

Lancashire County Council

Development Control Committee

Wednesday, 8th April, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

- 1. Apologies for absence**
- 2. Disclosure of Pecuniary and Non-Pecuniary Interests**
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
- 3. Minutes of the last meeting held on 25 February 2015** (Pages 1 - 12)
The committee are asked to agree that the Minutes of the last meeting held on the 25 February 2015 be confirmed and signed by the Chair.
- 4. South Ribble Borough: Application number. LCC/2015/0009** (Pages 13 - 24)
Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.
- 5. Wyre Borough: Application number. LCC/2014/0166** (Pages 25 - 32)
Variation of condition 2 of planning permission 02/08/1116 to allow the importation of post IVC compost from commercial waste management facilities. Iron House Farm, Lancaster Road, Out Rawcliffe, Preston.

- 6. Wyre Borough: Application number LCC/2014/0144** (Pages 33 - 52)
Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.
- 7. Wyre Borough: Application number LCC/2014/0145** (Pages 53 - 76)
Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.
- 8. Wyre Borough: Application number LCC/2014/0146** (Pages 77 - 90)
Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand. Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.
- 9. Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.** (Pages 91 - 94)
- 10. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

11. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 20 May 2015 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 25th February, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Munsif Dad (Chair)

County Councillors

T Aldridge	D Howarth
P Buckley	M Johnstone
M Devaney	N Penney
K Ellard	P Rigby
G Gooch	K Sedgewick
P Hayhurst	K Snape
S Holgate	B Yates

1. Apologies for absence

None Received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Buckley declared a non pecuniary interest in agenda items 4 & 5 as his wife is a member of the Borough Council for the area concerned.

County Councillor P Hayhurst declared a non pecuniary interest in agenda items 4 & 5 as a member of Fylde Borough Council and in item 5 as the county councillor for the area concerned and as a member of Elswick Parish Council and Elswick Community Project which had received grants from the applicant.

County Councillor D Howarth declared a non pecuniary interest in agenda item 6 as a member of South Ribble Borough Council and as a county councillor for the area concerned.

County Councillor B Yates declared a non pecuniary interest in agenda item 6 as a member of South Ribble Borough Council.

County Councillor P Rigby declared a pecuniary interest in agenda item 5 as the applicant had been allowed to access his land for testing purposes.

3. Minutes of the last meeting held on 21 and 28 January 2015

Resolved: That the Minutes of the meeting held on the 21 and the 28 January 2015 be confirmed and signed by the Chair.

4. Fylde and Preston Boroughs: Application number LCC/2014/0162 Variation of conditions 1 and 2b of permissions 05/09/0376 and 06/09/0395 to allow landfilling and landraising activities to continue until 31st December 2035 with restoration within 12 months of cessation of landfilling and landraising and to amend the final restored landform. Clifton Marsh Landfill Site, Preston New Road, Newton with Clifton, nr Preston.

A report was presented on an application for the variation of conditions 1 and 2b of permissions 05/09/0376 and 06/09/0395 to allow landfilling and landraising activities to continue until 31 December 2035 with restoration within 12 months of cessation of landfilling and landraising and to amend the final restored landform at Clifton Marsh Landfill Site, Preston New Road, Newton with Clifton, near Preston.

The report included the views of Preston City Council, Newton-with-Clifton Parish Council and the Health and Safety Executive.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan and photographs of the site from various aspects.

Following debate during which concerns were raised at the length of the proposed time extension, it was Moved and Seconded that:

"Conditions 1 and 2b of permissions 05/09/0376 and 06/09/0395 be varied to allow landfilling and landraising activities to continue until 31 December 2020".

On being put to the vote the amendment was Lost.

Following further debate it was Moved and Seconded that:

"Conditions 1 and 2b of permissions 05/09/0376 and 06/09/0395 be varied to allow landfilling and landraising activities to continue until 31 December 2025".

On being put to the vote the amendment was Lost.

Following further discussion and questions to the officers with regard to the ongoing requirement for the disposal of general waste together with low level radioactive wastes it was:

Resolved: That planning permission be granted subject to the conditions set out in the report to the Committee and to the applicant entering into a section 106 agreement in relation to the extension of the aftercare period to a total period of 15 years.

**5. Fylde Borough: Application number LCC/2014/0084
Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.**

Councillor P Rigby left the room during consideration of this application as he had declared a pecuniary interest in the item.

A report was presented on an application for the retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration at Grange Road Shale Gas Exploration Site, land on the south side of Grange Road, Singleton.

The report included the views of Fylde Borough Council, Natural England, the Environment Agency, Singleton Parish Council, the Health and Safety Executive, the Department for Energy and Climate Change and details of three hundred and one letters of representation received including approximately 220 cyclostyle letters.

The Committee visited the site on the 23 February 2015.

The Head of Development Management presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan and photographs of the site from various aspects.

The Head of Development Management reported orally that the County Council's Ecology officer was of the view that if the applicant could demonstrate that the proposed schedule was compatible with avoiding disturbance during the wintering bird season then, and as indicated in Natural England's response (dated 11/02/15), the County Council would be able to screen the project for the likelihood of significant effects (Habitats Regulations Assessment) and should be able to conclude no likely significant effect on the European site either alone or in combination.

This had been discussed with Natural England, who confirmed that where their response (dated 11/02/15) referred to development being carried out in strict accordance with the submitted details; this was a reference to the commitment to avoid undertaking disturbing works during winter (bullet point 1), and NOT to spring commencement and completion within a three year period (bullet point 2)

unless it is clear that spring commencement would be compatible with avoiding disturbance during the wintering bird season.

It was also reported that representations had been received from Friends of the Earth on behalf of Singleton Against a Fracked Environment (SAFE). They maintained that:

- The grant of planning permission would be unlawful in respect of ecological matters;
- The officer report was flawed in respect of matters relating to noise;
- There were unanswered questions regarding well integrity and ground water;
- That alternatives have not been properly considered.

The matters raised were also included in the presentation made by SAFE and summarised below.

A presentation was received from SAFE on Monday 23rd February. The committee was informed that:

- No Environmental Impact Assessment (EIA) had been carried out and therefore assessments regarding Special Protection Area species (particularly pink footed geese and whooper swans) were inadequate and faulty;
- The application to collect seismic data was linked to applications at Roseacre Wood and Preston New Road which had not been determined and therefore this application was premature;
- The application was for a change of use in the initial application;
- Pressure monitoring was an appraisal activity which had the potential to lead to production and as such the site needed to be assessed with this in mind and if so would require EIA.
- The regulatory regime for developments of this nature was inadequate;
- Wells leak, fugitive emissions of gasses from the well could migrate through various routes to atmosphere and ground water; no cement bond logs were made for the well; nobody had a full understanding of the integrity of the well; the well should not be allowed to be abandoned until more details of it were understood; and
- The application should be rejected as other regulators had confirmed they would not be monitoring abandoned wells.

In response to the matters raised by SAFE via Friends of the Earth and in their presentation, the committee was advised that:

Ecology - The applicant had provided confirmation of the project design in terms of timing of the proposed works that would ensure avoidance of the winter wildfowl season other than for monitoring.

With regard to Friends of the Earths comments on behalf of SAFE - a screening opinion had concluded that the proposed development was not

EIA development and that by the applicant not undertaking key works on the site as part of the project design during the winter wild fowl season, this would be sufficient to minimise effects; that those effects would be negligible due to the location of the site; and there was no uncertainty about the efficiency of the proposed mitigation. It was considered unnecessary to have the results of wintering bird surveys to come to any other view; the conclusions drawn were to the satisfaction of Natural England. There was therefore no requirement for an appropriate assessment prior to the determination of the application. It would be unreasonable to compare this site and Beconsall regarding the impacts on wintering wildfowl or mitigation measures proposed. The two sites were very different and must be assessed on their own merits.

Noise - It was not accepted that the report was flawed in its assessment of noise or that it should reflect the recommendations to the applications for Preston New Road and Roseacre Wood. The circumstances were very different both in terms of proximity of the nearest properties to the site and the nature and duration of the proposed key works. Nevertheless, a proposed amendment to conditions 6 and 12 was proposed.

Well Integrity and ground water – Should planning permission be granted then the well operator would be required to submit a well notification of the operations that would be conducted to the Executive (compliance with the Borehole Site and Operation Regulations 1995 – BSOR)

The notification would be inspected by a Well Operations Inspector. The Inspector would expect the detailed programme of work to include a demonstration of the continued pressure containing envelope of the well – this would include, amongst others, a pressure test prior to entering the pressure containing envelope of the well (compliance with the Offshore Installation and Wells (Design and Construction etc.) Regulations 1996 – DCR).

The proposed operations for “pressure testing” consisted of the recording of down hole pressures for further analysis and the path for recording these pressures was by the perforation of the casing at the points of interest (shale sections).

Ground water - The Environment Agency had reviewed their previous comments and concluded there was no longer a requirement for the submission of details of the well abandonment schedule and that this would not be necessary or relevant to planning, having regard to paragraph 206 of the National Planning Policy Framework. They therefore no longer requested the inclusion of a condition requiring such. The Agency had developed a Regulatory Position LIT9054 which applied to oil and gas wells which were drilled before 1 October 2013 where the only new activity that would require a mining waste permit was the management of extractive waste, not involving a waste facility, generated by well abandonment. This set out the requirements that must be complied with in full to benefit from the position that a permit for a mining waste

operation was not required. It was limited to the management of waste generated by well abandonment provided the management of this waste did not involve a waste facility. Temporary storage of waste on site as part of collection and transportation only did not, in their view, amount to a waste facility. Any such wastes must be removed from site at the earliest opportunity.

If the abandonment process could lead to a discharge occurring then a groundwater activity permit may be required in line with Schedule 22 to the Environmental Permitting Regulations 2010. The company would be contacted directly about this. The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a groundwater activity (discharge of a pollutant that might lead to its direct or indirect input into groundwater) except under and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations. Any testing activities associated with the proposed development that generate waste may constitute mining waste operations and require a Permit under the Environmental Permitting (England and Wales) Regulations 2010.

Local plan/alternatives - It was not accepted that the application had been incorrectly assessed against the policies of the development plan or that alternatives the subject of other applications, should be taken into account. The application must be considered on its merits and in any event was a very different monitoring practice and at greater depth in target formations than those proposed and associated with Preston New Road and Roseacre Wood sites, neither of which in any event had the benefit of planning permission at this stage.

It was proposed to delete condition 1 to avoid conflict with condition 2.

The noise generative operations were proposed over a short period of time but would have to be carried out on a 24 hour basis. It was considered that the proposed limit of 42dB (A) Laeq free field between the hours of 22.00 and 0700 would reflect the NPPF and would be acceptable, particularly given the short duration of the operations and the distances of the site from the nearest properties. It was therefore proposed to amend condition 6 and 12 to exclude the restriction on operations and amend the hours.

In view of advice from the Environment Agency, it was proposed to delete condition 17.

Fourteen members of the public addressed the committee including local residents and representatives from Ribble Estuary Against Fracking (REAF) and Residents Action on Fylde Fracking (RAFF). They reiterated the concerns set out above and on pages 38 and 39 of the committee report in relation to noise, well integrity and ground water, the degradation of habitats, the lack of enforcement, the lack of information regarding the location of faults in that area, the requirement for an EIA and the impacts on Special Protection Area (SPA) species. They also reiterated that the application was premature with regard to

the collection of seismic data and that the mitigation measures and the regulatory regime were inadequate. In addition, it was maintained that:

- The application fell short of satisfying the requirements of policy CS5 of the Lancashire Minerals and Waste Development Framework as it did not ensure that natural resources including water, air, soil and biodiversity were protected from harm and failed to conserve, enhance and protect the character of Lancashire's landscapes.
- The application was contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan in that it did not demonstrate that all material, social economic or environmental impacts had been sufficiently addressed in order to reduce those impacts to an acceptable level.
- The application was in breach of Policy SP2 of the Fylde Borough Local Plan as mineral extraction does not fall within the accepted category in an agricultural area.
- The application failed to take account of the cumulative impacts of other developments nearby namely the Highways Agency roadworks and the extension to the County Council's Highways Depot on Grange Road.
- The long term suitability of the site should be taken into account at this appraisal stage.
- There was no information as to whether the applicant had assessed alternative locations for the surface works in areas approved for this type of activity.
- There was no information about who would assume responsibility for the long term monitoring of the well and its integrity.
- The monitoring is not required in addition to that proposed for Preston New Road and Roseacre Wood.
- The well is split into two wells below ground, no details have been provided and the information supporting the application is unreliable.
- The site was intended to be temporary. This application would allow the site to be present for 7-8years beyond which further planning permissions may be sought for more permanent development.

Members of the public also raised questions with regard to the disposal of the waste water and fluid following the abandonment process; whether the boreholes would be used for the storage of nuclear waste and if the charge proposed to be used to perforate the well would contain depleted uranium.

Three individuals addressed the committee and spoke in support of the application. Two individuals spoke on behalf of the applicant and informed the committee that:

- The pressure testing would provide sub-surface geological reservoir information of the Bowland Shale and the seismic monitoring would provide valuable information on the baseline seismicity.

- There will be no need for any additional drilling. The existing well would not be hydraulically fractured.
- Following the monitoring programme the well would be sealed with cement plugs and abandoned in accordance with the oil and gas UK guidelines and the site returned to the greenfield condition.
- No fluid would be injected into or produced from the shale, and no gas would be produced or flow from the well.
- The site was already established and had an impermeable membrane to provide containment for any spilled liquid and surface water run-off.
- The integrity of the well was fully understood and a total of five cement bond logs were carried out during the drilling of the well.
- There were limited views of the site available, given the topography and existing tree screening.
- Any lighting on site would be kept to a minimum and directed in a way which minimised spillage beyond the site. Visual impacts therefore minimal
- The site had good access and visibility, with the A585 only a short distance away.
- Experience showed that the monitoring activity itself was a very low noise activity. It would not be audible in the immediate locality of the site.
- Groundwater would be protected from the contents of the well during monitoring operations by a combination of steel casings and cemented annulae, which were put in place as part of the original well construction. The impermeable membrane would also protect groundwater.
- The risk of any adverse impact from the well testing process on groundwater and local water courses was highly unlikely.
- There would be minimal potential impact on the ecology and over-wintering birds. The ecological assessment and this proposed approach had been agreed with LCC's ecologist and Natural England.
- The proposal would not generate significant environmental effects and given the low level of impact it does not require an EIA.
- The development complies with the NPPF as the benefits of the proposal outweigh the minor environmental impacts.

In response to concerns raised by the Committee with regard to the proposed noise levels, the officer advised that the well had already been drilled and that as far as he was aware, no complaints had been received at that time. The proposed works were expected to take two weeks and he was satisfied this would not result in an unacceptable loss of amenity.

The officer also responded to further concerns raised by the committee with regard to the impact on the SPA species and the long term well integrity monitoring regime following the plugging and abandonment of the well.

Following lengthy debate and further questions to the officer, it was Moved and Seconded that:

"The application be deferred to investigate whether noise levels at the nearest residential properties could be reduced below 42db".

On being put to the vote the Motion was Lost.

