

## Development Control Committee

Meeting to be held on 13<sup>th</sup> September 2017

Electoral Division affected: Moss Side and Farington
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### **South Ribble Borough: Application number LCC/2017/0055**

**Change of use of unit 116 to waste processing and storage facility including new canopy, development of external tank farm (16 tanks), proposed new building on unit 118, raising of roof height on unit 117 and relocation and consolidation of car parking spaces at units 116 to 118, Clydesdale Place, Moss Side Industrial Estate, Leyland.**

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### **Executive Summary**

Application – Change of use of unit 116 to waste processing and storage facility including new canopy, development of external tank farm (16 tanks), proposed new building on unit 118, raising of roof height on unit 117 and relocation and consolidation of car parking spaces at units 116 to 118, Clydesdale Place, Moss Side Industrial Estate, Leyland.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Recommendation – Summary**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, surface water management, highway matters, landscaping.

### **Applicant's Proposal**

This application is for a change of use of unit 116 from general industrial/storage to waste processing and storage facility including a new canopy, development of an external tank farm (16 tanks), proposed new building extension at unit 118, raising of roof height on part of unit 117 and relocation and consolidation of car parking spaces associated with units 116 to 118 to the front of Unit 118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

The extension at the rear of Unit 118 (Unit 118A) would measure approximately 12m x 13m x 7.2m high and would be constructed of insulated brown steel cladding with a lower band of facing brick to match the existing buildings.

The change of use of unit 116 would also include the creation of a tank farm comprising up to 16 tanks (4 of which would be relocated from within the existing yard area to Unit 117A) within an area of approximately 15m x 15m to the rear of the unit. The tanks would be approximately 11m high and between 2.5 and 3.5m diameter. To the front of Unit 116 a steel framed canopy measuring approximately 20m x 15m by up to 5.5m high would be constructed over a yard storage area. The site would be secured at the road frontage by 2.4m high silver steel palisade fencing. The yard area of 117A would be extended to the side of Unit 116 and would incorporate a new yard entrance gate.

The height of the part of the building of Unit 117 would be increased by approximately 5.5m to match the roof line of the other buildings within the unit. The building would be steel clad to match existing.

The creation of a canopy covered storage area at Unit 116 and extension of the yard area of Unit 117A would result in the loss of a small area of car parking. To compensate, a new area of car parking would be constructed to the front of Unit 117 and 118 on an area that is currently amenity grass landscaping. The car parking would incorporate surface water attenuation measures and the area constructed on amenity grass would be surfaced with grass block or similar system for aesthetic and an additional sustainable drainage solution. Landscape screening would also be provided. The site as a whole currently has 21 parking spaces taking account of those available to Unit 116 and 117/118. The proposed reconfigured and consolidated parking area would provide 40 spaces for cars and 2 additional spaces for the mobility impaired.

A steel/polycarbonate smoking shelter measuring approximately 4m x 2.6m x 2.3m high and a bike shelter measuring 2.1m x 4.1m x 2.1 would also be provided.

## **Description and Location of Site**

The proposed development would be at an existing waste transfer station located at 117 - 118 Clydesdale Place on Moss Side Industrial Estate approximately 2km west of Leyland town centre. The site includes industrial buildings largely clad in brown/grey profile metal sheeting and a service yard and external tanks. An electricity pylon is located towards the south of the service yard and high voltage overhead wires cross the south west of the site. The site is adjacent to a range of business units. The nearest residential properties are approximately 100 metres south of the site.

The proposal also includes the formal change of use of an adjacent unit (116), which currently has a general industrial/storage use.

## **Background**

### **History**

The application site falls within an existing industrial site that was first established with permission for business, general industrial and storage uses. This included unit 116.

Planning permission was granted in 1991 for the storage, processing and transfer of contaminated waste solvents on part of the site (Unit 117A) (ref. 07/91/343).

Retrospective planning permission was granted in March 2007 for the use of the site (Units 117 and 118) for the recovery of waste solvents (ref. 07/07/0071).

