **Contaminated Land**

8.4.1 A Site Condition Report has been submitted with the application which advises that foundry waste sand was previously tipped on the site. The sand was then capped over with a clay layer, when the A582 was built so the foundry sand waste has been sealed. The contaminants that may be present in the foundry sand are listed below as:

Iron or ferrous metals

Heavy metals

Sulphurs

Carbon – due to the high levels of heat involved and therefore carbonisation

Asbestos – due to the foundry conditions of the time (1950's and 60's).

8.4.2 Environmental Health have considered the application but confirm that, further to investigations, they have no comment to make.

8.5 **Conclusion**

8.5.1 It is considered that the proposal is acceptable in the Green Belt in that the building replaces existing shipping containers/portacabins and provides internal storage for items currently stored externally and the solar array provides a cleaner form of electricity to support the site and the existing business. As such it is considered that both elements of the proposal are compliant with green belt policy, both nationally and locally. Therefore, the application is recommended for approval subject to the imposition of conditions.

9. **Recommendation**

9.1 Approval with Conditions.

10. **Recommended Conditions**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 023_010 Proposed Solar PV Module System; 17-49214 Agricultural Building; 0005 Solar and building Plan; 0006 Existing Porta Cabins to be removed

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. Prior to first occupation of the building hereby approved, the existing portacabins and shipping containers shown for removal on Drawing No 0006 shall be removed from the site

REASON: To enable the Local Planning Authority to retain control over the use of the land

11. Policy Considerations

G1 Green Belt