Following which it was Moved and Seconded that the application be approved.

On being put to the vote the Motion was Lost whereupon it was:

Resolved: i) That the application be **refused** as it is contrary to policies SP2 of the Fylde Borough Local Plan, CS5 of the Lancashire Minerals and Waste Development Framework and DM2 of the Lancashire Minerals and Waste Local Plan.

ii) That a further report setting out draft reasons for refusal be reported back to the committee for confirmation of the reasons why the proposal is contrary to policies SP2, CS5 and DM2.

**6. South Ribble Borough: application number LCC/2015/0007
Replacement of two existing gates/barriers with 2.4m high security gates, installation of additional gates adjacent to the garage and additional 2.4m high weld mesh security fencing at the rear of the tennis courts and to part of the boundary at Penwortham Girls High School, Cop Lane, Penwortham, Preston**

A report was presented on an application for the replacement of two existing gates/barriers with 2.4m high security gates, installation of additional gates adjacent to the garage and additional 2.4m high weld mesh security fencing at the rear of the tennis courts and to part of the boundary at Penwortham Girls High School, Cop Lane, Penwortham, Preston.

The report included the views of South Ribble Borough Council and details of one letter of representation received.

The Development Management Officer reported orally that two further letters of representation had been received objecting to the proposal, including one from County Councillor David Howarth. County Councillor Howarth was of the view that the communal footpath from Alcester Avenue to Cop Lane had been used as a public right of way and advised that it would be subject to a claim for a public right of way.

The Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan together with a diagram showing an alternative route from Alcester Avenue to Cop Lane and photographs of the site from various aspects.

Mrs Bell, a local resident addressed the committee. Mrs Bell informed the committee that the proposed new gates would block a communal right of way used by local residents to access local shops, the bus stop and farmers market. It was pointed out that the proposed diversion was much longer and therefore less convenient. It was appreciated that the school wished to secure the site but it was suggested that an alternative path should be provided. The committee was urged to defer the application pending the outcome of the claim for a public right of way.

County Councillor Howard, the local councillor for the area, addressed the committee. He informed the committee that:

- The route had been used by members of the public for over 40 years.
- The route was used by elderly residents to access local amenities such as the health centre and the church hall.
- The school would not be secure even with the benefit of the additional fencing and gates, as access was available at other points of the boundary.
- The application should be deferred as the route was likely to be the subject of an application to be designated a formal right of way in the near future.

Councillor Howard had previously expressed a view on the application and therefore left the room once he had spoken.

Following debate and questions to the officers by the Members, it was agreed that the officers would write to the applicant on behalf of the committee to advise that the requirements to secure the site to protect pupils and prevent unauthorised public access were recognised and that the erection of the proposed fencing was supported. However, it was felt that the applicant should also be advised that the committee was concerned that:

- The proposed fencing and the replacement of two existing gates/barriers with 2.4m high security gates and installation of additional gates adjacent to the garage would not have the desired effect of securing the school grounds in their entirety.
- The replacement of two existing gates/barriers with 2.4m high security gates and the installation of additional gates adjacent to the garage would prevent public access between Cop Lane and Alcester Avenue along what is considered to be a well-established route.
- The route was likely to be the subject of an application to be designated a formal right of way in the near future.

The Committee whilst recognising that gates could be erected to a height of 2m with the benefit of permitted development rights, felt that the applicant should be encouraged not to erect such until an application for a public right of way could be submitted and considered to avoid unnecessary restriction on members of the public and costs incurred by the erection of the gates/barrier in the event such an application were to be successful.

Resolved: That, subject to the conditions set out in the report to the committee, planning permission be granted for the erection of 2.4m high weld mesh security fencing to the rear of the tennis courts and to part of the boundary at Penwortham Girls High School, Cop Lane, Penwortham, Preston.

**7. Lancaster City: Application Number LCC/2015/0006
Formation of internal road along and inside the northern boundary of the school between the vehicle entrance and the west side of the infant and junior playground to create a one-way system within the school site, and the creation of a new parking area to provide 3 minibus parking spaces. Morecambe Road School, Morecambe Road, Morecambe.**

A report was presented on an application for the formation of an internal road along and inside the northern boundary of the school between the vehicle entrance and the west side of the infant and junior playground to create a one-way system within the school site, and the creation of a new parking area to provide 3 minibus parking spaces at Morecambe Road School, Morecambe Road, Morecambe.

The report included the views of Lancaster City Council, the County Council's Developer Support (Highways) and Specialist Adviser (Ecology), and details of three letters of representation received.

Resolved: That planning permission be granted subject to the conditions set out in the report to the committee.

8. Planning Applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

It was reported that since the last meeting of the Development Control Committee on the 28 January, 2015, six planning applications had been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

9. Urgent Business

There were no items of urgent business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 8 April 2015.

I Young
County Secretary and Solicitor

County Hall
Preston

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected: Farington

South Ribble Borough: Application number. LCC/2015/0009
Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.

Contact for further information:
Jonathan Haine, 01772 534130, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application – Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, control of noise and dust, highway matters and floodlighting.

Applicant's Proposal

The application is for the change of use of industrial land to a waste transfer use. The applicant currently processes and stores inert waste at a nearby site on Talbot Road, Leyland but it is proposed to transfer these operations to the larger Tomlinson Road site where there would be more room to store larger quantities of processed and unprocessed wastes.

Access to the site would be from the existing access point off Tomlinson Road. A hard surfaced access road would be created to form a one way loop within the site area. Inert waste would be imported at rates of up to 75,000 tonnes per year and would be stockpiled up to a maximum of 4 metres above ground level. Raw materials would then be passed through a mobile screening plant to produce different grades of recycled aggregates with discarded materials being taken to landfill. Processed materials would be stored in different stockpiles pending sale.

The hours of operation would be 07.00 – 17.30 Monday to Friday and 08.00 – 12.00 on Saturdays.

The facility would generate 2 – 3 full time jobs.

Description and Location of Site

The application site is an area of industrial land measuring 0.9 hectares in area located at the northern end of Tomlinson Road 1km north west of Leyland town centre. Tomlinson Road itself is gained from Golden Hill Lane and serves a number of industrial premises including storage and distribution uses.

The land forming the northern, eastern and southern boundaries of the site are all currently in industrial use. The western boundary of the site is formed by the River Lostock beyond which is an area of new housing development. The nearest properties on Meadowland Close are located 40 metres from the application site boundary. The application site is at a higher elevation than the houses.

Part of the River Lostock upstream of the site is designated as a Biological Heritage Site.

Background

The site is located on an existing industrial site. A planning application ref LCC/2014/0064 for a similar development to that currently proposed was submitted in 2014 but was later withdrawn.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 -16, 17, 123, and 143 are relevant with regard to the definition of sustainable development, core planning principles, control of noise and sustainable use of mineral resources,

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

- Policy CS2 Minimising the need for mineral extraction.
- Policy CS7 Managing our waste as a resource
- Policy CS8 Identifying capacity for managing our waste
- Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

- Policy NPPF 1 Presumption in favour of sustainable development
- Policy DM1 Management of waste and extraction of minerals
- Policy DM2 Development Management
- Policy WM3 Local Built Waste Management Facilities
- Policy WM4 Inert waste recycling

Central Lancashire Core Strategy

- Policy 1 Locating Growth

South Ribble Borough Local Plan

Consultations

South Ribble Borough Council: The Borough Council Environmental Health Officer has considered the updated noise assessment and considers that it is unlikely that the development will have adverse noise impacts on residential properties provided that all plant is kept at ground level and the acoustic fencing is provided. It is considered that the development may still give rise to dust impacts and it is suggested that a condition be submitted requiring suitable dust suppression measures to be installed including a system of water sprays around the perimeter of the site.

Farington Parish Council: No observations received

LCC Developer Support (Highways): No objection subject to conditions relating to the design of the access and internal manoeuvring areas.

County Ecology Service: No ecological information has been submitted with the application but given the nature of the site, impacts on ecology are considered unlikely. The proposed acoustic screen along the western edge of the site could potentially impact upon ecological interests.

Environment Agency: No objection. The applicant's attention is drawn to the need to obtain an environmental permit from the EA.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations have been received from properties on Meadowland Close objecting to the application for the following summarised reasons:-

- The site already generates noise and the proposals will only increase these noise levels.
- The development will have a visual impact on the properties.
- There is potential for night time noise.
- The trees on the river bank do not offer sufficient screening.
- The proposal has the potential to generate dust which could be harmful to the health of local residents.
- The operating hours would require lighting which could be intrusive on local residents.

Advice

The application is for the change of use of an area of industrial land to a waste transfer use. The site is currently used by the applicant as a storage depot for building materials used for highway and civil engineering operations. The applicant currently operates a waste transfer facility for inert wastes on a nearby site located off Talbot Road but wishes to transfer the operations to the application site where there is more space for the processing and storage of materials.

An application ref LCC/2014/0064 for a similar development to that currently proposed was submitted in 2014 but was later withdrawn to allow the concerns of the Borough Council Environmental Health Officer to be addressed.

The proposed facility would allow inert waste materials arising from highway repair and other civil engineering projects to be reprocessed into a number of grades of material suitable for re use. The development would therefore assist in moving the management of such wastes up the waste hierarchy and would provide a source of recycled materials to replace primary won aggregates in certain applications. The development would therefore assist in meeting the targets for minimising mineral extraction and increasing recycling in policies CS2 and CS8 of the Lancashire Minerals and Waste Local Development Framework Core Strategy.

The site is on an existing industrial estate. Policy EMP 3 of the South Ribble Borough Local Plan states that planning permission will be granted on the application site for development for expansion of existing or new industrial and business purposes or other employment generating uses provided that the use accords with the other policies of the plan. The site is currently used for the storage of building and civil engineering materials and therefore the proposed operations are similar in character to the existing operations that are currently undertaken although no processing of waste is currently carried out. The proposal is therefore considered to generally accord with the policies of the local plan associated with the location of employment development.

Policy WM4 of the Lancashire Minerals and Waste Local Plan relates to inert waste recycling proposals and positively supports proposals for aggregate recycling at existing operational quarries and landfill sites and on certain industrial estates where the facilities would be expected to be housed within a building. The application site is not within an existing quarry or landfill site or on one of the specified industrial estates where the facilities are housed within a building. However, sites falling outside such locations would not necessarily be unacceptable provided that the local environmental impacts of the development would be acceptable in relation to policy DM2 of the LMWLP

The nearest residential properties to the application site are located on a new housing estate to the west of the River Lostock. The nearest properties (on Meadowland Close) are located around 40m from the site boundary but at a lower elevation than the application site. The trees in the River Lostock valley provide some visual screening to the application site although they are deciduous trees and only provide significant screening for part of the year. However, the site is already used for the storage of construction materials and therefore it is unlikely that the proposed operations will result in a significant change in the appearance of the site when seen from the nearest properties. In addition the applicant is proposing to erect 2 m high attenuation fencing along the crest of the existing perimeter bund which will further mitigate the visual appearance of the site.

The main issues relate to the likely impacts of noise and dust arising from the screening of waste materials and associated loading / unloading operations. A previous proposal on this site was withdrawn in order to allow the objections of the Borough Council Environmental Health Officer in relation to noise impacts to be addressed. As part of the current proposal, the applicant has undertaken a further noise survey to more accurately model the noise impacts on the nearest houses.

The applicant has designed the site so that the operations most likely to result in noise and dust (the use of the screening plant) would be located as far as possible from the properties. The processing plant would be approximately 100m from the nearest house although the stockpiling of processed materials would be much closer to the properties. However, construction materials are already stored in this location and therefore the noise impacts associated with the loading / unloading of such materials already exists. The boundary of the site with the River Lostock is currently formed by a 2m high bund which would prevent the spillage of materials into the watercourse and the applicant's proposed acoustic screen fencing along the top of the bund would further reduce noise impacts. The details of such fencing can be the subject of a condition.

The applicant has undertaken a further noise monitoring exercise to assess background levels and to better model the likely noise impacts on the nearest houses. The modelling exercise concludes that the likely increase in noise at the nearest residential property would be in the region of 4 dB(A) which is considered to be of marginal significance. It should be noted that the modelling has been undertaken on the basis of the screening plant running continually in order to provide a robust assessment of noise whereas in practice, it is likely that the plant would only be used for 2 – 3 times per month although it would be able to be used continually should planning permission be granted. On the basis of the limited increase in noise compared to the existing background levels, the EHO considers that the noise impacts of the development are acceptable.

The application as originally submitted sought permission to import and export materials (but not to process) during the night time period. However, the applicant has now withdrawn this aspect of the proposals and has also agreed to limit the use of the screening plant to between 09.00 and 17.30 on weekdays and not to use the plant on Saturdays which will reduce the impact on local residents. In terms of dust the applicant proposes to construct a circulatory road within the site which would be surfaced in concrete to allow better management of dust impacts. The applicant has also confirmed that site does have access to a mains water supply which could be used for dust suppression purposes if required. Given the prevailing wind direction, the presence of the trees in the River Lostock valley and the ability to undertake mitigation measures, it is considered that dust levels could be adequately controlled.

Although this development would not be sited within a building, given the conclusions of the EHO and the modifications that the applicant has made to his proposal, it is considered that the impacts of this development on local amenity are now acceptable and comply with Policy WM4 and DM2 of the LMWLP. To mitigate noise and dust impacts, it is considered that conditions should be imposed in relation to hours of working including restrictions on the hours of screening and preventing any night time working, requiring the use of low noise reversing alarms and requiring the use of dust attenuation measures including hard surfacing of the internal road.

The site is already illuminated at night and therefore providing the level of illumination were to be maintained, the proposed use would not result in any further light pollution at the nearest properties particularly given the difference in land levels. The site is served via an existing industrial access from Golden Hill Lane which serves a number of other industrial uses and haulage depots and which does not pass any residential properties. The application site would benefit from a lawful use

for general or storage and distribution uses which are activities which would be expected to generate a certain level of HGV traffic. The traffic generated by the proposed development would be similar to the levels that could be generated by this site under its existing lawful use.

Part of the River Lostock close to the site is a designated Biological Heritage Site. However, provided stockpiling, light pollution and water runoff were to be controlled it is unlikely there would be any unacceptable impacts on the BHS.

In conclusion, this development would assist in the recycling of inert waste materials. A number of the activities that are proposed as part of the development such as the storage of inert construction materials already take place at the site. Whilst the site is located close to a number of residential properties, it is considered that noise and dust can be controlled to levels such that residential amenity would not be adversely affected. The proposal therefore complies with the policies of the Development Plan.

Human Rights

Having regard to the scale, nature and location of the development, it is considered that the proposal would not affect any convention rights identified under the Human Rights Act 1998.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 19th January 2015 as amended by the email from Stephenson Halliday dated 5th March 2015.
 - b) Submitted Plans and documents:
 - Figure 1 Site Location Plan
 - Figure 2 Application Boundary
 - Figure 3 Site Plan
 - Figure 4 Proposed Material Processing Development
 - Figure 5 Illustrative Site Office and welfare facility cabin elevations
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies DM2 and WM4 of the Lancashire Minerals and Waste Local Plan and policy of the QD1 of the South Ribble Borough Local Plan.