Planning permission was granted in 2008 for the siting of 4 steel storage tanks (ref. 07/08/0772)

Planning permission was granted on 9 December 2015 for a proposed roof alteration to house additional tanks (ref. LCC/2015/0099).

Planning permission was granted on 25 May 2016 for a proposed roof alteration to house additional tanks (larger dimensions than under application LCC/2015/0099) (ref. LCC/2016/0025).

## **Planning Policy**

### *National Planning Policy Framework*

Paragraphs 11 – 16, 17 and 56 of the NPPF are relevant with regard to the definition of sustainable development, core planning principles and requiring good design.

National Planning Policy for Waste – section 7 is relevant with regard to the determination of planning applications.

### *Planning Practice Guidance accompanying the NPPF (PPG) -*

### *Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources (JLMWDF)*

Policy CS8 Identifying Capacity for Managing our Waste

Policy CS9 Achieving Sustainable Waste Management

### *Joint Lancashire Minerals and Waste Local Plan (JLMWLP)*

Policy WM2 Large Scale Built Waste Management Facilities

Policy WM3 Local Built Waste Management Facilities

Policy DM2 Development Management

### *Central Lancashire Adopted Core Strategy (CLACS)*

Policy 3 Travel

Policy 9 Economic Growth and Employment

Policy 10 Employment Premises and Sites

Policy 17 Design of New Buildings  
Policy 29 Water Management

*South Ribble Local Plan 2015 (SRLP)*

Policy E2 Protection of Employment Areas and Sites  
Policy F1 Parking Standards  
Policy G7 Green Infrastructure – Existing Provision  
Policy G17 Design Criteria for New Development

## **Consultations**

South Ribble Borough Council – Object on the grounds that the proposed car parking area encroaches on land allocated as 'Green Infrastructure' under the provisions of Policy G7 of the SRLP. Should permission be granted then conditions are recommended in relation to electric vehicle recharge points, a travel plan, and cycle storage provision.

Environment Agency – No objection. There is an existing Environmental Permit which may require a variation should process arrangements change.

Health & Safety Executive – No objection.

LCC Highways Development Control – No objection. The site is situated on an industrial/business park with excellent connection to the local and strategic highway network and the proposal would be likely to have a negligible impact on highway safety and capacity. Site gates should open into the site rather than onto the highway to which the applicant has confirmed this would be the case.

National Planning Case Work Unit – No comments received.

Lead Local Flood Authority – No objection subject to a condition to control surface water discharge from the car parking areas.

Representations – The application has been advertised by press and site notice, and neighbouring properties informed by individual letter. Representations objecting to the application have been received from a local business and landowner with objections raising the following summarised issues:

- The application site is not allocated in the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) for waste development.
- The proposed development would fail to comply with Policy DM2 of the JLMWLP with potential adverse impacts on residential amenity, concerns regarding waste storage, Unit 116 is adjacent to a catering business and any waste storage or spillage could generate environmental health concerns, there has been an explosion and leakage at one of the applicant's other sites, waste storage tanks would be sited under electricity transmission cables, there could be air quality issues with pungent odours.

- HGVs from the applicant's business currently cause traffic issues by queuing on the road. The Transport statement makes reference to the use of 134 Clydesdale Place as a holding area. However, this area does not form part of the application area or as part of other land in the applicant's ownership.
- There is no reference to the frequency, timing or routing of vehicles.
- HGVs would add to CO<sub>2</sub> emissions.
- The proposal includes a turning circle in the yard but the applicant is not complying with a current conditional requirement to exit the site in forward gear.
- The revised parking would have an adverse impact on the parking for Unit 119 and the loss of the grassed area would cause disruption during construction.
- The proposal would result in over development of the site and a roof line some 5m above the existing height of unit 119 which would not be in keeping.
- The proposal is contrary to paragraph 7 of the NPPF in that it would not seek to minimise pollution and waste and would not reduce CO<sub>2</sub>, it would affect the health and wellbeing of other users and it is the wrong type of development in the wrong place.

