

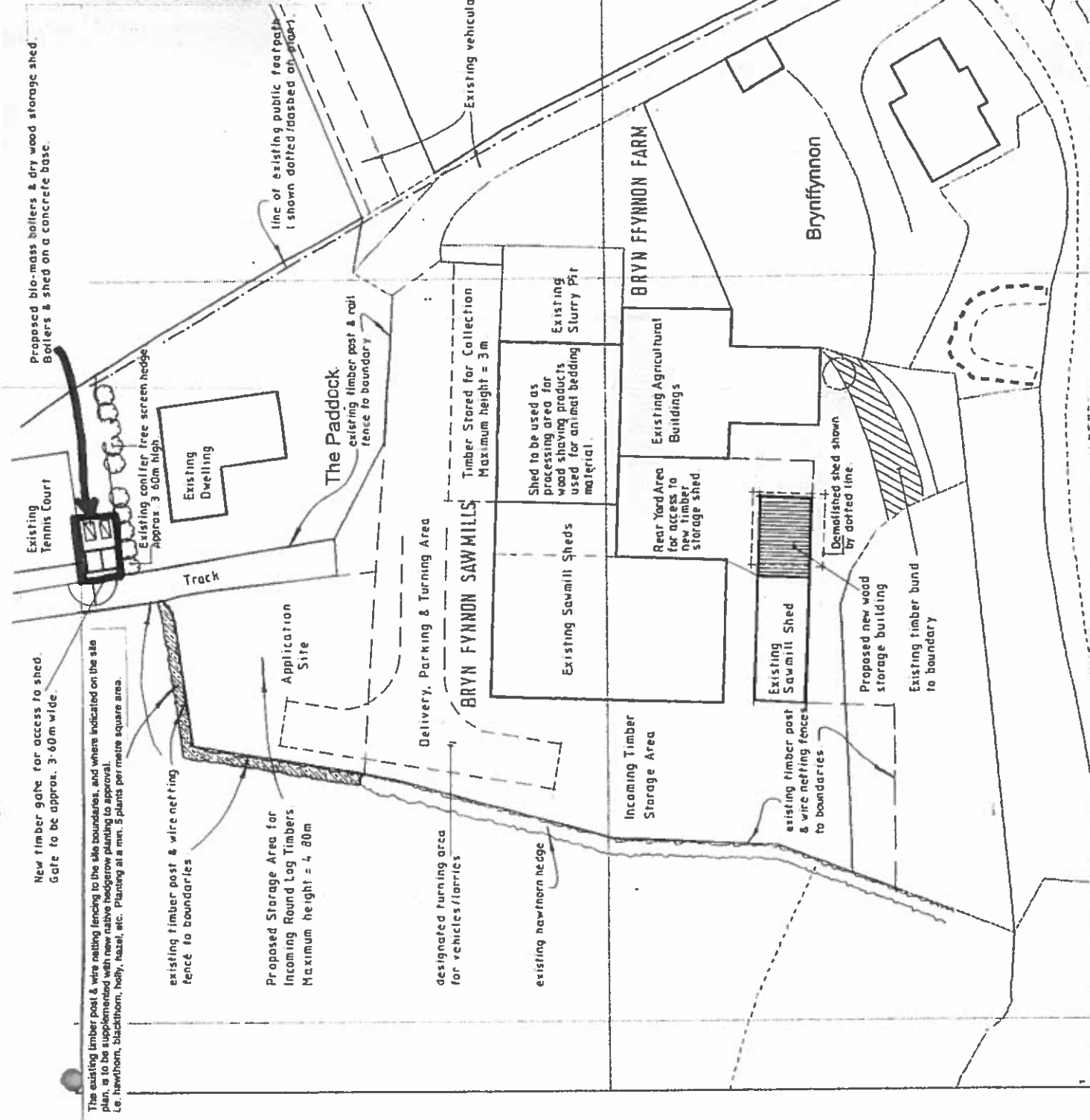
21 / 2014 / 0427 / PF

SITE PLAN

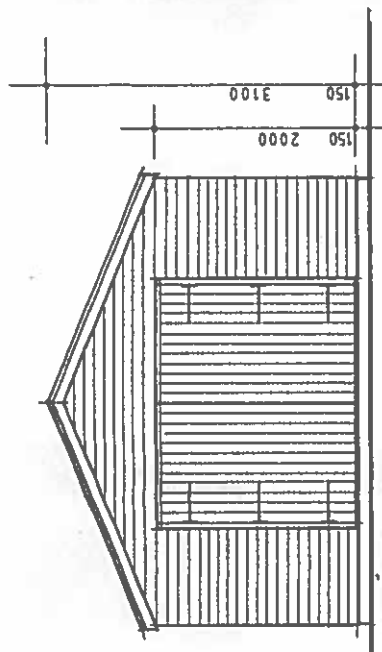
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MATISCHOK & ROSS architectural services	
project title	Bryn Ffynnon Sawmills, Llanferries.
drawing title	Proposed Site Layout Plan.
project no.	drawing no. 3 revision
date	scale 20:03:14 1:500