Hours of Working

3. No importation of waste, management of waste materials or export of waste or recycled materials shall take place outside the hours of:

07.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.00 to 12.00 hours on Saturdays

No importation of waste, management of waste materials or export of waste or recycled materials shall take place at any time on Sundays or Public Holidays.

The use of the screening plant shall only take place between the hours of 09.00 - 17.30 hours Mondays to Fridays and shall not be used at any time on Saturdays, Sundays and Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

Control of Noise and Dust

4. No screening of waste materials shall commence until noise attenuation fencing has been erected along the western boundary of the site in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details of the location of the fencing, constructional details including its height, finish and design including its noise attenuative properties.

Thereafter the fencing shall be maintained in accordance with the approved details.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy QD1 of the South Ribble Borough Local Plan.

5. Measures shall be taken at all times during the development to reduce the emission of dust from the site. Such measures shall include:-

a) the fitting of dust suppression measures to screening plant and their use when necessary to suppress dust from processing operations

- b) the spraying of stockpiles materials to reduce dust from loading operations
- c) the use of waster for dust suppression on vehicle circulation routes.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

- 6. The screening plant shall only be located in the position shown on drawing figure 4. Any such plant shall only be sited on the existing ground level of the site and shall not be located upon any stockpile or other area of raised ground.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

- 7. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough/Local Plan.

- 8. All mobile plant used on the site shall be fitted with and use low noise or white noise reversing alarms.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

- 9. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at no.12 Meadowland Close. The measurements and assessments shall be made in accordance with BS 4142:2014

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

- 10. Prior to any waste materials being imported to the site, the proposed internal access road shall be constructed to the dimensions shown on drawing Figure 4 and finished with a concrete surface.

Reason : To reduce dust emissions from the site in the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1of the South Ribble Borough Local Plan.

11. Measures shall be taken at all times during the development to prevent the transfer of mud, dust or other deleterious materials onto the public highway by heavy goods vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

12. All vehicles transporting waste or recycled aggregates of a size less than 100 mm in any dimension from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

13. No additional floodlighting shall be erected unless a scheme and programme containing the details of such lighting has first been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/Directorate/Ext
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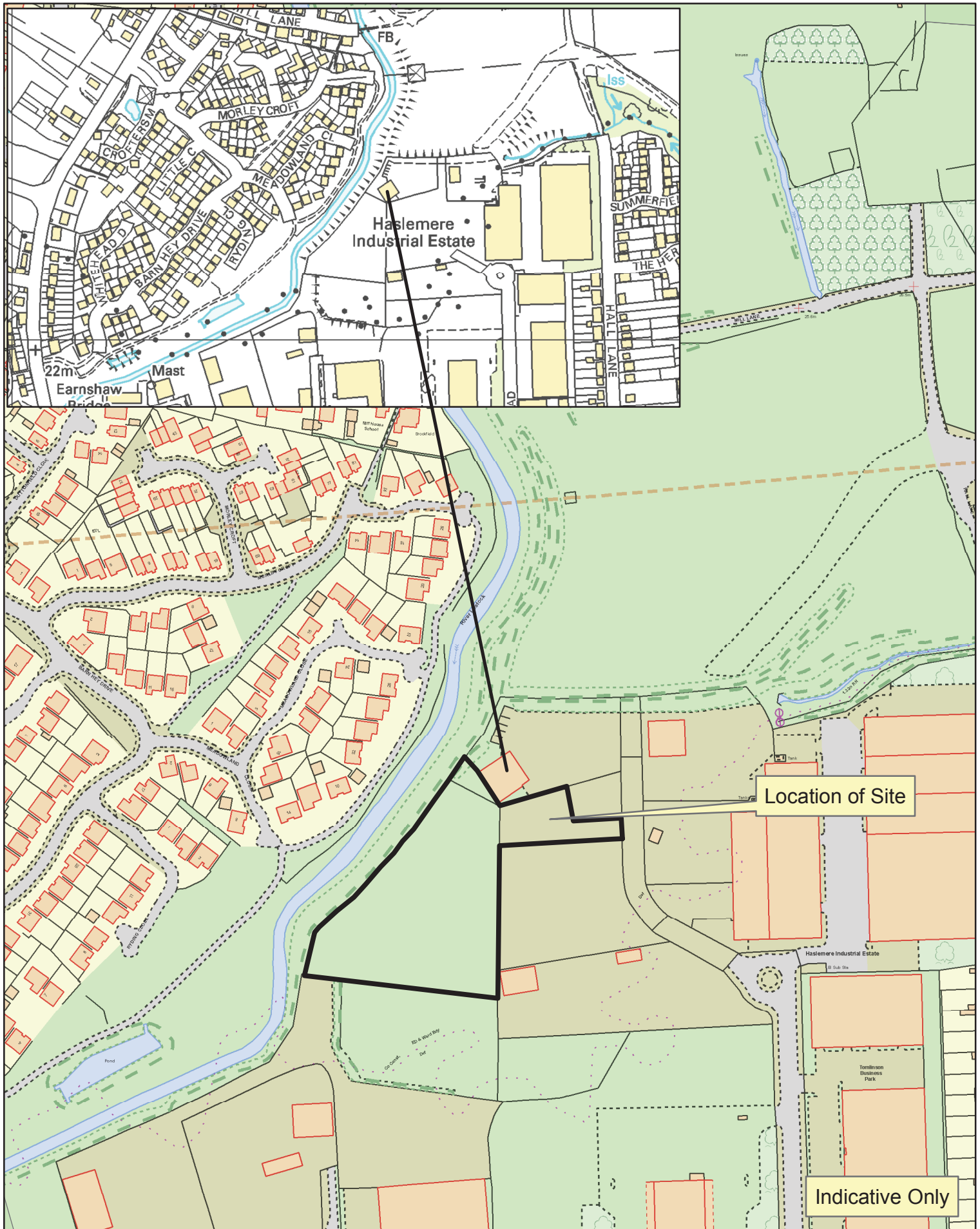
LCC/2015/0009

19th January 2015

Jonathan Haine
Environment
534130

Reasons for Inclusion in Part II

N/A



APPLICATION LCC/2015/0009 CHANGE OF USE TO INERT WASTE TRANSFER AND STORAGE, CONSTRUCTION OF CONCRETE TRACK AND LOOP FOR VEHICLES AND PLANT MANOEUVERING, SITE OFFICE CABIN, WELFARE CABIN AND WEIGHBRIDGE. LAND WEST OF TOMLINSON ROAD, TOMLINSON ROAD INDUSTRIAL ESTATE, LEYLAND.

Agenda Item 5

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected: Wyreside
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Wyre Borough: Application number. LCC/2014/0166
Variation of condition 2 of planning permission 02/08/1116 to allow the importation of post IVC compost from commercial waste management facilities.

Iron House Farm, Lancaster Road, Out Rawcliffe, Preston.

Contact for further information:
Jonathan Haine, 01772 534130, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of condition 2 of planning permission 02/08/1116 to allow the importation of post IVC compost from commercial waste management facilities.

Iron House Farm, Lancaster Road, Out Rawcliffe, Preston.

Recommendation – Summary

That planning permission be **refused** for the following reason:

The development would give rise to bio aerosol and odour emissions and such impacts on the nearest residential property could not be mitigated to acceptable levels. The development would therefore have unacceptable impacts on residential amenity contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and policy SP14 of the Wyre Borough Local Plan.

Applicant's Proposal

The application is for a variation of condition 2 of planning permission 2/08//1116 to allow composted material from in - vessel composting plants to be imported to the site for further composting alongside the green waste materials that are currently permitted.

Condition 2 of permission 2/08/1116 limits the waste types imported to the site to green wastes such as grass, tree and hedge cuttings and green wastes produced by parks and garden and householders.

Description and Location of Site

The application site is at Iron House Farm in Out Rawcliffe, 9 km east of Fleetwood town centre. The site is accessed off Lancaster Road (a C class road) via a stone track known as Hornby's Lane. The site extends over 1.6 hectares accommodating two former agricultural buildings and an area of open land with a hard surface used for the windrowing and storage of compost.

The land surrounding the site is flat agricultural land with the nearest residential property being approximately 160 metres to the north of the site.

Background

History:

Planning permission ref 2/08/1116 was granted in 2008 for a retrospective change of use of land to a composting facility.

Planning permission ref 2/13/0788 was granted on 11th February 2015 for a variation to condition 2 to permission 2/08/1116 to allow the importation of waste wood for chipping to be exported from the site as biomass or to be incorporated within the composting process.

Planning Policy

National Planning Policy Framework: The following paragraphs are relevant:

7 – 10 – Achieving sustainable development
11- 14 - The presumption in favour of sustainable development
17 - Core planning principles
120 – 123 Pollution impacts

National Planning Policy for Waste

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

Policy CS7 Managing waste as our resource
Policy CS8 Identifying capacity for managing our waste
Policy CS9 Achieving sustainable waste management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

NPPF1 – Presumption in favour of sustainable development.
Policy DM1 Management of waste and extraction of minerals
Policy DM2 Development Management

Wyre Borough District Local Plan

Policy SP13 Development in the Countryside
Policy SP14 Standards of design and amenity

Consultations

Wyre Borough Council: No observations received

Out Rawcliffe Parish Council: No observations received.

LCC Developer Support (Highways): No observations received.

County Ecology Service: The proposed development would not increase the scale of operations, traffic or the size of the site and impacts on biodiversity therefore appear unlikely.

Environment Agency: No objection. The waste proposed to be accepted at the site is not covered by the existing permit and a permit variation would therefore be required. Bioaerosols and odour emissions are likely to increase with the importation of such partially composted materials and therefore the planning authority should be satisfied with the site specific bioaerosol risk assessment prior to any planning decision. In a further letter in response to the applicant's bioaerosol and odour risk assessment, the EA consider that the sanitised, partially composted material is likely to be hot, smelly and difficult to transport.

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

Advice

Planning permission ref 2/08/1116 for the change of use of agricultural land to a site for the composting of green waste materials was granted in 2010. This permission was subsequently varied in February 2015 to allow waste timber to be also imported to the site for chipping with the product either being exported as biomass or incorporated within the composting process.

The site extends over an area of 1.6 hectares and includes an open sided former agricultural building which covers the equipment used for the shredding of green waste together with a hardsurfaced area to the west of the building which accommodates the windrows used for the production of compost.

Condition 2 of planning permission 2/11/1116 requires:

No waste other than green waste shall be imported to the site. Green wastes shall only be comprised of grass, tree and hedge cuttings, park and garden waste and green waste produced by householders and shall not include any waste construction timber, paper, cardboard, meat or any product of animal origin. Any other wastes shall be removed from the site within 24hours and taken to a licensed waste management site.

The current application is to vary condition 2 to also allow the importation of partially composted waste arising from in vessel composting plants. The applicant states that the volumes of green wastes that are available have reduced and therefore they wish to import post IVC wastes alongside green wastes but remaining within the existing input levels of around 20,000 tonnes per year. The post IVC wastes are

derived from household waste collections and are composted at other facilities within an enclosed environment where they are held for 7 – 14 days to sanitise the material so that it complies with the Animal By-products Regulations. After this time the material would then be transferred to the application site for placement in windrows for further composting over a period of around 8 weeks after which it will meet the PAS100 requirement allowing it to be used as an agricultural soil enhancer.

Policy CS7 of the LMWLP Core Strategy states that an integrated waste management strategy will be planned for that implements the waste hierarchy and maximises reuse, recycling and composting. The proposal would assist in moving the management of such wastes up the waste hierarchy as it would provide a facility whereby food waste collected from household waste collections can be recycled into a useful soil improver or fertilizer. The application site is situated within a large agricultural area where there is a ready market for such products and the proposal complies with Policy CS7 of the LMWLP Core Strategy.

The proposal would not increase the total volumes of materials accepted at the site and therefore would not increase traffic levels to the site. There would be no requirement to extend the existing areas of hardstanding and therefore the visual impact of the site in the countryside would not be increased.

The main issues relate to the possible impacts on odour, noise and bioaerosols. Policy DM2 of the LMWLP requires that development for waste management operations will be supported where it can be demonstrated that all environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

The site is located in a very rural area that in general is remote from residential properties. However, there is a single property located 210 metres north east of the windrow area. The next nearest property is located 600 metres to the north.

At present green wastes are imported to the site and are shredded prior to the materials being placed in windrows. The post IVC wastes would replace a proportion of the green wastes and would not require any shredding prior to being placed in the composting windrows. The shredding activities do generate noise and therefore the substitution of the green wastes for the post IVC material is likely to result in an overall decrease in noise impacts from the site.

However, the post IVC wastes do have characteristics that may increase odour and bioaerosol impacts above those levels current experienced particularly when materials are disturbed during turning or loading operations. When received on site, the IVC wastes have already passed through an initial composting and sanitising process and will not require further shredding. On arrival at the site, the wastes will be directed straight into the windrow area where they would be stored for a further period of 8 weeks to complete the composting process. During this stage, windrows require turning at regular intervals to control temperature and such a process can give rise to odour or dust / bioaerosol emissions. The operator has submitted an odour management plan and site specific bioaerosol risk assessment to assess the likelihood of such impacts and the need for mitigation measures. The risk assessment identifies the sensitive receptors are at most risk from such impacts where they are within 250 metres. The nearest property at Moss Cottage is located approximately 200 metres from the composting area and the risk assessment finds

that the wind is blowing towards the nearest property for a high proportion of the time. Measures to reduce dust / bioaerosol emissions can be adopted such as applying water to windrows. However, it would not be possible to use such mitigation measures continually as a leachate problem would occur and such measures would also not mitigate against any odour impacts. It should be noted that the EA state that post IVC wastes are likely to have particularly odorous qualities. It is therefore considered that the waste types proposed to be imported to this site would give significant potential for bio aerosol and odour emissions and which could give rise to significant amenity impacts given the proximity to the nearest residential property. The proposed development would therefore be contrary to policy DM2 of the LMWLP and policy SP14 of the Wyre Borough Local Plan.

Human Rights Issues: The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1st Protocol of the Human Rights Act 1998.

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The applicant has rights under this article. However, the County Council has a duty to secure the proper location of waste recycling development in order protect the amenities of local residents as set out in the policies of the development plan. The proposal would conflict with these policies and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by the refusal of permission and that the refusal of the application would not place a disproportionate burden on the applicant.

Recommendation

That planning permission be **refused** for the following reason:

The development would give rise to bio aerosol and odour emissions and such impacts on the nearest residential property could not be mitigated to acceptable levels. The development would therefore have unacceptable impacts on residential amenity contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and policy SP14 of the Wyre Borough Local Plan.