## **Advice**

The use of the existing site (units 117-118) for waste operations including storage and management of waste solvents has already been established through the granting of planning permissions for such uses in 1991 and 2007. The facility also has an Environmental Permit issued by the Environment Agency. In December 2015 permission was granted for an extension to the roof line of the existing building to provide more space to house internal storage tanks (ref LCC/2015/0099). Following that approval, the site operator concluded that the structural design was not fit for purpose and therefore sought further approval for an amended design (ref. LCC.2016/0025). This permission has been implemented.

Unit 116 is a general industrial/storage unit that was previously used by a mini-bus company for storage of vehicles and light maintenance works and is currently serving a general storage function for the applicant. Therefore the site appears to have an established B2 (general industrial) / B8 (storage) use. In some circumstances the management of waste materials to include processing and storage could constitute a B2/B8 use particularly in relation to non-hazardous materials and this alone wouldn't necessarily constitute a material change of use. However, a significant proportion of the waste managed at the existing site is of a hazardous nature and if the processing or storage of a hazardous substance in such circumstances would result in the presence of a notifiable quantity, the development would be specifically excluded from the B2 use category and therefore planning permission is required. However, a general industrial/storage use could operate here without the need for separate planning permission.

The applicant has stated that the proposed development would allow them to optimise existing operations allowing greater segregation of hazardous and non-hazardous wastes, and ease congestion by improving access and management of delivery vehicles. The site is permitted to accept a range of hazardous and non-hazardous wastes, and treatment activities include filtration and flocculation using a

reaction tank and filter press, blending and bulking of liquid waste, and shredding of solid waste. The relocated and extended tank farm would allow both loading and off-loading at the same time, which is not currently possible. The proposed development could therefore provide additional internal yard space for manoeuvring and reduced congestion on the highway.

Because the proposed development includes the chemical treatment of hazardous waste it falls within development requiring Environmental Impact Assessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Consequently, the planning application is accompanied by an Environmental Statement to assess the impacts associated with the management of hazardous waste. Potential impacts have been considered and in view of existing and proposed mitigation in the form of contained storage, impermeable pavements, sealed drainage and management controls set through the Environmental Permit, there is unlikely to be any significant effects on the environment including local businesses and residents (the nearest residents are located over 100m away).

With regard to pollution control, 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. The waste management facility operates under an Environmental Permit and it should be assumed that the permitting regime operates effectively. The Environment Agency and South Ribble Borough Council Environmental Health have both raised no objections in this respect.

Policy E2 of the South Ribble Local Plan (SRLP) states that land is protected for employment uses including, general industrial or storage and distribution (Use Classes B1, B2 and B8). Supporting commentary emphasizes that there are many industrial and business premises within the borough which are essential to its prosperity and that the ability for existing firms to expand is seen as a main component of job retention and creation. The local plan acknowledges that whilst a high proportion of the existing industrial and employment land is largely developed, there may be scope for the expansion of existing uses.

Policies WM2 and WM3 of the JLMWLP seek to direct waste management facilities towards specific industrial estates that are recognised for their suitability. When opportunities for development at these sites are not available developers can look to other vacant previously developed sites that can provide equally good or improved access to the road network. The operator has an existing facility on an industrial estate with good access to the existing road network. In this respect it is considered that the proposal is compliant with these policies.

Policy DM2 of the JLMWLP supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and

neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

Policy 17 of the Central Lancashire Core Strategy is entitled 'Design of New Buildings' and requires new buildings to take account of the character and appearance of the local area. Similarly, policy G17 of the South Ribble Local Plan 2015 requires, *inter alia*, development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity, and that development should not prejudice highway safety, pedestrian safety, or the free flow of traffic.

In terms of the design, it is considered that the proposed extension would have a limited effect on the surrounding area given the size and scale of the existing site and the nature, scale and variety of other existing industrial buildings in the surrounding area. The proposed building materials would match the existing building.

