

**Development Control Committee**  
Meeting to be held on 28th June 2017

Electoral Division affected:  
Padiham and Burnley West

**Burnley Borough: application number LCC/2017/0031**  
**Change of use from B2 industrial unit to a Recycling Facility, together with a new roller shutter door from the front access road/car park. Unit 1a, Summit Works, Manchester Road, Burnley**

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### **Executive Summary**

Application – Change of use from B2 industrial unit to a Recycling Facility, together with a new roller shutter door from the front access road/car park. Unit 1a, Summit Works, Manchester Road, Burnley.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling commencement, working programme, hours of working and site operations.

### **Applicant's Proposal**

Planning permission is sought for the change of use from an engineering works to a metals recycling facility. The proposal also includes some minor changes to the building layout with the formation of a new roller shutter access door to the forecourt. Vehicular access would be retained through a shared frontage and car parking area.

The building would be used to receive, sort, separate and store metal products from local tradesmen and businesses. Transit type vans would enter and deposit the metals within the building. All sorting and storage of metals would be carried out within the building.

It is proposed to operate the site between 08:00 – 17:00 hours Monday - Friday, and 09:00-12:00 hours on Saturdays with no working on Sundays and Bank Holidays.

### **Description and Location of Site**

The site with an area of 0.1 hectares is located off Manchester Road to the south west of Burnley town centre. The existing unit is a segregated part of a large works building that has a long established use for general industrial and storage and distribution uses. It is brick fronted and has a metal clad roof. There are a number

of other units adjacent to the application site which are in mixed commercial and industrial uses.

The unit subject of this application is enclosed on 3 sides with the main access to the front and a pedestrian fire escape door to the rear, which leads to a shared corridor within the building and not directly outside.

Residential properties are located to the north, south and east the nearest of which are on Green Close and are 35 metres from the application site.

## **Background**

The site has an historical general industrial use.

## **Planning Policy**

### *National Planning Policy Framework (NPPF)*

Paragraphs 11 – 14, 17 – 19 and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles and the impacts of development on amenity and health.

### *National Planning Practice Guidance*

Policies relating to waste

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

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 NPPF1	Presumption in favour of sustainable development
Policy DM2	Development Management

### *Burnley Local Plan – Second Review*

GP1 – Development within the Urban Boundary

## **Consultations**

Burnley Borough Council – No objection but recommend conditions to include a restriction of hours of use to reflect those proposed and to prevent outside storage.

Habergham Eaves Parish Council – No objection. The levels of noise should be kept low, working conditions applied for should be adhered to and concerns in relation to vehicle access arrangements investigated.

Coal Authority – No comments received.

Environment Agency – No objection. The applicant may need to register for waste exemptions or apply for an Environmental Permit.

LCC Highways Development Control – No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received objecting to the application on the grounds of potential noise particularly as the site backs onto the resident, smell, rodents it would attract, and that the building is constructed of asbestos and is therefore unsuitable for the proposal.

### **Advice**

National policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy' and only disposing of waste as a last resort. The use of the premises would assist in the re-use and recycling of metal waste and therefore contributes towards meeting the objectives of Government policy.

The site has an historical general industrial and storage and distribution use. Waste management facilities are typically regarded as 'sui-generis' uses in that they do not fall within any of the defined planning use classes and therefore require separate planning permission. Nevertheless, given the scale and nature of the proposed operations, it is considered that the proposal is not dissimilar to many general industrial operations that could be undertaken at the site without any further permission including the current use as an engineering works. The addition of a new roller shutter door would allow for improved vehicular access without having any undesirable impact on the character or appearance of the building as a whole.

The site backs onto a residential road known as Green Close, the nearest property on which is located 35 metres from the application site. One objection has been received on the grounds of potential noise, smell, rodents it would attract, and that the building is constructed of asbestos and is therefore unsuitable for the proposal. In response, it is considered that the use of the building is unlikely to have a detrimental impact on neighbouring properties largely because the application site is surrounded on three sides by other parts of the original works building which are used for a variety of commercial uses. There is no reason to indicate that smells and rodents would be an issue as the proposal only relates to the management of waste metals and likewise, if asbestos is present in the construction of the building, this would have no influence on a change of use to metal recycling particularly as no changes are made to the fabric of the building other than the installation of the roller shutter door.

It is considered that the use of the site could be adequately controlled through the imposition of planning conditions in relation to the hours of working to reflect those applied for, no storage of waste on the forecourt, only allowing for the management of metal waste and no other waste types, and restricting processing activities to hand held equipment.

Vehicles would enter the unit through the new roller shutter door and the applicant has demonstrated that there is sufficient manoeuvring and parking space within the forecourt area. LCC Highways Development Control has raised no objection from an access and highways perspective.

With regards to general pollution control measures including prevention of water pollution, the operations are subject to the applicant satisfying the requirements of the Environment Agency's Environmental Permitting or waste management exemption regime, which stipulates the operational standards and practices that must be employed to ensure the protection of the local environment. Paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. On this basis additional specific conditions to control pollution would not be necessary.

Overall it is considered that the development is an acceptable use of the site and it is unlikely that there would be any unacceptable impacts provided that any permission is subject to the recommended conditions. The development complies with the policies of the NPPF and the policies of the development plan.

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

### **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 form dated 6 March 2017
  - b) Submitted Plan:

Drawing number 17/25/1 - Change of Use

*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 Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### **Hours of Working**

3. No delivery of waste metal, sorting and processing of waste metal, bulking up of waste metal or the removal of metals off the site shall take place outside the hours of:

0800 to 1700 hours, Mondays to Fridays (except Public Holidays)  
0900 to 1200 hours on Saturdays

No delivery of waste metal, sorting and processing of waste metal, bulking up of waste metal or the removal of metals off the site shall take place at any time on Sundays or 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 Joint Lancashire Minerals and Waste Local Plan.*

### **Site Operations**

4. No waste other than waste metal shall be deposited at or brought onto the site.

*Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

5. All waste management operations and storage of materials shall be undertaken within the building shown edged pink on drawing no. 17/25/1.

*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.*

6. Only hand held equipment shall be used for metal recycling, sorting and processing.

*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.*

### **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/ext
LCC/2017/0031	May 2017	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A