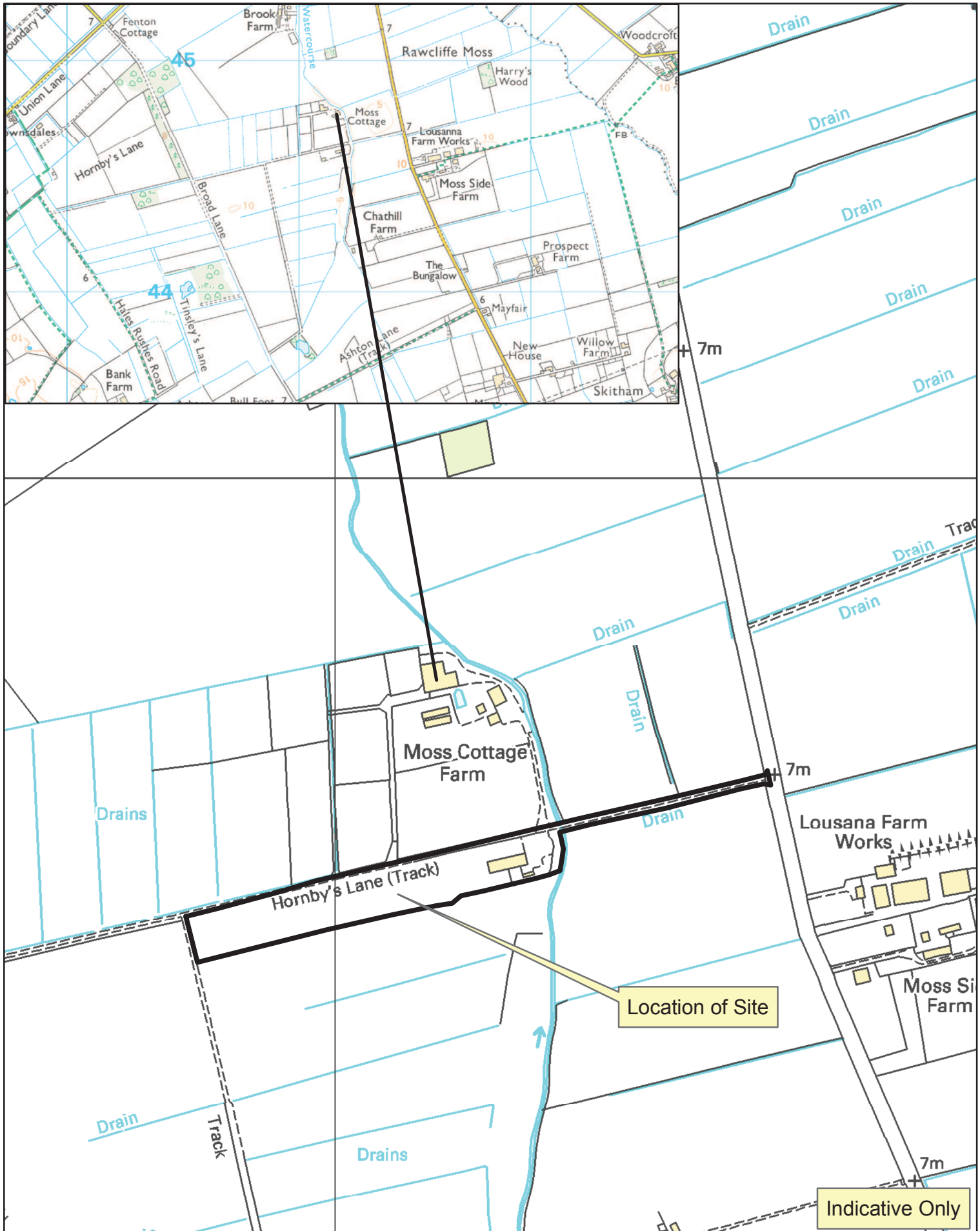
Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0166		

10th December 2015

Jonathan Haine
Environment
534130

Reason for Inclusion in Part II, if appropriate - N/A



APPLICATION LCC/2014/0166 VARIATION OF CONDITION 2 OF PLANNING PERMISSION 02/08/1116 TO ALLOW THE IMPORTATION OF POST IVC COMPOST FROM COMMERCIAL WASTE MANAGEMENT FACILITIES. IRON HOUSE FARM, LANCASTER ROAD, OUT RAWCLIFFE, PRESTON

Agenda Item 6

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application number LCC/2014/0144

Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

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

Executive Summary

Application - Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and for the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That subject to the applicant first entering into a Section 106 Agreement ensuring all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** for the variation of conditions 3 and 9 of planning permission 02/11/0876 subject to conditions controlling working programme, hours of operation, colour of building, use of building, site operations, noise, dust and highway matters.

Applicant's Proposal

Planning permission 02/11/0876 was granted in October 2012 for the erection of a building to enclose a materials recovery plant associated with a waste transfer use previously approved under permission 02/11/0184.

Condition 3 of permission 02/11/0876 prohibits the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of permission 2/11/0876 stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors to the building are closed.

Planning permission is now sought for the following:

- To vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays) with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 9 to allow the doors of the waste transfer building to be kept open while the waste processing plant is operating but only whilst vehicles are entering and leaving the building.

A screening opinion of this proposal has been undertaken and it was concluded that the proposed development is not Environmental Impact Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Description and Location of Site

The site is operated by Lancashire Waste Recycling Limited (LWR) and is located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land covering an area of 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. A weighbridge and demountable units are near the site entrance with the 'L' shaped waste transfer building located along the southern boundary and south-east corner of the site. On the north side of the building are two vehicle entrances; one measuring 5m by 5m high that is north facing, and one measuring 4.5m by 5m high that is west facing. An air filtration system is on the east elevation of the waste transfer building. The majority of the site between the waste transfer buildings and the northern boundary has a concrete surface with some surfacing of the area not yet complete. The area between the west side of the waste transfer building and the part western boundary along Enterprise Way is a mixture of bare, hardcored and tarmaced ground. Wooden

acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is an open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west of the site boundary on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Background

Planning permission (ref.02/11/0184) for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hardsurfacing was granted on 28 October 2011. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0876) for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0877) for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 to increase the dimensions of the waste transfer building from 40m by 30m to 50m by 31m and decrease its height from 16.3m to 12.9m was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0145) for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, the erection of a single storey substation plant room extension to provide power at the site, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, and the provision of three metal shipping containers for use as a canteen, showers and mess room, is reported elsewhere on this agenda.

Planning Policy

National Planning Policy for Waste

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste Management

Wyre Borough Local Plan

Policy SP2 Strategic Location for Development
Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council – The Borough Council initially raised objection to the application as it was considered that insufficient information had been submitted to demonstrate that the variation of conditions as proposed would not have a detrimental impact on the amenity of neighbours. However, in response to further noise monitoring data, the Borough Council's Environmental Health Officer (EHO) states that although there is a difference in recorded background noise levels, conditions in line with BS4142 relating to the difference between the source and background level would overcome this uncertainty. The EHO states that the change in noise levels when the doors are open compared to when they are closed is not perceivable and that the proposed extension of hours for the operation of the plant is still within daytime hours. It is therefore considered that the noise levels are

acceptable subject to conditions being applied relating to the difference between the rating level and background noise level.

Fleetwood Town Council – Object due to the working hours, noise, odours and pollution of a watercourse.

LCC Developer Support (Highways) – No observations received.

Environment Agency – No objection in principle although there are concerns about the operation of the doors. Assessments have been carried out on the suitability of the fast acting doors which were installed with the intention of containing odour within the building. EA investigations raised a number of concerns:

- The extraction system is designed to maintain a slight negative pressure, even when the roller shutter doors are open, which is intended to contain any odorous air within the building. In practice this was not the case.
- During a visit the EA detected odour outside the building near to one of the fast acting doors as the contaminated air was being drawn out of the building due to low air changes in the building.
- The EA observed the operation of the automatic doors and found during a delivery that the doors seemed to be operated manually by staff.
- The time period for the opening and closing of the fast acting doors to allow for vehicular access ranged from 47 seconds to 1 minute 47 seconds.
- After observing the door closing, it then unexpectedly reopened on its own. This was explained to be the automatic motion sensor inside the building which opens the door when any movement is detected near the door.

The applicant has taken some measures to address this, but they do not fully address the escape of odour when the doors are opened, which is still to be resolved. Improvements that have been made include the changes to the motion sensor from 90 seconds to an activation time of 30 seconds. In addition, the site has moved operations likely to activate the motion sensor away from the door to prevent it being accidentally activated.

In light of these findings, until the site can increase the extraction rates to create sufficient negative pressure the removal of condition 9 would not be advisable as it would increase the risk of odour release off site. We understand this is a retrospective application as the current planning condition 9 would prevent any machinery being operated every time the door is opened and therefore require the company to shutdown and start up machinery on average 30 times a day, which is not practicable. With this in mind, it may seem more appropriate to make an amendment to condition 9 that the doors are only to be opened for the ingress and egress of vehicles requiring access to the building, and not a full relaxation of the condition which was presumably in place to minimise the initial risk of noise and odour emissions from the building. The proposed improvements to the air filtration/extraction system (that are the subject of Application LCC/2014/0146, also on this agenda) would include operating 24 hours and so increasing extraction rates overall from the waste transfer building. This would help to prevent the escape of odours from the open doors of the waste transfer building.

The EA state that they will continue to work with Lancashire Waste Recycling through the regulatory regime to address these issues. The submitted Odour Management Plan Version 10.4.1 is acceptable. The application is not considered to be a risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 95 representations of objection, including one from Eric Ollerenshaw MP, and 2 representations of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of a vehicle movement in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- The site affects the environment to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping for more waste from other areas.
- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

A number of letters of representation have been submitted on behalf of the Cala Gran Caravan Park. The objections maintain that operations on the application site

have given rise to noise, vibration and odour impacts which have given rise to complaints from residents staying at the caravan park. The representations maintain that the caravan units are of a less substantial construction than dwelling houses and are therefore more sensitive to noise impacts. The representations state that the caravan site is a significant employer and contributor to the local economy and that the impacts of the development impacts upon the commercial viability of the site. Agents for Cala Gran also maintain that the application should be subject to EIA, that the application documents contain a number of errors and that consultation by the County Council has been insufficient.

The objection from Eric Ollerenshaw MP is on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and lifting the current planning restrictions will only add to this.

The 2 letters of support from local residents are as follows:

- One who lives 1km from the site and experiences negligible nuisance or disturbance from the operations.
- One who lives 0.5km from the site who is of the opinion that Lancashire Waste Recycling are not responsible for the problems of noise and odour for which they are blamed. Global Renewables appears to be the problem. LWR have demonstrated that the automatic doors open and close as the wagons delivered the plastic waste and no smell or noise could be detected when the doors were open even though the plant was fully working. The plant produces a product that is used to replace the burning of coal to heat the kiln of a cement factory on a continual basis and so reducing the amount of carbon released into the atmosphere.

Advice

Planning permission 02/11/0876 for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012.

Condition 3 of the permission relates to the hours of working and prevents the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of the permission stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors of the building are closed.

Planning permission is now sought to vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays)), with the delivery and removal of waste and processed

materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.

Planning permission is also sought to vary condition 9 so as to allow the doors of the waste transfer building to be open while the plant inside is operating but only to allow the ingress and egress of vehicles.

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, when the site was developed at the end of 2011, it was established as a facility for converting dry unrecyclable plastics, paper and textiles into a fuel which can be used as a kiln fuel in the manufacture of cement. The waste is shredded to produce a fine 'flock' type material that can be blown in to the kiln.

The majority of waste (70-80%) received at the site is currently from the adjacent Thornton Waste Technology Park where it has been sorted from the general household waste stream by screening in a trommel to remove fines and hand and mechanical sorting to remove metals and other non combustible items. As much of the waste will be food packaging, it may contain, or have on its surface, traces of organic matter. The remaining 20-30% of waste that LWR receive is sourced from local recycling facilities that may also be 'contaminated' with organic matter. The Environment Agency have advised that, in the period October 2013 – September 2014, the LWR site accepted 62,701 tonnes of waste.

Given the change in the nature of the operation and the waste types accepted, the County Council obtained legal advice from counsel as to whether a material change of use had occurred. The advice concluded that the current operations to process waste to produce a fuel is an industrial process and does not constitute a material change of use from the originally approved operation as a waste transfer station for inert construction and industrial waste. It is therefore considered that the general nature of the operations now undertaken can be properly carried out under the provisions of the existing planning permissions for the site.

The applicant contends that the variation to condition 3 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials on Mondays to Fridays is required to allow greater flexibility in the processing and receipt /export of waste to a shredded product and hence less would be stockpiled within the building. The delivery and removal of waste and processed materials on Saturday afternoons and Sundays is again to allow for greater flexibility in the hours that the unprocessed waste can be delivered to the site and also in the hours that the processed waste can be taken from the site, so as to meet the requirements of both the providers of the unprocessed waste and of the customers of the processed waste.

The variation of condition 9 to allow operation of the waste processing plant whilst the doors of the waste transfer building are open to only allow the ingress and egress of vehicles requiring access to the building would negate the need for processing machinery to be shut down every time the doors are opened. The doors have to be opened on average 30 times a day and if the plant has to be shut down

on every occasion the operator would lose a substantial proportion of operating time and could not produce the volumes of processed waste that their customers require.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the Wyre Borough Local Plan and Thornton / Fleetwood Area Action Plan. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system does everything it can to support and secure economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that our waste can be managed as a resource. The shredding operations to produce a fuel for commercial use assists in the diversion of waste from landfill and moves waste up the waste hierarchy as it enables the recovery of energy from waste and also reduces the reliance on fossil fuels to power kilns. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD

Policy 1 of the Wyre Borough Thornton / Fleetwood AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality urban and natural environment, be of a high design quality and should not increase flood risk. Policy 3 of the AAP allocates a number of areas for industry and business including employment development for B2 uses (general industrial) in Burn Hall Industrial Estate. Policy SP14 of the Wyre Borough Local Plan seeks to achieve high standards of design and amenity for all types of development. Policy EMP8 seeks to retain land in industrial areas for industrial/ employment uses and to resist development for alternative uses.

The proposal raises issues relating to noise, odour, flood risk, water pollution and traffic.

The combination of the extended hours of operation and the operation of the processing plant while the doors are open has the potential to create impacts of noise and odour on surrounding business in Burn Hall Industrial Estate, but particularly on the residential uses at Springfield Terrace and Cala Gran Caravan Park, that are both close to the northern boundary of the site. Noise can arise from

the plant operating within the building while odour can arise from the organic matter on the waste received at the site and that is stored within the building.

In relation to the change to the hours of operation, the variation sought would permit an additional hour at either end of the working day on Monday to Friday, an additional four hours on Saturday afternoons for loading / unloading of vehicles and movements of HGV's only and for the site to be open on Sundays and bank holidays between 10.00 – 15.00 hours on Sundays for the same purpose. The site would continue to operate on a Saturday morning as per the extant permission 02/11/0786. However, the changes requested to the permitted hours are relatively minor with no night time working being proposed. Given the location of the application site, it is only the residents of Springfield Terrace and caravan units in Cala Gran Caravan Park that would be potentially affected by such an extension in working hours.

The current planning permission for this site requires that the doors to the building remain closed whilst the processing plant is in operation. The operator wishes to modify this condition to allow the plant to operate whilst the doors are open but only to permit vehicles to enter and leave the building. Given this mode of operation, the doors would not be open continuously and the majority of time would remain in the closed position. To ensure this is the case, the operator has installed a sensor system that automatically triggers the opening of the doors in response to the presence of a vehicle and then to close the doors shortly after. Notwithstanding, this system, the opening of the doors would, however, allow for the intermittent migration of noise from the operating plant and possibly of odour from the waste within the waste transfer building.