	drawn by PM
Brysh House, Hen Llan Parcwr, Aulhan, Denbighshire, LL15 1NA t 01824 703 222 f 01824 707 171 e mail@matischokross.co.uk w www.matischokross.co.uk	

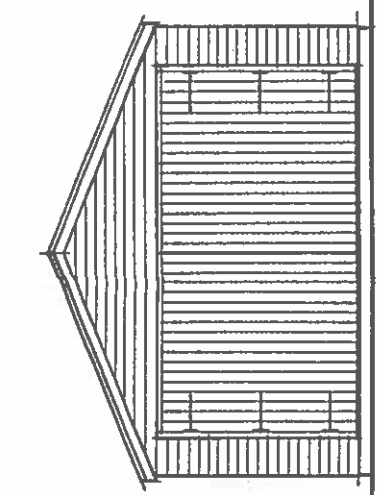
RECEIVED
-9 APR 2014
CALEDFRYN



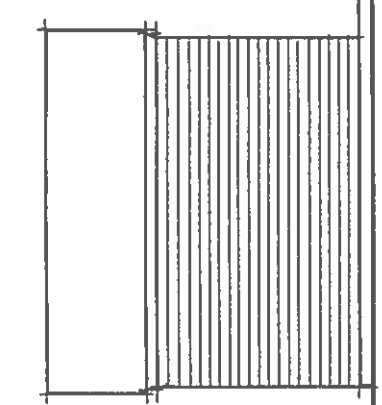
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REAR ELEVATION
1:50