The land that would accommodate the proposed car parking area falls within an area of amenity grassland on the periphery of the industrial estate. The grassland is allocated as green infrastructure within the SRLP (Policy G7). The policy states that development, which would involve the loss of green infrastructure will not be permitted unless there would be alternative provision, or it can be demonstrated that the retention of the site is not required to satisfy a recreational need in the local area, and the development would not detrimentally affect the amenity value and the nature conservation value of the site. Given the location on an existing industrial estate, it is considered that the site is not required for recreational need and the proposed car park would be designed with no detrimental impact on the amenity value of the site. Further details of car park construction and landscaping, which could be controlled by condition, would add interest from an amenity perspective and add value to biodiversity interest.

The applicant has provided a drainage statement to support the proposed car parking development. This initially included details of an area of impermeable surfacing close to the building and a sustainable drainage soakaway system for the proposed new car parking area on existing grassland. However, the drainage statement did not provide sufficient information to demonstrate that a soakaway system would work or that alternative surface water management options would be feasible. The Lead Local Flood Authority objected on this basis. The applicant subsequently provided further details and evidence, which concluded that the only viable option would be to discharge surface water to the sewer at a restricted flow rate, which United Utilities have accepted. This would be achieved through the incorporation of underground surface water attenuation tanks. The proposed surface water management is now considered acceptable subject to a recommended condition for further details.

One of the issues, as raised by a neighbouring business, is the potential impact of the increased waste storage capacity on traffic generation outside the premises and on Clydesdale Place. The applicant has submitted a Transport Statement that identifies the current highway and parking arrangements and concludes that the proposed development would have no significant impact on the highway network. The majority of Clydesdale Place is an adopted public highway and serves a range

of business units and there is competition for parking within the wider site. A section of Clydesdale Place approaching the applicant's yard has been formally stopped up and is therefore no longer public highway. This has provided the opportunity to incorporate additional land into the proposal to extend the yard area including provision for a turning circle. The applicant's business is already present and although the proposal would provide potentially greater capacity and expansion of the business into a neighbouring unit, it is considered that any increase in vehicle movements would not be of a scale to warrant refusal of planning permission given the industrial setting of the site.

The applicant's Transport Statement does place some emphasis on the acquisition of another unit on the estate as a suggestion to providing a vehicle holding area, which could assist in reducing the need for roadside HGV waiting and parking closer to the main site. However, although this may happen as part of existing business operations it is considered that this would not be required to make the proposed development acceptable from a highway perspective and therefore there should not be relied upon in determining the application. There are no restrictions on vehicle movements or production output at the industrial estate and therefore traffic levels could ebb and flow at any time depending on market activity or the nature of businesses within each unit. The applicant has stated that the site usually generates some 70 to 90 HGV deliveries per week carrying payloads ranging from 10-25 tonnes, which equates to 10-13 vehicles per day.

The County Council's Highway Development Control section has raised no objection and has commented that the site is situated on an industrial/business park with excellent connection to the local and strategic highway network and the proposal would be likely to have a negligible impact on highway safety and capacity. It has been recommended that site gates should open into the site rather than onto the highway to which the applicant has confirmed this would be the case.

When determining the previous application at the site, and following a site visit, the Development Control Committee raised concerns about the lack of sufficient HGV manoeuvring capability within the yard area. Consequently, it was approved subject to a condition requiring the submission of details and the provision of a turning circle prior to commencement of development. Those details were submitted and approved. Ability to enter and exit the site in a forward gear to minimise the risk of highway safety issues also forms part of this proposal and a condition is recommended accordingly.

In terms of car parking provision, there are currently 21 spaces taking account of those available to Unit 116 and 117/118. The proposed reconfigured and consolidated parking area to the front of unit 117/118 would provide 40 spaces for cars and 2 additional spaces for the mobility impaired. A cycle shelter to accommodate 6 bicycles would also be provided. This level of provision is appropriate bearing in mind the existing arrangements and would provide some relief from the general on-street parking pressures locally. South Ribble Borough Council's Environmental Health Officer (EHO) has recommended that the proposal be subject to a condition requiring the provision of electrical vehicle recharge facilities to promote the adoption of electric vehicles and contribute to the reduction of local air pollution. The applicant is amenable to this proposal.