The original planning permission for this site incorporated a number of conditions in relation to noise attenuation to address concerns that were raised in relation to noise. In particular noise attenuation fencing to a height of 2.5 metres has been erected on the full northern boundary of the site. The waste transfer buildings were also subject to a condition requiring their construction to contribute towards noise attenuation. The buildings were constructed in concrete blockwork and metal cladding in order to improve noise attenuation. It should be noted that the applicant's original proposals for this site in planning application 02/11/0184 involved the recycling of commercial and industrial waste including the crushing and screening of inert waste materials outside the building.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the noise from plant activities at the site have been shown to be constant throughout the production process. With the doors closed and open, the noise levels attributable only to the production process have been recorded as a maximum of 48.8dB and 50.6dB, respectively, when measured at two points on the boundary of Cala Gran Caravan Park to the north of the application site. In relation to noise standards in the NPPF, the hours of 0700 – 1900 are normal working hours. The submitted noise assessment concludes that the noise levels associated with the production process while the doors are both open and closed are clearly within currently permitted noise limits.

The Borough Council Environmental Health Officer has concluded that noise levels at the site boundary are very similar irrespective of whether the doors are open or closed and therefore the proposed variation of condition 9, if permitted, would make very little difference to noise levels at the nearest properties including the caravan park. It is also important to note that the doors would only be open for a total of approximately 1 hour during each 12 hour day and therefore the impact on average noise levels has to be viewed in that context. He also notes, there would be approximately 2 HGV movements per hour for the extended operating hours and that although the noise from these vehicles would be audible at the site boundary, each HGV movement would only be for a short time period and therefore would not have a marked impact on average noise levels during the extended hours. The levels of noise created by the extended hours of working and the operation of the processing plant while the doors are open would therefore be acceptable to surrounding land uses.

Permission 02/11/0876 has noise conditions attached to require that all plant, equipment and machinery are equipped with effective silencing equipment or sound proofing equipment. The existing permission also contains conditions regarding maximum noise levels. It is considered that a similar condition should also be imposed on any permission. Any such condition should reflect the advice of the EHO that any condition should reflect BS4142 to provide for the rating noise levels from the site to not exceed 5Db(A) above the background level when measured at the boundaries of the nearby Springfield Terrace and Cala Gran Caravan Park. Such rating noise levels would include the noise from the waste processing activities as well as any noise emitted including during the night time period from the odour control system.

Many objections to this application are concerned that the operations on this site are giving rise to odour impacts that are affecting local amenity. Agents acting on behalf of the Cala Gran Caravan Park have made representations that the applicant is already in breach of existing planning conditions to the detriment of local residents and users of the caravan park. They are concerned about the impacts of noise, vibration and odour. In particular it is stated that odour issues have been raised by customers staying at the caravan park and that such impacts are a disincentive for repeat and new business which threatens the commercial viability of the holiday park. Whilst it is acknowledged that this site has given rise to some odour issues in the locale, there are also a number of existing uses adjacent to or near the caravan park that have the potential to give rise to odour issues. These include the Thornton Waste Technology Park (150 metres south east of the caravan park), the Jameson Road Landfill Site (500 metres north east of the park) and the Fleetwood Waste Water Treatment Works (500 metres north of the park). Due to odour issues experienced from the Waste Technology Park, the County Council regularly undertakes odour assessments in this area which includes an analysis of the types of smell detected and wind direction and other climatic conditions. Whilst, there are occurrences where odours detected do appear to be from the application site, there are also times when any odours must be originating from other premises due either to wind direction or the nature of the odour. It is therefore considered that the application site is not the only generator of any odour impacts that are detected by local residents including those on the caravan park.

The odour issues at this site commenced when the applicant first began to import waste from the adjacent waste technology park. In response to these issues the Environment Agency required the operator to prepare an odour management plan. This odour management plan provided for the installation of the vent stack and air extraction system that is the subject of application LCC/2014/146. The EA have no objection to the applications but are of the view that the air extraction system and doors are not currently operating as effectively as possible. However, they consider that these issues can be dealt with under their own regulatory regime. It is recognised that odour can and does arise from the organic matter on the waste received at the site and that some odour does migrate from the building when the doors are opened. With this in mind, the applicant has taken some measures to address this such as changes to the motion sensor so that the period of time that the doors remain open has reduced from 90 seconds to 30 seconds, and moving operations likely to activate the motion sensor away from the door to prevent it being accidentally re-activated. Therefore it is considered that measures are in place to address the noise and odour impacts arising from this operation. However, it is considered that a condition should be imposed requiring details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the operation of the air extraction system and vent stack is a matter that they can address through their regulatory regime.

It is important to recognise that the handling of these waste types can already be undertaken under the existing planning permission. The odour potential occurs as a result of the presence of these waste types on the site but such impacts would occur irrespective of whether the plant is running or not. The relaxation of condition 9 in the manner proposed would therefore not increase the potential for odours to be released from the building.

If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. It is therefore considered that the EA's regulatory regime is sufficient to tackle and remedy any such issues and that there is no fundamental land use planning objection to the development in terms of odour emissions and impacts on the nearest sensitive development.

Subject to the imposition of conditions limiting noise levels, it is considered that the extension to the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building would conform with Policy DM2 of

the LMWLP, Policy CS9 of the Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary. However, as the proposal is related to activities within an existing waste transfer building, there would be no increase in the risk of flooding or implications for the ground or surface water. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The proposal to extend the hours of working may generate additional traffic movements. However, any such increase is expected to be small and the site would continue to be accessed using the existing access and egress to the industrial estate from Fleetwood Road and then via Venture Road within the industrial estate. The current permission 02/11/0876 is subject to a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall adhere to a routing agreement to require all HGV's access and egress the site via Fleetwood Road and Bourne Way. Subject to any new permission being subject to the same routing controls, the proposal is acceptable on highway grounds.

The existing permission 02/11/0876 includes a number of conditions relating to colour of the industrial building, use of building, site operations, and dust and highway matters. It is considered the same conditions should be attached to any new permission. Subject to the imposition of these conditions, the noise and odour impacts associated with the proposal are considered to be acceptable, and the proposal complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

In view of the scale, location and nature of the proposed development it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to the applicant first entering into a Section 106 Agreement ensuring all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) Planning permission 02/11/0876 as amended by the Planning Application LCC/2014/0144 received by the County Planning Authority on 08th October 2014, email received by the County Planning Authority from Mellor Holdings on 07th November 2014 and email received by

the County Planning Authority from Mellor Holdings on 11th February 2015.

b) Submitted Plans received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan
Noise/ Acoustic Assessment
Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies SP14 and ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Hours of Working

2. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 hrs on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies SP2 and SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained goose wing grey (BS 10 A 05) throughout the duration of the development...

Reason : In the interests of the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. The building shall only be used in association with the waste transfer station approved by planning permission LCC/2014/0145.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Site Operations

5. A copy of this permission and all the documents referred to in condition 1 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Control of Noise

6. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

7. Within one month of the date of this planning permission a scheme and programme detailing the measures that are employed to control the operation of the doors to the building shall be submitted to the County Planning Authority for approval in writing. The measures contained in the scheme and programme shall ensure that the doors are opened for the minimum time that is necessary for vehicles to enter and leave the building and are not triggered by other operations undertaken within the building.

Thereafter the approved measures shall be employed in full working order at all times during the operation of the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP2 and SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

8. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB (A) (1hour). The noise levels shall be determined at 12 Springfield Terrace NGR 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood Road between NGR's 332 447 and 332 448. The measurements and assessments shall be made in accordance with BS 4142:2014

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Dust

9. The measures for dust suppression contained in the scheme and programme dated 5 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012. submitted to the County Planning Authority pursuant to condition 11 of planning permission 02/011/0876 shall be employed at all times.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Highway Matters

10. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

11. All vehicles transporting waste or recycled materials from the site shall be securely sheeted.

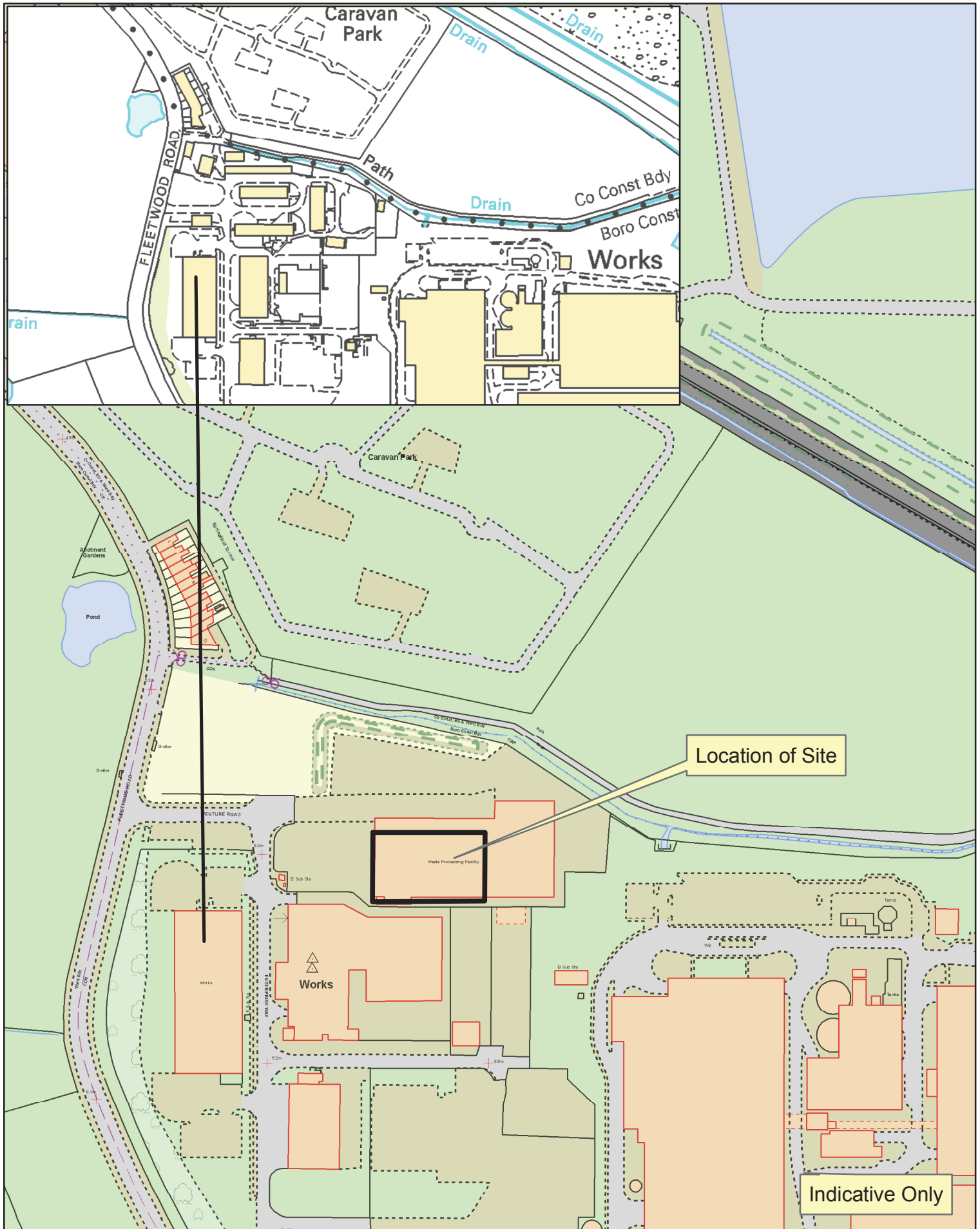
Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

Paper	Date	Contact/Directorate/Ext
LCC/2014/0144	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0144 VARIATION OF CONDITION 3 OF PERMISSION 02/11/0876 TO CHANGE WORKING HOURS TO 7AM TO 7PM MONDAY TO FRIDAYS EXCEPT PUBLIC HOLIDAYS, 8AM TO 1PM SATURDAYS, 1PM TO 5PM SATURDAYS VEHICLE MOVEMENTS ONLY AND 10AM TO 3PM ON SUNDAYS AND PUBLIC HOLIDAYS VEHICLE MOVEMENTS ONLY ALSO DELETION OF CONDITION 9 OF PERMISSION 02/11/0876 TO ALLOW DOORS TO BE KEPT OPEN WHILST SITE IS OPERATING. UNIT 8 BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON

Agenda Item 7

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application number LCC/2014/0145

Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

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

Executive Summary

Application - Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and for the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That subject to the applicant first entering into a Section 106 Agreement ensuring all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 subject to conditions controlling working programme, hours of operation, colour, use and design of the industrial building, site operations, noise, dust, litter, floodlighting, highway matters, safeguarding of watercourses and drainage, landscaping and ecology.

Applicant's Proposal

Planning permission was originally granted on this site in 2011 (permission ref 02/11/0184) for the development of a waste transfer station for the sorting and processing of non hazardous commercial and industrial wastes. This permission was subsequently varied in October 2012 by planning permission 02/11/0877 to increase the size of the waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m.

Condition 4 of permission 02/11/0877 restricts the delivery or removal of materials or waste transfer and recycling operations to between the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 12 of the permission restricts the waste types managed at the site to non-hazardous commercial and industrial waste not including food wastes.

Condition 17 of the permission stipulates that the trommel in the waste transfer building shall only be used when the doors of the waste transfer building are closed.

Planning permission is now sought for the following:

- To vary condition 4 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays with only the delivery and removal of waste and processed materials to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 12 to allow the waste imported to the site for processing to have low levels of food contamination.
- To vary condition 17 to allow the doors of the waste transfer building to be kept open while the plant and equipment within the building is operating.

A screening opinion of this proposal has been undertaken and it was concluded that the proposed development is not Environmental Impact Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Description and Location of Site

The site is operated by Lancashire Waste Recycling Limited (LWR) and is located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land measuring 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. A weighbridge and demountable units are near the site entrance with the 'L' shaped waste transfer building located

along the southern boundary and south-east corner of the site. On the north side of the building are two vehicle entrances; one measuring 5m by 5m high that is north facing, and one measuring 4.5m by 5m high that is west facing. An air filtration system is on the east elevation of the waste transfer building and by the site boundary. The majority of the site between the waste transfer buildings and the northern boundary has a reinforced concrete surface with some surfacing of the area not yet complete. The area between the west side of the waste transfer building and the part western boundary along Enterprise Way is a mixture of bare, hardcored and tarmaced ground. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is an open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west of the site boundary on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Background

Planning permission (ref.02/11/0184) for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hard surfacing was granted on 28 October 2011. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0876) for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0877) for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 to increase the dimensions of the waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0144) for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, the erection of a single storey substation plant room extension to help with the provision of power at the site, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, and the provision of three metal shipping containers for use as a canteen, showers and mess room is reported elsewhere on this agenda.