FRONT ELEVATION
1:50



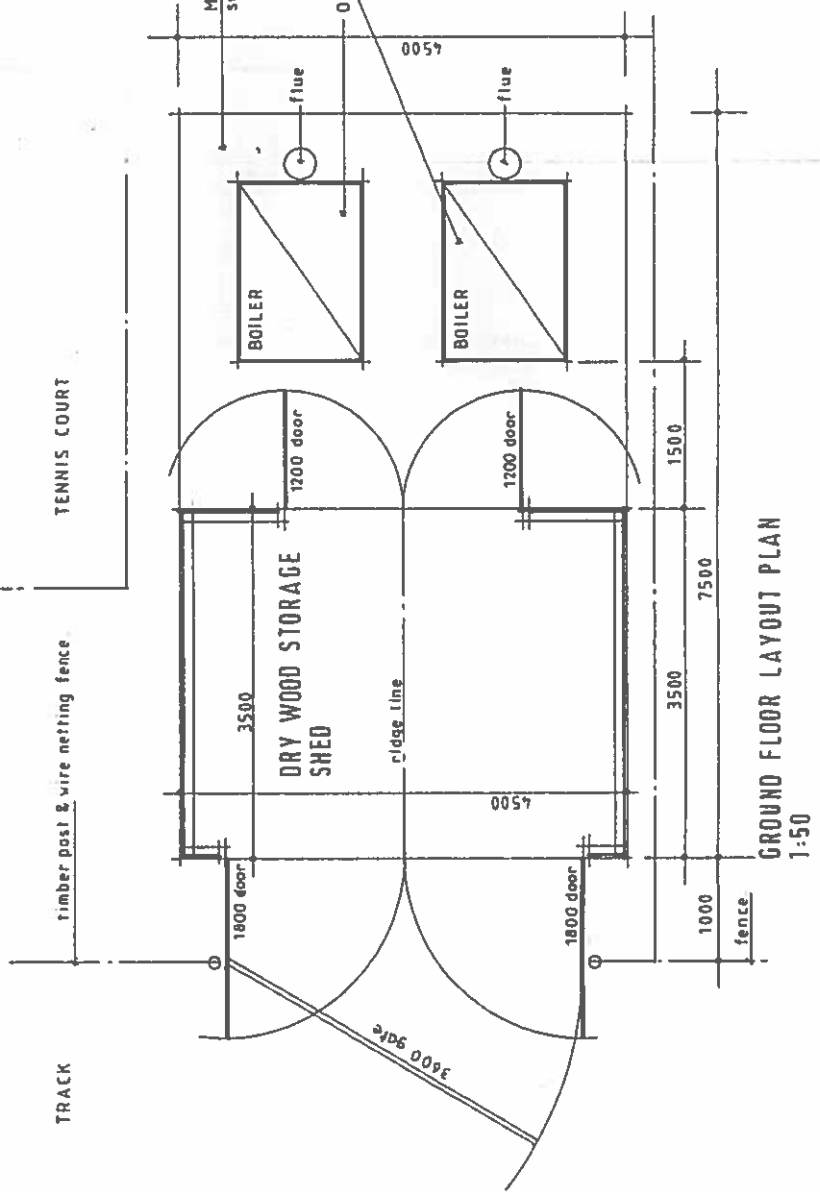
SIDE ELEVATIONS
1:50

EXTERNAL MATERIALS - WOOD STORAGE SHED
 Roof - Green mineral felt roofing material.
 Walls - Natural ship-lap horizontal timber boarding.
 External Doors - Natural timber boarded external doors.
 Barge Boards - Natural stained timber boarding.
 Rainwater Goods - Black upvc gutters and down pipes.

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Min. 150mm concrete slab to base on a min 200mm well consolidated hardcore sub-base material.

Outdoor Wood Gasification Boilers- Central Boiler E-Classic 3200



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MATISCHOK & ROSS
architectural services

Project 004
Bryn Ffynnon Sawmills, Llanferres.

Drawing 010
Boilers & Wood Store Details.