The EHO has also recommended that should permission be granted, a condition be imposed requiring a travel plan. However, in the circumstances of the nature and location of the development it is considered that a requirement for a travel plan would be unreasonable. The applicant will already be providing cycle storage facilities and showers, and the industrial estate is otherwise largely isolated from public transport options thereby restricting choice. The nearest bus stop is over 1km away and there is no railway station nearby. Furthermore, the applicant operates a varied shift system with some employees starting and finishing work at times when alternative transport options are more limited.

Overall it is considered that the proposed development would be acceptable and complies with the policies of the NPPF and the development plan.

Human Rights Considerations: The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public, including the applicant, under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home unless such interference is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others.

Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. Any interference with these rights is to be proportionate.

It is considered that the proposal will have little impact on the amenities of the nearest residential properties given the distance of properties to the site and that any potential impacts could be satisfactorily controlled by planning conditions.

## **Recommendation**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, 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 23.5.17

b) Submitted Plans and documents:

Drawing no. 2016-126-DA2, Rev E - Proposed Plan of Car Parking at the Front of Unit 117

Drawing no. 2016-126-A01, Rev E - Site Location

Drawing no. 2016-126-A02, Rev K - Proposed Plan of Alterations - Including External Tank Farm, Extensions 116A and 118A and Car Park Relocation and Extension

Drawing no. 2016-126--A04, Rev E - Proposed Extension to Unit 118 (unit 118A) - Proposed Plan and Elevations

Drawing no. 2016-126-A06, Rev A - Proposed Canopy to Unit 116 - Proposed Plan and Elevations

Email from Claire Gettinby dated 9 August 2017 with details of smoking shelter and bike shelter.

c) All details 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 9, 10, 17 and 25 of the Central Lancashire Adopted Core Strategy and policies E2, G7 and G17 of the South Ribble Local Plan.*

3. The building materials used for the external elevations and roof of the extensions shall match those used on the existing building.

*Reason: In the interests of the visual amenities of the area and to conform with policy G17 of the South Ribble Local Plan.*

4. The HGV turning area shown on drawing no. 2016-126-A02, Rev K - 'Proposed Plan of Alterations - Including External Tank Farm, Extensions 116A and 118A and Car Park Relocation and Extension' shall be retained at all times free from obstruction to allow HGV's to enter and exit the site in forward gear. HGVs shall not reverse out of the yard area of 117A Clydesdale Place at any time.

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

5. Prior to the new car parking area being brought into use, 10% of the parking bays shall be provided with a fast (3-4 hour) electric vehicle recharge point. The charging points shall thereafter be retained in working order throughout the duration of the development.

*Reason: To encourage the use of alternative fuel for transport purposes and to comply with Policy 3 of the Central Lancashire Core Strategy.*

6. No development shall commence until a landscaping plan for the proposed car parking area has been submitted to and approved in writing by the County Planning Authority. The landscaping plan shall include details of:
- a) The location, numbers and types of tree/shrub planting within the site.
  - b) Details for the grass seeding of landscaping areas including mixes to be used and rates of application.
  - c) Details for the management of landscaping areas including maintenance of tree /shrub planting and mowing of grassland areas.
  - d) Details of the car park surfacing utilising grass block or similar (where previously amenity grassland).

The development shall be carried out in accordance with the approved landscaping plan. Tree/shrub planting shall be carried out in the first available planting season (the period between 1 October in any one year and 31 March in the following year) following completion of the construction phase of the car parking area and thereafter maintained for a period of 5 years.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policies G7 and G17 of the South Ribble Local Plan.*

7. No development shall commence until details of a surface water sustainable drainage system for the car parking areas have been submitted to and approved in writing by the County Planning Authority. The total surface water discharge into the 1200mm diameter United Utilities surface water sewer for both car parks shall be restricted to 5 litres/second.

Thereafter the development shall be carried out in accordance with the approved details and the surface water sustainable drainage system shall be retained, managed and maintained in accordance with the approved details.

*Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk and to conform with Policy 29 of the Central Lancashire Core Strategy.*

## 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/2017/0055	August 2017	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