Planning Policy

National Planning Policy for Waste

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste Management

Wyre Borough Local Plan

Policy SP2 Strategic Location for Development
Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council – The Borough Council initially raised objection to the application as it was considered that insufficient information had been submitted to demonstrate that the variation and removal of conditions as proposed would not have a detrimental impact on the amenity of neighbours. However, in response to

further noise monitoring data, the Borough Council's Environmental Health Officer states that although there is a difference in recorded background noise levels, conditions in line with BS4142 relating to the difference between the source and background level would overcome this uncertainty. The EHO states that the change in noise levels when the doors are open compared to when they are closed is not perceivable and that the proposed extension of hours for the operation of the plant is still within daytime hours. It is therefore considered that the noise levels are acceptable subject to conditions being applied relating to the difference between the rating level and background noise level.

Fleetwood Town Council – Object due to the working hours, noise, odours and pollution of a watercourse.

LCC Developer Support (Highways) – No observations received.

Environment Agency – No objection in principle although there are concerns about the operation of the doors. Assessments have been carried out on the suitability of the fast acting doors which were installed with the intention of containing odour within the building. EA investigations raised a number of concerns:

- The extraction system is designed to maintain a slight negative pressure, even when the roller shutter doors are open, which is intended to contain any odorous air within the building. In practice this was not the case.
- During a visit the EA detected odour outside the building near to one of the fast acting doors as the contaminated air was being drawn out of the building due to low air changes in the building.
- The EA observed the operation of the automatic doors and found during a delivery that the doors seemed to be operated manually by staff.
- The time period for the opening and closing of the fast acting doors to allow for vehicular access ranged from 47 seconds to 1 minute 47 seconds.
- After observing the door closing, it then unexpectedly reopened on its own. This was explained to be the automatic motion sensor inside the building which opens the door when any movement is detected near the door.

The applicant has taken some measures to address this, but they do not fully address the escape of odour when the doors are opened, which is still to be resolved. Improvements that have been made include the changes to the motion sensor from 90 seconds to an activation time of 30 seconds. In addition, the site has moved operations likely to activate the motion sensor away from the door to prevent it being accidentally activated.

In light of these findings, until the site can increase the extraction rates to create sufficient negative pressure the removal of condition 17 would not be advisable as it would increase the risk of odour release off site. We understand this is a retrospective application as the current planning condition 17 would prevent any machinery being operated every time the door is opened and therefore require the company to shutdown and start up machinery on average 30 times a day, which is not practicable. With this in mind, it may seem more appropriate to make an amendment to condition 17 that the doors are only to be opened for the ingress and egress of vehicles requiring access to the building, and not a full relaxation of the

condition which was presumably in place to minimise the initial risk of noise and odour emissions from the building. The proposed improvements to the air filtration/extraction system (that are the subject of Application LCC/2014/0146, also on this agenda) would include operating 24 hours and so increasing extraction rates overall from the waste transfer building. This would help to prevent the escape of odours from the open doors of the waste transfer building.

We will continue to work with LWR through our regulatory regime to address these issues. The submitted Odour Management Plan Version 10.4.1 is acceptable. The application is considered to be a low flood risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 77 representations of objection, including one from Eric Ollerenshaw MP, and 2 representations of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of a vehicle movement in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- The site affects the environment to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping for more waste from other areas.

- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

A number of letters of representation have been submitted on behalf of the Cala Gran Caravan Park. The objections maintain that operations on the application site have given rise to noise, vibration and odour impacts which have given rise to complaints from residents staying at the caravan park. The representations maintain that the caravan units are of a less substantial construction than dwelling houses and are therefore more sensitive to noise impacts. The representations state that the caravan site is a significant employer and contributor to the local economy and that the impacts of the development impacts upon the commercial viability of the site. Agents for Cala Gran also maintain that the application should be subject to EIA, that the application documents contain a number of errors and that consultation by the County Council has been insufficient.

The objection from Eric Ollerenshaw MP is on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and lifting the current planning restrictions will only add to this.

The 2 letters of support from local residents are as follows:

- One who lives 1km from the site and experiences negligible nuisance or disturbance from the operations.
- One who lives 0.5km from the site who is of the opinion that Lancashire Waste Recycling are not responsible for the problems of noise and odour for which they are blamed. Global Renewables appears to be the problem. LWR have provided a tour when the automatic doors opened and closed as the wagons delivered the plastic waste. No smell or noise could be detected when the doors were open even though the plant was fully working. The plant produces a great product that is used to replace the burning of coal to heat the kiln of a cement factory on a continual basis and so reducing the amount of carbon released into the atmosphere.

Advice

Planning permission 02/11/0877 for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 so as to increase the size of the waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted in October 2012.

Condition 4 of planning permission 2/11/0877 relates to the hours of working and restricts the delivery or removal of materials or waste transfer and recycling operations to between 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 12 of the permission restricts the waste types to non-hazardous commercial and industrial waste not including any food waste.

Condition 17 of the permission stipulates that the trommel in the waste transfer building shall only be used when the doors to the waste transfer building are closed.

Planning permission is now sought for the following:

- To vary condition 4 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays), with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 12 to allow the waste imported to the site for processing to have low levels of food contamination.
- To vary condition 17 so as to allow the doors of the waste transfer building to be open whilst the processing plant within the building is operating but only as necessary to allow vehicles to enter and leave the building.

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, when the site was developed at the end of 2011, it was established as a facility for converting dry unrecyclable plastics, paper and textiles into a fuel which can be used as a fuel in the manufacture of cement. The waste is shredded to produce a fine 'flock' type material that can be blown in to the kiln.

The majority of waste (70-80%) received at the site is currently from the adjacent Thornton Waste Technology Park where it has been sorted from the general household waste stream by screening in a trommel to remove fines and hand and mechanical sorting to remove metals and other non combustible items. As much of the waste will be food packaging, it may contain, or have on its surface, traces of organic matter. The remaining 20-30% of waste that LWR receive is sourced from local recycling facilities that may also be 'contaminated' with organic matter. The Environment Agency have advised that, in the period October 2013 – September 2014, the LWR site accepted 62,701 tonnes of waste.

Given the change in the nature of the operation and the waste types accepted, the County Council obtained legal advice from counsel as to whether a material change of use had occurred. The advice concluded that the current operations to process waste to produce a fuel is an industrial process and does not constitute a material change of use from the originally approved operation as a waste transfer station for inert construction and industrial waste. It is therefore considered that the general nature of the operations currently undertaken can be properly carried out under the provisions of the existing planning permissions for the site.

The applicant contends that the variation to condition 4 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and

processed materials on Mondays to Fridays is required to allow greater flexibility in the processing of waste to a shredded product and receipt /export of material and hence less would be stockpiled within the building. The delivery and removal of waste and processed materials on Saturday afternoons and Sundays is again to allow for greater flexibility in the hours that the unprocessed waste can be delivered to the site and also in the hours that the processed waste can be taken from the site, so as to meet the requirements of both the providers of the unprocessed waste and of the customers of the processed waste.

The variation of condition 17 to allow operation of the waste processing plant whilst the doors of the waste transfer building are open to only allow the ingress and egress of vehicles requiring access to the building would negate the need for processing machinery to be shut down every time the doors are opened. The doors have to be opened on average 30 times a day and if the plant has to be shut down on every occasion the operator would lose a substantial proportion of operating time and could not produce the volumes of processed waste that their customers require.

The applicant maintains that the variation to condition 12 to allow importation of waste that has low levels of food contamination is required as without such flexibility, he would not be able to source enough waste to make the operations viable.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the Wyre Borough Local Plan and Thornton / Fleetwood Area Action Plan. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system does everything it can to support and secure economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that our waste can be managed as a resource. The shredding operations to produce a fuel for commercial use assists in the diversion of waste from landfill and moves waste up the waste hierarchy as it enables the recovery of energy from waste and also reduces the reliance on fossil fuels to power kilns. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD

Policy 1 of the Wyre Borough Thornton / Fleetwood AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality urban and natural environment, be of a high design quality and should not increase flood risk. Policy 3 of the AAP allocates a number of areas for industry and business including employment development for B2 uses (general industrial) in Burn Hall Industrial Estate. Policy SP14 of the Wyre Borough Local Plan seeks to achieve high standards of design and amenity for all types of development. Policy EMP8 seeks to retain land in industrial areas for industrial/ employment uses and to resist development for alternative uses.

The proposal raises issues relating to noise, odour, flood risk, water pollution and traffic.

The combination of the extended hours of operation and the operation of the processing plant whilst the doors are open has the potential to create impacts of noise and odour on surrounding business in Burn Hall Industrial Estate, but particularly on the residential uses at Springfield Terrace and Cala Gran Caravan Park, that are both close to the northern boundary of the site. Noise can arise from the plant operating within the building while odour can arise from the organic matter on the waste received at the site and that is stored within the building.

In relation to the change to the hours of operation, the variation sought would permit an additional hour at either end of the working day on Monday to Friday, an additional four hours on Saturday afternoons for loading / unloading of vehicles and movements of HGV's only and for the site to be open on Sundays and bank holidays between 10.00 – 15.00 hours on Sundays for the same purpose. The site would continue to operate on a Saturday morning as per the extant permission 02/11/0786. However, the changes requested to the permitted hours are relatively minor with no night time working being proposed. Given the location of the application site, it is only the residents of Springfield Terrace and caravan units in Cala Gran Caravan Park that would be potentially affected by such an extension in working hours.

The current planning permission for this site requires that the doors to the building remain closed whilst the processing plant is in operation. The operator wishes to modify this condition to allow the plant to operate whilst the doors are open but only to permit vehicles to enter and leave the building. Given this mode of operation, the doors would not be open continuously and the majority of time would remain in the closed position. To ensure this is the case, the operator has installed a sensor system that automatically triggers the opening of the doors in response to the presence of a vehicle and then to close the doors shortly after. Notwithstanding, this system, the opening of the doors would, however, allow for the intermittent migration of noise from the operating plant and possibly of odour from the waste within the waste transfer building.

The original planning permission for this site incorporated a number of conditions in relation to noise attenuation to address concerns that were raised in relation to noise. In particular noise attenuation fencing to a height of 2.5 metres has been erected on the full northern boundary of the site. The waste transfer buildings were also subject to a condition requiring their construction to contribute towards noise

attenuation. The buildings were constructed in concrete blockwork and metal cladding in order to improve noise attenuation. It should be noted that the applicant's original proposals for this site in planning application 02/11/0184 involved the recycling of commercial and industrial waste including the crushing and screening of inert waste materials outside the building.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the noise from plant activities at the site have been shown to be constant throughout the production process. With the doors closed and open, the noise levels attributable only to the production process have been recorded as a maximum of 48.8dB and 50.6dB, respectively, when measured at two points on the boundary of Cala Gran Caravan Park to the north of the application site. In relation to noise standards in the NPPF, the hours of 0700 – 1900 are normal working hours. The submitted noise assessment concludes that the noise levels associated with the production process while the doors are both open and closed are clearly within currently permitted noise limits.

The Borough Council Environmental Health Officer has concluded that noise levels at the site boundary are very similar irrespective of whether the doors are open or closed and therefore the proposed variation of condition 17, if permitted would make very little difference to noise levels at the nearest properties including the caravan park. It is also important to note that the doors would only be open for a total of approximately 1 hour during each 12 hour day and therefore the impact on average noise levels has to be viewed in that context. He also notes, there would be approximately 2 HGV movements per hour for the extended operating hours and that although the noise from these vehicles would be audible at the site boundary, each HGV movement would only be for a short time period and therefore would not have a marked impact on average noise levels during the extended hours. The levels of noise created by the extended hours of working and the operation of the processing plant while the doors are open would therefore be acceptable to surrounding land uses.

Permission 02/11/0876 has noise conditions attached to require that all plant, equipment and machinery are equipped with effective silencing equipment or sound proofing equipment. The existing permission also contains conditions regarding maximum noise levels. It is considered that a similar condition should also be imposed on any permission. Any such condition should reflect the advice of the EHO that any condition should reflect BS4142 to provide for the rating noise levels from the site to not exceed 5Db(A) above the background level when measured at the boundaries of Springfield Terrace and Cala Gran Caravan Park. Such rating noise levels would include the noise from the waste processing activities as well as any noise emitted including during the night time period from the odour control system.

Many objections to this application are concerned that the operations on this site are giving rise to odour impacts that are affecting local amenity. Agents acting on behalf of the Cala Gran Caravan Park have made representations that the applicant is already in breach of existing planning conditions to the detriment of local residents and users of the caravan park. They are concerned about the impacts of noise, vibration and odour. In particular it is stated that odour issues have been raised by

costumers staying at the caravan park and that such impacts are a disincentive for repeat and new business which threatens the commercial viability of the holiday park. Whilst it is acknowledged that this site has given rise to some odour issues in the locale, there are also a number of existing uses adjacent to or near the caravan park that have the potential to give rise to odour issues. These include the Thornton Waste Technology Park (150 metres south east of the caravan park), the Jameson Road Landfill Site (500 metres north east of the park) and the Fleetwood Waste Water Treatment Works (500 metres north of the park). Due to odour issues experienced from the Waste Technology Park, the County Council regularly undertakes odour assessments in this area which includes an analysis of the types of smell detected and wind direction and other climatic conditions. Whilst, there are occurrences where odours detected do appear to be from the application site, there are also times when any odours must be originating from other premises due either to wind direction or the nature of the odour. It is therefore considered that the application site is not the only generator of any odour impacts that are detected by local residents including those on the caravan park.

The odour issues at this site commenced when the applicant first began to import waste from the adjacent waste technology park. In response to these issues the Environment Agency required the operator to prepare an odour management plan. This odour management plan provided for the installation of the vent stack and air extraction system that is the subject of application LCC/2014/146. The EA have no objection to the applications but are of the view that the air extraction system and doors are not currently operating as effectively as possible. However, they consider that these issues can be dealt with under their own regulatory regime. It is recognised that odour can and does arise from the organic matter on the waste received at the site and that some odour does migrate from the building when the doors are opened. With this in mind, the applicant has taken some measures to address this such as changes to the motion sensor so that the period of time that the doors remain open has reduced from 90 seconds to 30 seconds, and moving operations likely to activate the motion sensor away from the door to prevent it being accidentally re-activated. Therefore it is considered that measures are in place to address the noise and odour impacts arising from this operation. However, it is considered that a condition should be imposed requiring details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the operation of the air extraction system and vent stack is a matter that they can address through their regulatory regime.

It is important to recognise that the handling of these waste types can already be undertaken under the existing planning permission. The odour potential occurs as a

result of the presence of these waste types on the site but such impacts would occur irrespective of whether the plant is running or not. The relaxation of condition 9 in the manner proposed would therefore not increase the potential for odours to be released from the building.

If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. It is therefore considered that the EA's regulatory regime is sufficient to tackle and remedy any such issues and that there is no fundamental land use planning objection to the development in terms of odour emissions and impacts on the nearest sensitive development.