Project no. 0468
drawing no. 4
revision

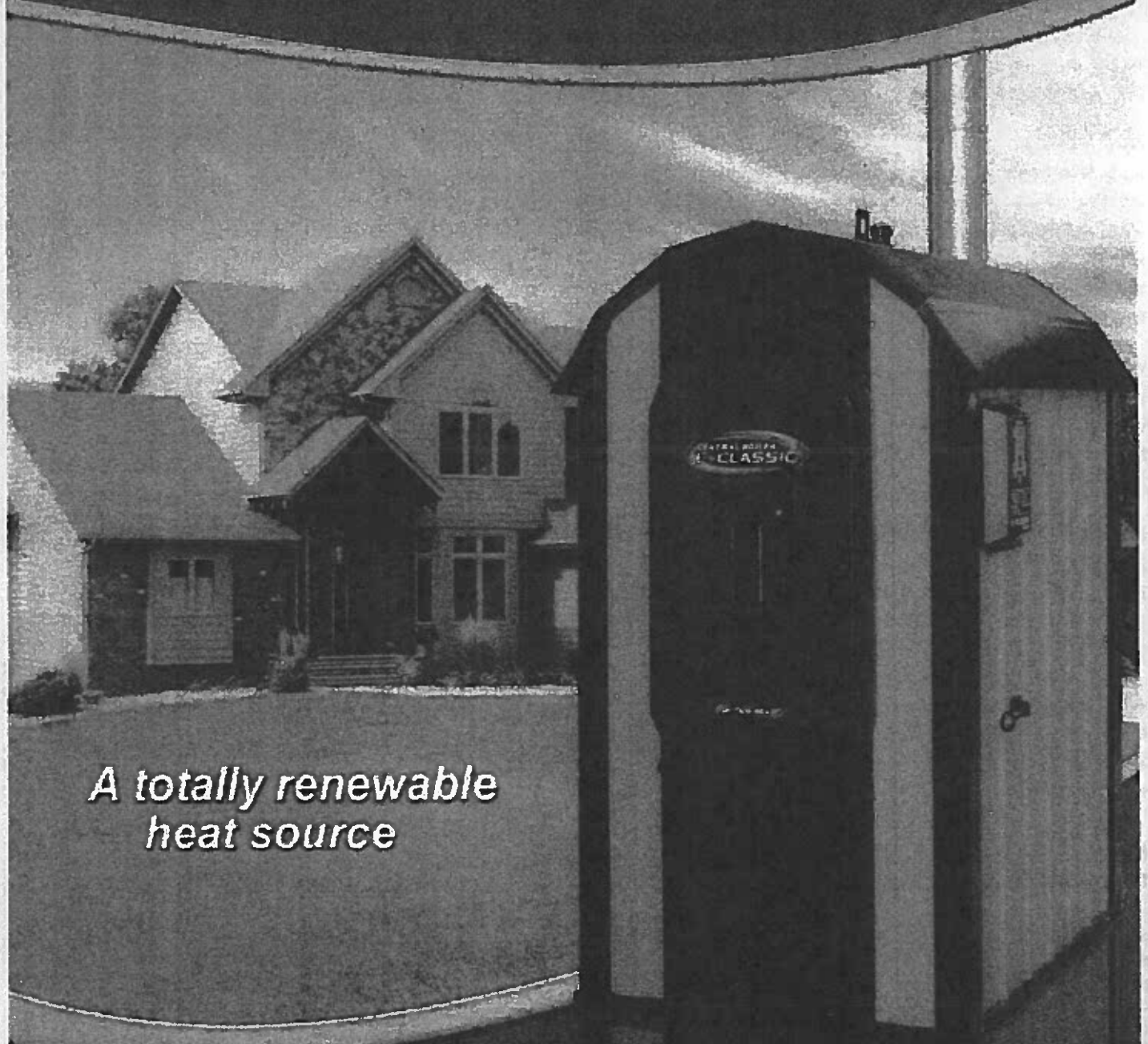
Date 20-03-14
scale 1:50
drawn by PM

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CENTRAL BOILER E-CLASSIC®

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3200



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CentralBoiler.com

Approved

Heading:

REFERENCE NO. 21/2014/0427/PF
BRYN FFYNNON SAWMILLS
FORESTRY ROAD, LLANFERRES

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

Tel: 01824 706800 Fax: 01824 706709

 Application Site

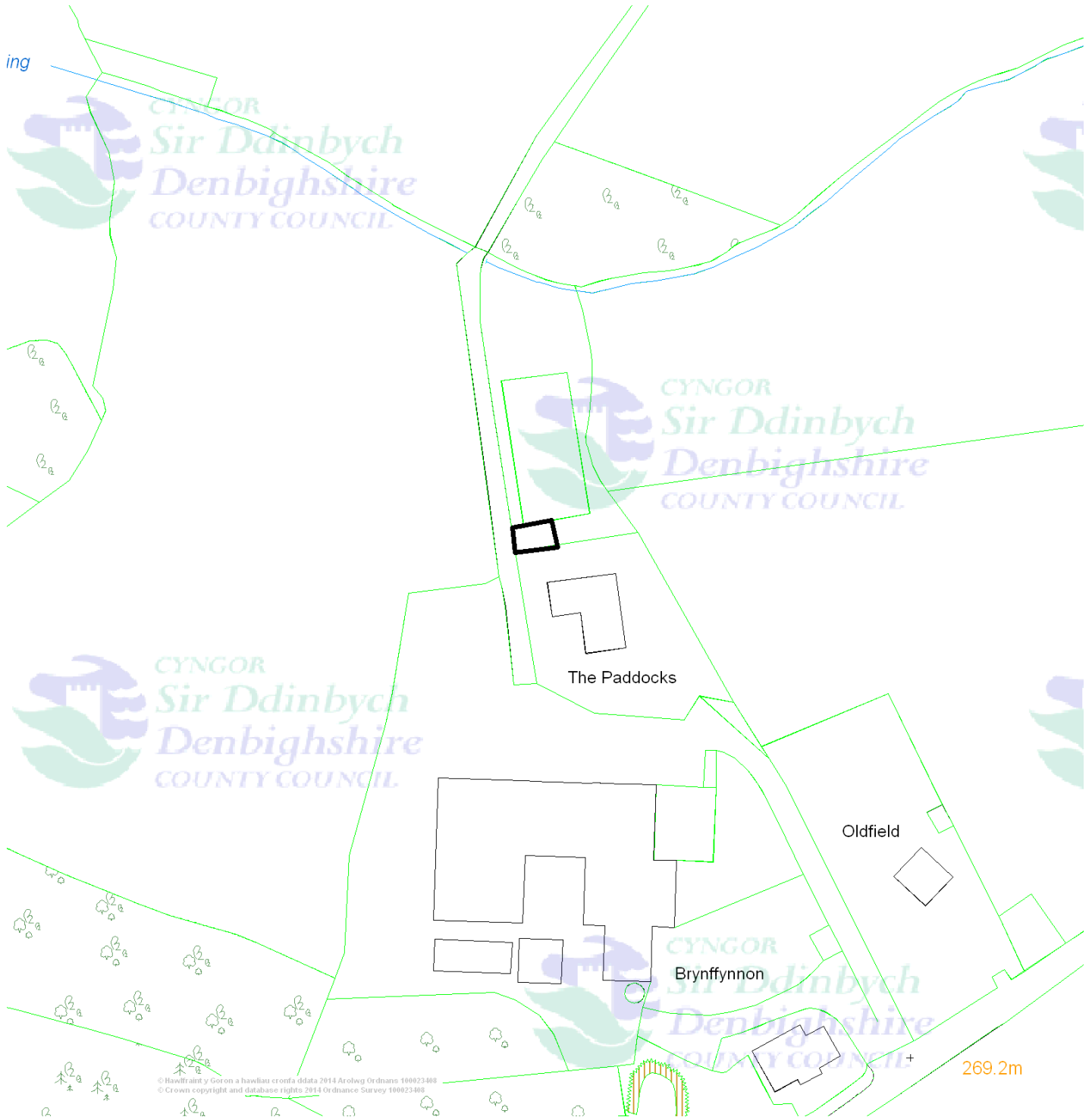


Date 14/7/2014

Scale 1/1250

Centre = 318167 E 361463 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



ITEM NO: 3

WARD NO: Llanarmon Yn Ial / Llandegla

WARD MEMBER(S): Cllr Martyn Holland

APPLICATION NO: 21/2014/0427/ PF

PROPOSAL:

- (i) Installation of 2 no. biomass boilers to serve existing sawmill business and dwelling
- (ii) Erection of dry wood storage building

LOCATION: Bryn Ffynnon Sawmills Llanferres Mold

APPLICANT: Mr Gareth Davies

CONSTRAINTS: AONB

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANFERRES COMMUNITY COUNCIL:

“The Community Council proposes no objection to the siting of the plant, but to express serious concerns regarding the operational effectiveness of the boilers.

Due to the considerable amount of technical detail and the concerns expressed from neighbours with regard to emissions and the noise element, a more detailed technical assessment of the impact on the local environment during the operational use would need to be carried out.”

**CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY
JOINT ADVISORY COMMITTEE**

“The JAC has no objection in principle to this development, which seeks to make sustainable use of waste arising on the site and reduce the carbon footprint of this local business.

It is noted that neither the height or finish of the stacks is precisely specified nor the JAC would suggest that this should be clarified prior to granting permission to ensure that the height and appearance of the installation is sympathetic to its rural setting. Any staining of the proposed wooden storage shed should also be specified to ensure that the colour is recessive in nature to blend into the rural scene. The committee would also recommend that additional screen landscaping comprising native local species should be carried out on land in the applicants control to the west and east of the site.