Subject to the imposition of conditions limiting noise levels, it is considered that the extension to the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building would conform with Policy DM2 of the LMWLP, Policy CS9 of the Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

In terms of condition 12, the current permission prohibits food wastes from being imported to the site. The site does not currently import such wastes but some of the waste has low levels of food contamination due to its origin and therefore potentially conflicts with condition 12. The NPPF (paragraph 206) requires that conditions should meet a number of tests including that they are necessary and relevant to the development being considered. Whilst the nature of the waste currently imported to the site may give rise to some odour potential, it is considered that the plant incorporates equipment which is capable of successfully dealing with such impacts. For this reason it is considered that the applicant's proposed variation to condition 12 is acceptable and would not give rise to unacceptable impacts on amenity. The proposed amendment of the condition would also enable the applicant to import waste arising from the adjacent waste technology park which would secure an alternative use for such waste that would otherwise be disposed of to landfill.

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary. However, as the proposal is related to activities within an existing waste transfer building, there would be no increase in the risk of flooding or implications for the ground or surface water. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The proposal to extend the hours of working may generate additional traffic movements. However, any such increase is expected to be small and the site would continue to be accessed using the existing access and egress to the industrial estate from Fleetwood Road and then via Venture Road within the industrial estate. The current permission 02/11/0876 is subject to a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall adhere to a routing agreement to require all HGV's access and egress the site via Fleetwood Road and Bourne Way. Subject to any new permission being subject to the same routing controls, the proposal is acceptable on highway grounds.

The existing permission 02/11/0876 includes a number of conditions relating to colour of the industrial building, use of building, site operations, dust and highway matters. It is considered the same conditions should be attached to any new permission. Subject to the imposition of these conditions, the noise and odour impacts associated with the proposal are considered to be acceptable, and the proposal complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

In view of the scale, location and nature of the proposed development it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to the applicant first entering into a Section 106 Agreement ensuring all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, planning permission be **Granted** subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) Planning permission 02/11/0877 as amended by the Planning Application LCC/2014/0145 received by the County Planning Authority on 08th October 2014, email received by the County Planning Authority from Paul Mellor Holdings on 07th November 2014 and email received by the County Planning Authority from Mellor Holdings on 11th February 2015.
 - b) Submitted Plans received by the County Planning Authority on 08th October 2014:
 - Site Location Plan
 - Submitted documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:
 - Noise Management Plan
 - Noise/ Acoustic Assessment
 - Odour Management Plan
 - Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:
 - Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Hours of Working

2. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained goose wing grey (BS 10 A 05) throughout the duration of the development.

Reason : In the interests of the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. The approved 2.5m high noise attenuative/ acoustic fencing erected along the full length of the northern boundary of the site shall be retained in position and maintained in accordance with the approved details at all times.

The approved details were submitted to the County Planning Authority pursuant to condition 7 of planning permission 02/011/0877 and consist of a validated application dated 05 November 2012, a covering letter dated 20th June 2014, details of acoustic fencing and Drawing No: A010/068/P/150 - Site Landscaping Layout - Phase 5 dated May 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

5. The measures to prevent the migration of dust from the operation of the site contained in the scheme and programme approved under the requirements of condition 8 to planning permission 02/011/0877 shall be undertaken at all times.

The approved details are the validated application dated 08 October 2014 Drawing No: 2249G GA.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Site Operations

6. A copy of this permission and all the documents referred to in condition 1 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

7. No waste other than inert or non-hazardous commercial and industrial waste including materials arising from other waste recycling or recovery operations shall be deposited at or brought onto the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and

Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

8. No sorting or storage of waste materials shall be carried out other than within the approved waste transfer reception building and MRF building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP2 and SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

9. No crushing or screening of inert waste materials or aggregates shall be undertaken on the site other than within a building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP2 and SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Control of Noise

10. Within one month of the date of this planning permission a scheme and programme detailing the measures that are employed to control the operation of the doors to the building shall be submitted to the County Planning Authority for approval in writing. The measures contained in the scheme and programme shall ensure that the doors are opened for the minimum time that is necessary for vehicles to enter and leave the building and are not triggered by other operations undertaken within the building.

Thereafter the approved measures shall be employed in full working order at all times during the operation of the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

11. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

12. The types of reversing alarms contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 19 of planning permission 02/011/0877 and approved in writing on the 31 January 2013, shall be fitted to all mobile plant on commencement of the development and thereafter utilised at all times during the development.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

13. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at 12 Springfield Terrace NGR 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood Road between NGR's 332 447 and 332 448. The measurements and assessments shall be made in accordance with BS 4142:2014

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Dust

14. The measures for the suppression of dust within and outside the buildings contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 21 to planning permission 02/011/0877 shall be employed at all times.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012 and the email from Paul Mellor dated the 14 May 2013 and the attachment from Martin Environmental Solutions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and

Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

15. Measures shall be taken at all times to minimise the generation of dust and prevent the migration of dust or windblown material off site and which shall include the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Floodlighting

16. The floodlighting used on the site shall be operated and maintained in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 25 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Waste Management Fleetwood Road' dated May 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Highway Matters

17. All vehicles transporting waste and recycled materials from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

18. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire

Safeguarding of Watercourses and Drainage

19. Disposal of foul and surface waters shall only take place in accordance with the scheme and programme and that was submitted to the County Planning Authority pursuant to condition 28 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The approved details are the validated application dated 05 November 2012 and Drawing No: P4123/12/110 - Fleetwood Road Waste Management Centre dated 19 April 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP14 of the Wyre Borough Local Plan.

Landscaping

20. The landscaping of the site shall be undertaken in the first planting season following the date of this planning permission in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 29 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The landscaping works shall be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures following

The approved details are the validated application dated 05 November 2012 and Drawing No: A010/068/P/150 - Site Landscaping Layout - Phase 4 dated May 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP14 of the Wyre Borough Local Plan.

Ecology - Protected species

21. The measures for the protection of barn owls contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 30 of planning permission 02/011/0877 shall be maintained in their approved locations during the operational life of the site.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Barn Owl Mitigation Method Statement' dated June 2011 and the email from Paul Mellor dated the 14 May 2013 and the attached letter from Simply Ecology dated 13 May 2013.

Reason: To provide mitigation for the loss of habitat of barn owls and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

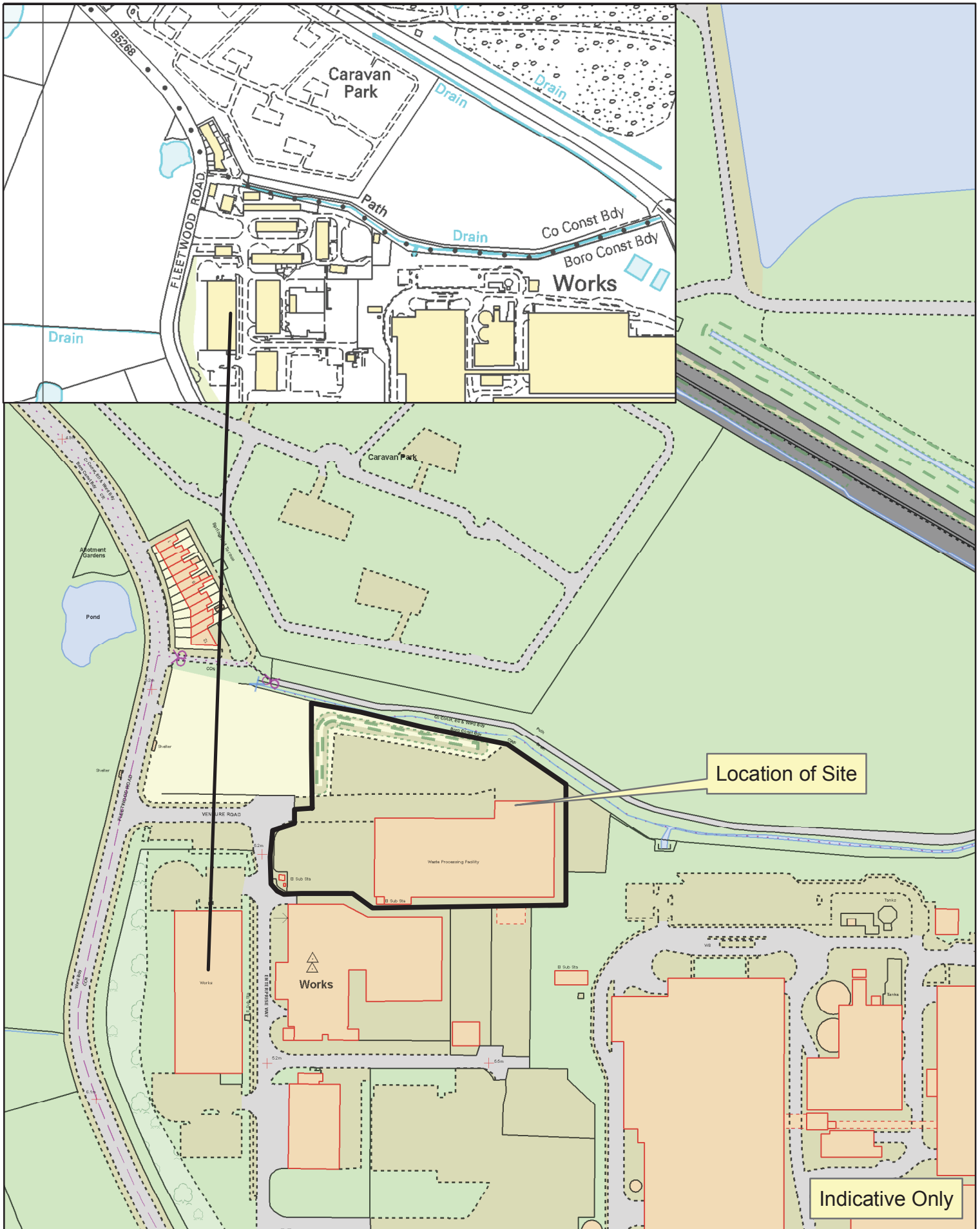
Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0144	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0145 VARIATION OF CONDITION 4 OF PLANNING PERMISSION 02/11/0877 TO CHANGE WORKING HOURS TO 7AM TO 7PM MONDAY TO FRIDAY (EXCEPT PUBLIC HOLIDAYS), 8AM TO 1PM ON SATURDAYS, 1PM TO 5PM ON SATURDAYS VEHICLE MOVEMENTS ONLY AND 10AM TO 3PM ON SUNDAYS AND PUBLIC HOLIDAYS VEHICLE MOVEMENTS ONLY. VARIATION OF CONDITION 12 OF PLANNING PERMISSION 02/11/0877 TO ALLOW THE WASTE PROCESSED AT THE SITE TO INCLUDE LOW LEVEL FOOD CONTAMINATION OF PREVIOUSLY PROCESSED NON HAZARDOUS WASTE AND DELETION OF CONDITION 17 OF 02/11/0877 TO ALLOW THE DOORS TO THE BUILDING TO REMAIN OPEN WHILST THE SITE IS OPERATING. UNIT 8, BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON CLEVELEYS

Agenda Item 8

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application number LCC/2014/0146

Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

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

Executive Summary

Application - Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, colour of buildings, plant and equipment and control of noise.

Applicant's Proposal

Retrospective planning permission is sought for the provision of an air filtration system and the erection of a single storey substation plant room extension on the external elevations of the waste transfer buildings at Lancashire Waste Recycling

Ltd, plus the relocation of a weighbridge and the provision of demountable units for use as a reception/ office, a canteen, showers and mess rooms, and the provision of a secure cycle stand.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipe work and a 16.6 metre high steel vent stack.

The pre-filter unit is a stainless steel construction and measures 1.8m long x 2.4m wide x 2.4m high. The steel shipping container housing the carbon filter unit measures 12.2m long x 2.4m wide x 2.5m high and is coloured blue with 1.0m high galvanised railings around the top edges. The fan assembly building is an extension to the waste transfer building and measures 6.8m long x 5.0m wide and is constructed of concrete breezeblocks with a grey mono-pitch profiled steel roof measuring 5.2m high at the south end and sloping down to 4.5m high at the north end. The building is open on the north and south sides where pipe work connects to the pre-filter and carbon filter units on the south and north sides, respectively. The vent stack is constructed from stainless steel and has an overall height of 16.6m to protrude 3.6m above the ridge of the waste transfer building that it adjoins. Steel ducting/ pipe work is attached to the side the waste transfer building to connect to the pre-filter unit and the vent stack.

The single storey substation plant room measures 18.2m long x 3.2m wide with a mono pitched roof measuring 2.8m high at the south end and sloping up to 3.2m high where it adjoins the waste transfer building. The elevations are constructed of galvanised steel vertical cladding coloured silver/grey (RAL 9006) and the roof has a standing seam roof coloured goose wing grey (BS 10 A 05) to match that of the waste transfer building. Double access doors are located in the west elevation of the building.

The demountable unit used as a reception/ office measures 14.4m long x 4.0m wide x approximately 3.0m high and is of a timber ply panel construction painted Lovat Green with galvanised window frames and timber doors. The three metal shipping containers to provide separate canteen, showers and mess room facilities each measure 9.6m long x 3.0m wide x approximately 2.5m high and is coloured white. The weighbridge measures 17.2m long x 3.4m wide.

Description and Location of Site

The site is an existing waste transfer / processing site located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land covering an area of 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. The weighbridge, demountable unit, shipping containers and the cycle stand are located between the site entrance and the north-west corner of the waste transfer building that are themselves located along the southern boundary of the site. All the air filtration system plant and equipment are attached to the east elevation of the waste transfer buildings except for the steel ducting/ pipe work located along the east and south elevations of the

waste transfer buildings. The plant room is located near the south-west corner of the waste transfer buildings and adjacent to the south boundary of the site. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is a flat and open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Background

Planning permission for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hardsurfacing was granted on 28 October 2011 (ref.02/11/0184). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012 (ref. 02/11/0876). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 - increase in size of waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted on 24 October 2012 (ref. 02/11/0877). This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0144) for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0145).for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

Planning Policy

National Planning Policy for Waste

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council –The Borough Council initially raised objection to the application as they considered that the applicant had not submitted sufficient information to demonstrate that the retention of the odour control equipment would not have a detrimental impact on the amenity of neighbours. The Borough Council EHO considers that the existing extraction system is the dominant noise on the site boundary and which operates 24 hrs per day. Whilst work has been undertaken to reduce noise from this source, the noise is still very intrusive at the site boundary. The EHO notes the applicant's proposal to replace and further enclose parts of the existing equipment to ensure that the noise will be reduced to 33 dB(A) at the boundary. Whilst there is some debate about existing background levels, the EHO considers that the improvements to the system will ensure that the night time noise levels can be reduced to acceptable levels.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No observations received.