In addition, the JAC is aware that biomass boilers have the potential to create emissions and unsightly smoke and/or plume which can have a detrimental impact on the character and appearance of the AONB and neighbouring properties, and the committee would recommend that any permission should be subject to strict controls over such emissions, including the material to be burned and include arrangements for regular and effective monitoring.”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Highway Officer:
No objections

Footpath Officer:
No objections

Pollution Control Officer:
No objections subject to conditions relating to height of the stacks, hours of operation and what is to be burnt in the biomass boilers.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
S Sweeney, Bryn Saeson Ucha, Forestry Rd., Llanferres
P & G Jelley, Bryn Ffynnon Farm
G Jelley, 23 Ffordd Pennant, Mold, Flintshire CH7 1RP
M & K Wilding, Oldfield, Forestry Road, Llanferres

Summary of planning based representations in objection:

Impact upon residential amenity: concerns are raised that the smoke from the boilers would impact, even in the proposed location, detrimentally on their ability to enjoy their properties. In addition concern has been expressed regarding the potential for noise when moving wood around the site to load the boilers (fork lift trucks etc being operated at unreasonable hours).

Impact upon visual amenity/AONB: concerns have been raised that possible smoke plumes and the height of the flues will have detrimental impact upon the character of the area and appearance of the AONB.

Impact upon public footpath

In support

Representations received from:
A. Pimblett, Tyddyn y Fawd, Forestry Road, Llanferres

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Planning permission is sought for the installation of two no. biomass boilers, on land adjacent to the applicants dwelling, The Paddocks, and the applicants existing sawmill business. The boilers would serve the business and the dwelling. A small dry wood storage building is also proposed.
- 1.1.2 Biomass boilers are, in essence, log burners which generate hot water for heating. The burners would be housed within structures approximately 1.2m wide and 3.5m deep. The roof is approximately 2m high. A stainless steel flue would protrude from

the rear of the structures. The height of the flue is calculated based upon the physical surroundings. In this instance the calculations submitted suggest the flue height needs to be approximately 6.5 metres high.

- 1.1.3 It is proposed to erect a dry wood store next to the boilers. This structure would measure 3.5m by 4.5m, with a ridge height of 3.4m. The front and rear elevations would feature double doors, to allow for logs to be loaded into the store from the sawmill site, through the rear doors, and logs would then be taken from the store and put into the boilers via the front doors. The store would be constructed of timber.
- 1.1.4 The location of the boilers and store in relation to the rest of the site can be seen in the plan attached to the front of this report.

1.2 Description of site and surroundings

- 1.2.1 Bryn Fynnon Sawmills are located to the west of the hamlet Tafarn Y Gelyn, and north west of the village Llanferres.
- 1.2.2 Access to the site is via the unclassified road from Tafarn Y Gelyn to Moel Famau.
- 1.2.3 The boilers and store are to be located on a piece of land approximately 40m², and would be north of the existing dwelling and sawmill business.
- 1.2.4 To the south of the sawmill site are located 3 dwellings: Oldfield, Brynfynnon and Bryn Saeson Ucha.
- 1.2.5 The site in relation to the surrounding area can be seen in the plan attached to the front of this report.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside, and within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

1.4 Relevant planning history

- 1.4.1 The sawmill business has evolved and grown over the last 20 years; the original permission being granted in 1993. Whilst the planning history is not insubstantial, there are no applications of specific relevance to the current application.

1.5 Developments/changes since the original submission

- 1.5.1 Since the application was submitted additional details relating to the emissions from the boilers has been provided, and the height of the flues has been confirmed.

1.6 Other relevant background information

- 1.6.1 The application has been submitted following an enforcement investigation into the installation of 2 biomass boilers at the site. Members are advised that this application is for the *re-siting* of the 2 existing biomass boilers to the proposed location from their current positions which are much nearer the dwellings of Oldfield and Bryn Fynnon. The application is not therefore retrospective.
- 1.6.2 Officers from Planning Enforcement, Development Management and Pollution and Public Health teams have worked together in respect of this application, and breaches of planning control.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 31/13639 – Use of existing agricultural buildings for the processing and treatment of raw timber – GRANTED by committee 24/12/93
- 2.2 21/2007/0915/PC – Continuation of use of land and buildings in connection with sawmills business – GRANTED by committee 7/11/07
- 2.3 21/2012/0956/PC – Continuation of use of agricultural land as extension of curtilage of existing sawmill business for storage of incoming round log timbers and for additional vehicle turning purposes – GRANTED 12/09/12

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:
Denbighshire Local Development Plan (adopted 4th June 2013)
Policy RD1 – Sustainable development and good standard design

Policy PSE5 – Rural economy

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE 10 – Renewable energy technologies

3.1 Supplementary Planning Guidance

None

3.2 Government Policy / Guidance

Planning Policy Wales Edition 6 February 2014

Technical Advice Note 18 – Transport

Welsh Office Circular 5/95 – Public Rights of Way

3.3 Other material considerations

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 6, February 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity including impact upon AONB
- 4.1.3 Residential amenity
- 4.1.4 Impact upon public footpath

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

The proposal is for a wood store and two biomass boilers, which are specifically referred to in Policy VOE 10 as a source of renewable technology. It is therefore considered that the proposal is acceptable in principle subject to an assessment of impacts.

4.2.2 Visual amenity including impact upon AONB

In referring to what may be regarded as material considerations, Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment. The impact of a development on visual amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it

is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. More specifically, Policy VOE 2 requires assessment of the impact of development within or affecting the AONB and AOB, and indicates that this should be resisted where it would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation.

The AONB committee have not raised a direct objection to the proposal but are concerned that the proposal may impact upon the character of the AONB if the boilers are not used correctly, and excessive smoke is thereby caused. Concern has also been expressed about the height of the flues, and their impact upon the character of the AONB. The boilers and store would be located to the rear of the dwelling The Paddocks, where currently there is a summer house. The wood store would be similar in scale and form to the summer house, and the boilers are housed in dark plastic housing, which are similar in appearance to porta-loos. The ground level is approximately 1m higher than that of the adjacent house. Each boiler would be vented by a stainless steel flue approximately 5.5m in height. The site is visible from a public footpath that runs to the east of the site. It is also possible to see the site from public footpaths located higher up on the Clwydian range.

Considering the proposed store building first, the similarity between the existing summer house and the proposed building in terms of design, form and materials is noted. It is unlikely that the proposed store building would adversely impact upon the visual amenity of the area and would not affect the wider character of the AONB.

With regard to the boiler structures, the small size and form of the housing is not considered to be significant enough given their proposed location to have an impact upon the visual amenity of the area or AONB; they are effectively screened by the house, and are also adjacent to a tennis court. The flues would be more noticeable from greater distance. However, consideration should be given to the context of the site – immediately adjacent to a dwelling and in close proximity to an existing range of large industrial/agricultural buildings. It is therefore considered that because of their proposed location, the flues would not be so harmful to the character of the AONB as to justify their refusal. In consideration of concerns relating to smoke plumes harming the character of the AONB, it is understood that if operated correctly, visible smoke is limited to the initial start-up procedure, and the occurrence of this is infrequent. The comments of the AONB committee are noted and it is possible to impose conditions that control the operation of the flues, to ensure smoke is kept to a minimum. Overall, it is considered that the proposal is not unacceptable in terms of its likely impact upon visual amenity and the character of the area.

4.2.3 Residential amenity

Planning Policy Wales 3.1.4 refers to the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The proposed biomass boilers would be located 105 metres from the dwelling Oldfield and 120 metres from Bryn Fynnon. These dwellings are to the south of the site. Concern has been raised that the proposal would lead to additional mechanical activity on the site (fork lift trucks moving wood to the store etc), which would impact upon the amenity of neighbouring residents. Concern has also been raised regarding the potential for smoke to affect the amenity of the neighbouring residents. Officers are informed that the current boilers (which do not benefit from planning permission and are in closer proximity to the dwellings) frequently cause smoke to drift into the

gardens of Bryn Fynnon and Oldfield making it unpleasant to hang out washing and open windows. The applicant has stated that there were 'teething' problems with the boilers that resulted in excessive smoke being produced, but that this no longer happens. Emissions data has been supplied to the Pollution and Public Health Officer who has advised on the suitability of the proposed location, and on the required stack heights of the flues.