Environment Agency - No objection in principle. The submitted Odour Management Plan Version 10.4.1 is acceptable. The vent stack and air filtration equipment have been provided in an effort to reduce the odour issues on site. The EA consider that this equipment is not operating adequately but this is something that is dealt with

through their own regulatory regime. The application is considered to be low risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

LCC Specialist Advisor (Landscaping) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 81 representations of objection and one representation letter of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of vehicle movements in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping ground for more waste from other areas.
- LCC have not consulted enough neighbouring properties about the application by letter as they should have done.
- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

One of the representations has been made on behalf of the operators of the Cala Gran Caravan Park who raise the following issues:-

- The quality of the information submitted with the application is not of sufficient detail to enable LCC to make an informed decision on the proposal; the supporting statement makes reference to policy documents that either do not exist or have been superseded, and there is limited information available with inaccurate submitted drawings and no robust documents to provide evidence of the acceptability of the proposal, such as an Odour Management Plan and a Noise Management Plan.
- The application is one to which the Environmental Impact Assessment (EIA) Regulations apply because it falls within Paragraph 11(b) of Schedule 2 of the

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an 'Installation for the disposal of waste'. However, no screening opinion has been undertaken by LCC to assess if the development is EIA development. If they had, then LCC would have considered and concluded that the environmental amenity impacts of the development such as noise, odour, light pollution, additional vehicle movements, air pollution and dust, would be of such potential harm and significance that the submission of an EIA would be required.

- The site affects the environment to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.

An objection has also been received from Eric Ollerenshaw MP on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and lifting the current planning restrictions will only add to this.

The letter of support is from a resident who lives less than a mile from the site who states that there is negligible nuisance or disturbance from the operations.

Advice

Retrospective permission is sought at Lancashire Waste Recycling, Thornton for the provision of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, for the erection of a single storey substation plant room extension to provide power at the site, for the relocation of a weighbridge, for the provision of a demountable unit for use as a reception/ office, and for the provision of three metal shipping containers for use as a canteen, showers and mess room.

The main issues associated with the application are the suitability of the plant, equipment and buildings at the site, the visual impact, noise and odour.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Wyre Borough Local Plan and the Fleetwood - Thornton Area Action Plan (AAP).

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, the site has been

developed as a facility for the re processing of waste plastics, paper and textiles into a material that can be used as a kiln fuel such as at cement works.

The site is located within Burn Hall Industrial Estate. The site benefits from planning permissions for the management of waste and the new buildings plant, equipment and buildings would be ancillary to that use and are therefore acceptable in principle. However, the impacts of the various plant, equipment and buildings have themselves to be assessed.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipe work and a 16 metre high steel vent stack. All the plant and equipment are on the ground adjacent to the east elevation of the waste transfer buildings, except for the steel ducting/ pipe work located along the east and south elevations of the waste transfer buildings. The main view of the equipment is from the raised public footpath adjacent to the northern boundary. The vent stack is the most prominent but, as it only protrudes 6.4m above the eaves and 3.6m above the overall pitch height of the waste transfer building that it adjoins, then the size is not excessive and is visually acceptable in this industrial location. The other equipment is of a relatively small scale when compared to the waste transfer buildings and the materials and colour are acceptable.

The weighbridge, demountable unit, shipping containers and the cycle stand are at ground level and grouped together near the site entrance. Again, these elements of the development are of relatively small scale and the materials and colour acceptable in an industrial location such as this. The plant room is located on the south side of the waste transfer building and adjacent to the south boundary of the site. The building is small in scale, the materials and colour match that of the waste transfer building and it cannot be seen from outside the site.

To ensure that the visual impact of the air filtration system and demountable units continues to be acceptable, it is recommended that a condition should be imposed requiring that the plant / buildings be retained in their current colours.

The visual impact of the air filtration equipment and all other buildings is considered acceptable and accords with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The main issue with this proposal relates to noise and air quality impacts. The air filtration equipment is a purpose designed system that maintains the building under negative pressure so that air is drawn into the building thereby reducing the emission of odours from the doors. The air is then passed through filters to remove odours and expelled through the stack to aid dispersion. The system is designed to operate on a 24 hour basis. A number of representations have been submitted questioning the effectiveness of the new plant to address odour impacts and raising concerns about the noise levels that are generated by the system.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the dominant source of noise on the site is currently from the

odour abatement system. The noise levels contained in the document are projected noise levels based upon improvements that are intended to be undertaken to the air filtration/extraction system by replacing the existing two fans currently on site with variable speed fans that would give rise to a sound level of 33dB(A) when measured at two points on the boundary of Cala Gran Caravan Park to the north of the LWR site. The background noise levels at these two boundary points have been recorded as between 41-46dB during the day and 38-44dB during the night. The proposed improvements would not involve any visual changes to the extraction system on the exterior of the buildings.

Wyre Borough Council's Environmental Health Officer initially raised concerns about the noise levels that are currently generated by the odour abatement system particularly during the night. However, he considers that the proposed improvements to the system involving replacement fans and better enclosure of parts of the system would be capable of reducing noise levels from the system to 33dB at the site boundary which would be lower than the background night noise level. The levels of noise created by the improved air filtration/extraction system would therefore be acceptable to surrounding land uses. However, the predicted noise level of 33dB at the site boundary is clearly dependant on implementing the improvements to the odour abatement system. It is therefore recommended that a condition should be imposed requiring the improvements to the air filtration/extraction system to be undertaken within two months of the date of the granting of planning permission and thereafter be retained, and that a further noise survey be carried out post improvement to demonstrate the effectiveness of the improvements with a requirement to undertake further attenuation works should they be necessary.

Subject to such conditions it is considered the proposed building conforms with Policy DM2 of the LMWLP, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Fleetwood /Thornton AAP.

In relation to odour, the Environment Agency has commented that the submitted Odour Management Plan is acceptable but that the current air filtration/extraction system is not operating to its full potential as it has not been used at night. The reason for this is due to the noise levels, particularly during the night, that are created, as mentioned earlier in this report. The proposed improvements to the noise generated by the plant would allow the system to operate continually and would ensure that its operation complies with the EA's odour standards so that there is continual control of odour at the site whether or not the processing plant is actually operating.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the odour emanating from the air filtration/extraction system is something that they would deal with through their regulatory regime. If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. Whilst there have been odour issues at this site, it is considered that that these are capable of being addressed through the EA's regulatory regime and that there is no

fundamental odour problem that would lead to unacceptable impacts on local amenity.

In relation to the other issues that have been raised in representations:-

No screening opinion has been undertaken as the various plant, equipment and buildings do not fall within Schedule 2 of the EIA Regulations. It is therefore not necessary to screen this application for EIA and the issues of the visual impact, noise and odour and flood risk can be adequately assessed as a part of this application.

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary where the air filtration system is located. The only aspect of the proposal that could increase the risk of flooding elsewhere is the single storey substation plant room extension (floor area of 58sq.m.) located on the south side of the waste transfer building. However, the buildings and other plant subject to this application are small in scale. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

This development will not increase traffic associated with the site and would not affect the routing agreement for Heavy Goods Vehicles that is attached to planning permissions 02/11/0876 and 02/11/0877.

In conclusion, the odour management plant subject to this application is designed to reduce odour impacts from this development so that the plant can operate without causing harm to local amenity. The visual impact of the odour control equipment is acceptable. Whilst odour associated with activities at the site has improved, the EA state that the plant is still not operating as adequately as it should. However, once the improvements to noise attenuation have been undertaken, the plant should be able to operate on a 24 hour basis as it is designed to do which will further improve the control of odour emissions. In line with the requirements of Paragraph 122 of the NPPF, the odour mitigation improvements to this system should be investigated by the EA and the EA's regulatory regime is sufficient to tackle and remedy any such issues. The application therefore complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

In view of the scale, location and nature of the proposed development it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 08th October 2014.

b) Submitted Plans and documents received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted Plans and documents received by the County Planning Authority from Keith Allen on 19th December 2014:

Drawing No. A013/086/P/01 Rev. C - Site Layout

Drawing No. A013/086/P/02 Rev. C - Elevations

Submitted Plans and documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan

Noise/ Acoustic Assessment

Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

2. The external claddings of the air filtration system and associated equipment shall be maintained in their existing colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Control of Noise

3. Within two months of the date of this planning permission, works to reduce the noise levels emitted by the air filtration/extraction system shall be undertaken in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the measures that are to be undertaken to further reduce noise noise levels arising from the air filtration system and a calculation of the noise reduction factor that will result from the improvements

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. Within one month of the completion of the works to reduce the noise levels generated by the air filtration/extraction system, a noise survey shall be undertaken to assess the effectiveness of the improvements. The results of the survey shall be submitted to the County Planning Authority for approval in writing and shall include a further schedule of works and a timetable for implemetation should the noise reduction levels stated in condition 3 not be achieved.

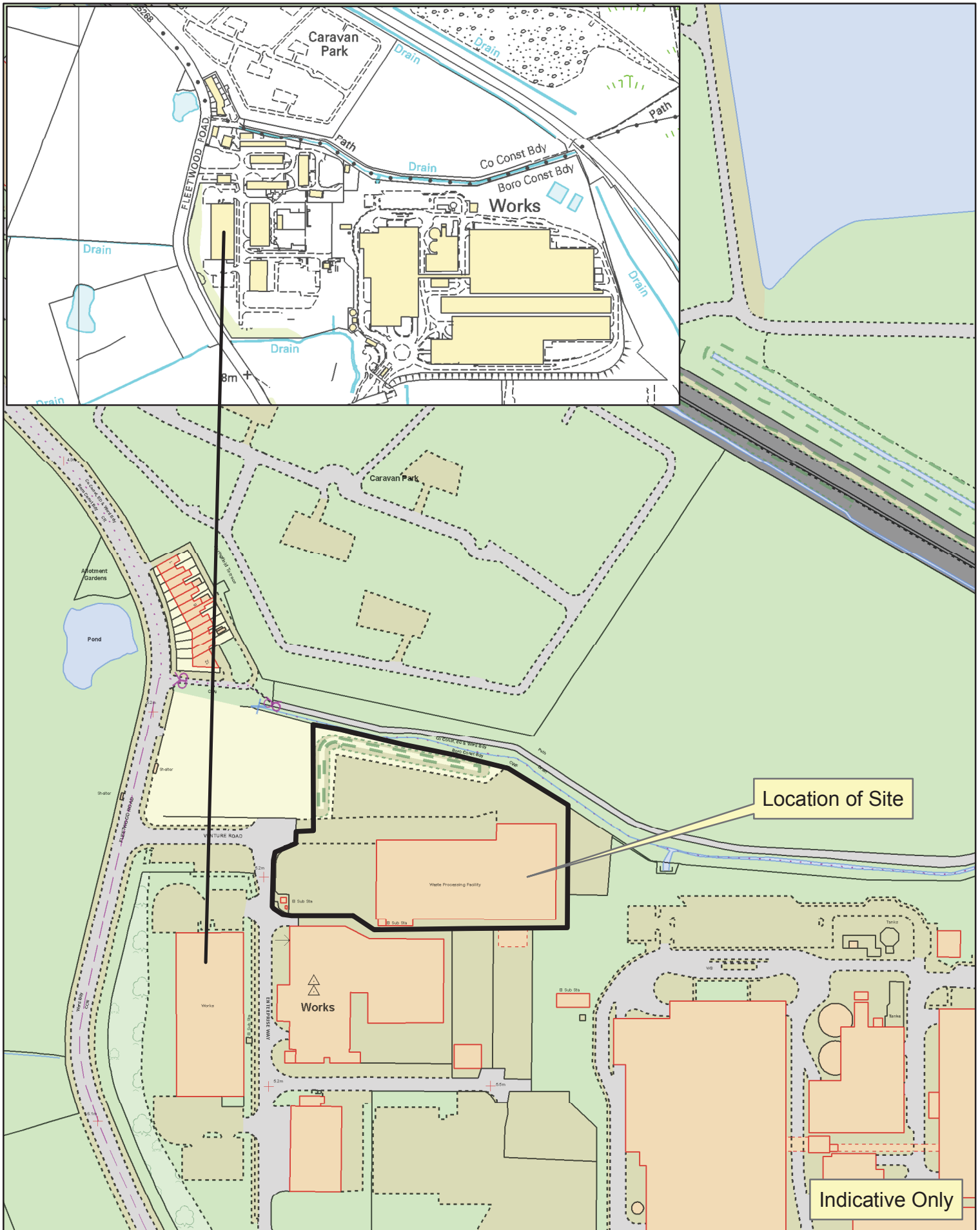
Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

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

Paper	Date	Contact/Directorate/Ext
LCC/2014/0146	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0146 RETROSPECTIVE APPLICATION FOR THE RETENTION OF VENT STACK, CONTAINER SITED TO HOUSE FILTRATION PLANT, BUILDING TO CONTAIN AIR FILTRATION FAN ASSEMBLY, SITE SUB STATION PLANT ROOM, RELOCATION OF OFFICE DEMOUNTABLE UNITS, RELOCATION OF CYCLE STORAGE AND REDUCTION OF FORMAL PARKING PROVISION. UNIT 8 BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON

Agenda Item 9

Development Control Committee

Meeting to be held on 8 April 2015

Electoral Division Affected: All

Planning applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:

Susan Hurst 01772 534181, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Planning applications determined by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 25 February 2015, the following planning applications have been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

Lancaster City

Application: No. LCC/2015/0013

Morecambe Sandylands Primary School, Hampton Road, Heysham.

Single storey building to front of school to provide a reception area and dining facilities.

Ribble Valley Borough

Application: No. LCC/2015/0017

Henthorn Landfill Site, Henthorn Road, Clitheroe.

Installation of a micro turbine electricity generator plus ancillary equipment to recover and utilise landfill gas.

Preston City

Application: No. LCC/2015/0011
Cherry Tree Children's Centre, Sharoe Green Lane, Preston
Construction of pram store adjacent to main entrance.

Application: No. LCC/2015/0010
St Stephens Primary School, South Meadow Lane, Preston,
Extension to front of school, to provide a reception area.

Application: No. LCC/2014/0151
Lower Tabley Waste Water Pumping Station, Off Tabley Lane, Woodplumpton, Near
Preston.
Construction of a control kiosk.

South Ribble Borough

Application: No. LCC/2015/0012
St James C of E School, Slater Lane, Moss Side, Leyland.
Extensions to two classrooms and the library including the remodelling of some
external paths.

Chorley Borough

Application: No. LCC/2015/0005
Chorley Waste Water Treatment Works, Common Bank Lane, Chorley.
Upgrade to treatment works including proposed activated sludge plant blower/motor
control building and new inlet works, storm tank control kiosk, final settling tank
sludge pump kiosk and odour control kiosk.

Application: No. LCC/2015/0015
Brindle Gregson Lane Primary School, Bournes Row, Brindle.
Variation of condition 2 of planning permission 09/03/0073 to alter the roof from a
green roof to a bituminous felt flat roof.

Pendle Borough

Application: No. LCC/2015/0003
105 Marsden Hall Road North, Nelson.
Installation of a conservatory to the rear of the building.

Application: No. LCC/2015/0001
Kelbrook Primary School, School Street, Kelbrook.
Installation of a covered canopy to the rear of the school.

Rosendale Borough

Application: No. LCC/2015/0004
Tor View School, Clod Lane, Haslingden.
Erection of free standing enclosed canopy structure to the south elevation of school.

Recommendation

That the report be noted.

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

Paper	Contact/Directorate/Ext
LCC/2015/0013	LCC/2015/0010
LCC/2015/0017	LCC/2014/0151
LCC/2015/0011	LCC/2015/0012
LCC/2015/0005	LCC/2015/0015
LCC/2015/0003	LCC/2015/0001
LCC/2015/0004	

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