With regard to the potential for disturbance through mechanical movements of timber, it is not disputed that if left unfettered, the situation could occur where timber is moved around the site using fork lift trucks, at an unreasonable time leading to disturbance of neighbouring residential amenity. It is noted that operations at the sawmill site are limited through the 1993 planning permission to the hours of 08:00 and 17:00. It is suggested that similar controls could be put in place to ensure that the timber store adjacent to the boilers is stocked during these hours only. Provided the store is well stocked, there should be no need to move timber around the site at unreasonable hours.

Considering the issue of smoke and its impact upon residential amenity, it has been commented earlier that the opinion of the Pollution and Public Health Officer, based on the technical data supplied, is that the biomass boilers should not produce excessive smoke, and with the stack height of the flues being correctly calculated, any smoke that might on occasion be generated, should not ground in the gardens of the neighbouring properties. However, it is acknowledged that certain meteorological conditions may result in exceptions to this general rule. Having regard to planning case law, Officers are of the opinion that at this small scale, pollution from smoke is a matter within the remit of secondary legislation, i.e. Clean Air Act and Statutory Nuisance Controls, controlled through the Public Protection Section.

Therefore, it is considered that, a) the proposed location and stack height should reduce the impact upon the neighbours, and b) if there continues to be a problem after planning permission is granted then there are adequate secondary controls under non planning legislation to deal with the matter. The proposal is not considered to be unacceptable in terms of its impact on neighbouring properties given the existence of suitable controls should a statutory problem arise.

4.2.4 Impact upon Public Footpath

Technical Advice Note 18, advises that proposals for development should protect existing rights of way. Welsh Office Circular 5/95 advises on how Public Rights of Way should be taken into account when determining planning applications.

The site is adjacent to a Public Right of Way. The Public Rights of Way Officer has not raised an objection to the proposal. Neighbours are concerned that the existing Public Right of Way has been blocked up and the informally diverted route would bring users into conflict with the sawmill site and operations related to the use of the proposed biomass boilers. The Public Rights of Way Officer advises that the 'definitive' route is still navigable to walkers.

With regard to the above it is not considered that the proposal would have a detrimental impact upon the 'definitive route' of the Public Right of Way. If at some time in the future the route were to become obstructed, then it would be for the Public Rights of Way Section to enforce and ensure the right of way is navigable. The proposals impact upon the Public Right of Way is therefore not considered unacceptable in planning terms.

5. SUMMARY AND CONCLUSIONS:

5.1 The proposal is considered to comply with adopted planning policies and it is therefore recommended that permission be granted. The concerns of the neighbours are noted, as discussed above it is Officers opinion that in relation to the potential impact on residential amenity, suitably worded planning conditions would offer sufficient control to mitigate such impacts should the need arise. In relation to concerns about smoke pollution, there is secondary legislation to planning legislation that is specifically designed to control such matters.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The biomass boilers shall be relocated to the approved siting within 3 months of the date of this permission.
3. The biomass boilers shall only be operated in strict compliance with the operator's instructions, and only dry timber/wood (excluding timber shavings and sawdust) shall be burnt in the biomass boilers
4. The wood store building shall only be stocked with wood/timber to be burnt in the biomass boilers, between the hours 08:00 and 17:00, and there shall be no mechanical or vehicular means of transporting/loading/unloading wood/timber around the site (Bryn Fynnon Sawmills/The Paddocks) or into the biomass boilers outside of these hours.
5. The stack height of the flues shall not exceed 6.5 metres, and the flues shall be painted black prior to their use commencing, unless otherwise agreed in writing with the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interest of residential amenity
3. In the interest of visual and residential amenity
4. To avoid the need for machinery or vehicles to be used at inappropriate times in the interest of residential amenity.
5. In the interest of residential and visual amenity.

NOTES TO APPLICANT:

None