

Development Control Committee
Meeting to be held on 6th March 2019

Electoral Division affected: West Lancashire East
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West Lancashire Borough: Application number LCC/2018/0050

Erection of wash plant facility for processing of inert waste materials to produce recycled aggregates. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

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Executive Summary

Application - Erection of wash plant facility for processing of inert waste materials to produce recycled aggregates. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, stockpile heights, hours of working, highway matters, noise, dust, disposal of surface waters and lighting.

Applicant's Proposal

Planning permission is sought for the erection of a new wash plant facility to be sited on a concrete slab base with an area of 1821sq.m. The wash plant facility would be used for the processing of inert waste materials to produce a range of recycled aggregate materials. The plant would consist of various crushers and screens and a press to remove fine material from the washing water.

The wash plant would have maximum dimensions of 65m long x 39 wide with the highest elements being the hopper, washing plant and stockpile conveyors with heights of 11m, 10m and 8.5m, respectively.

Description and Location of Site

The application site is in the centre of an existing waste management site/ waste transfer station and skip business that is located at the eastern end of Simonswood Industrial Estate approximately 800m from the northern edge of Kirkby.

Vehicular access to the industrial estate is from the south side of Stopgate Lane, and

then to the application site via the internal road that runs through the industrial estate. The applicant's site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials, and for the storage of skips and machinery. A waste transfer building, an office building, and a building used as a vehicle repair/maintenance workshop and to house biomass boilers, are located on the west, north and south sides of the site, respectively. The site has a planted screen mound along part of the northern boundary of a height of 6m, and along the entire southern boundary of a height of between 7.25m to 12m.

Beyond the northern boundary are agricultural fields and then the boundaries of the nearest residential dwellings on Sidings Lane that are approximately 240 metres from the application site. There are further properties on Stopgate Lane that are approximately 225m to the north-west of the application site. By the eastern boundary is another inert waste processing company, by the southern boundary is the Kirkby to Wigan railway line with agricultural fields beyond, and by the western boundary is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles, and land used for the storage of shipping containers.

Background

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions, the most recent being as follows:

Planning permission for an extension to the existing portal framed shed to house 4 no. biomass boilers with associated fuel silos and drying floor, was granted in April 2017 (ref: LCC/2017/0007).

Retrospective planning permission for the provision of a concrete panel retaining structure to the earth bund along the northern boundary, the erection of an enclosure to house a 300kw biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin, was granted in December 2017 (ref: LCC/2017/0060).

Planning permission for the erection of a detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the building, and an associated five space car park, was granted in July 2018 (ref: LCC/2018/0023).

Planning permission for the erection of a replacement warehouse for the storage and sorting of waste and recycling materials, with the provision of photovoltaic panels on the south facing roof pitch, was granted in October 2018 (ref: LCC/2018/0038).

Planning Policy

National Planning Policy Framework

Paragraphs 7 – 11, 47, 54 – 55, 80, 102 – 103, 120 – 121, 124, 127 – 130, 180 and 204 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making -

determining applications, tailoring planning controls to local circumstances and planning conditions, Building a strong, competitive economy; Promoting sustainable transport, Achieving well-designed places, controlling the impacts on local amenity and securing supply of construction materials through recycled materials.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

Policy CS3 Meeting the demand for new minerals
Policy CS7 Managing Waste as a resource
Policy CS9 Achieving Sustainable Waste Management

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 DM1 Management of Waste and Extraction of Minerals
Policy DM2 Development Management
Policy WM1 Capacity of Waste Management Facilities
Policy WM4 Inert Waste Recycling

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3 Criteria for Sustainable Development
Policy EC1 The Economy and Employment Land – Managing development on employment land - Other Significant Employment Sites – Allocated Waste Sites

Consultations

West Lancashire Borough Council – No objection. The Borough Council's Environmental Health Officer has considered the applicant's noise assessment and concludes that the noise from the new facility would be sufficiently below the existing background noise to not noticeably increase current noise levels.

Simonswood Parish Council – No observations received.

Knowsley Metropolitan Borough Council - No objection.

Environment Agency – No objection.

LCC Highways Development Control - No objection.

Health and Safety Executive – No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. One objection has been received from a local resident on the grounds of noise levels, dust and hours of operation. The resident explains that operations on the existing industrial estate are very noisy and requests that a more effective noise barrier be erected along the northern edge of the site. Concern is also expressed that the application does not address how dust will be controlled. The hours of working of the plant should also be strictly controlled.

Advice

Planning permission is sought for the erection of a new wash plant facility to process inert waste materials that are imported to the site to produce clean and graded aggregate products that can be exported back into the market place. The plant would consist of an entry hopper that would feed reclaimed aggregate material into a crushing and washing plant and a series of screens and conveyors which would grade the material into different sized products ready for resale.

The applicant states that the wash plant would enable a large quantity of inert waste material that currently enters the site in an unusable state to be processed ready for re-sale and re-use. The washing plant would allow a higher quality of product to be produced than is currently possible thereby widening the uses of the recycled aggregate materials that are produced. This would make a significant contribution to the ongoing operation of the site by introducing an additional revenue stream. It would also help to ensure job security for the current workforce.

The main issues associated with the application are the need for the development, the design and visual impact, hours of working, noise, dust, highways matters, drainage and potential light pollution.

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 not only necessary to take into consideration the relevant policies of the Development Plan but also 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 Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and the West Lancashire Local Plan 2012-2027 Development Plan Document.

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy. The National Planning Policy Framework seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity and that account is taken of the

contribution that recycled materials can make to the supply of construction aggregates

Policy CS3 of the Lancashire Minerals and Waste Core Strategy sets out requirements for the extraction of aggregates with the requirement to be met partially by maximising the contribution from recycled sources. Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage waste as a resource and sets targets for recovering value from construction and demolition wastes. The proposal is therefore considered to accord with these policies.

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed wash plant facility would be used in association with an existing waste management operation at the site and hence conforms with Policy EC1.

Policy WM4 of the Joint Lancashire Minerals and Waste Local Plan supports developments for aggregate recycling facilities at listed industrial estates, including Simonswood Industrial Estate. The location of the proposal is therefore acceptable in terms of Policy WM4.

The main issues relate to noise and dust impacts at the nearest properties. It should be noted that the site is an existing waste transfer operation which already processes inert waste using mobile crushing and screening plant. The noise and dust impacts of the proposal should therefore be considered against this background.

In relation to noise, West Lancashire Borough Council initially raised an objection on the basis that insufficient information had been supplied in respect of noise, which may affect the amenities of the nearest residential properties on Sidings Lane. Upon receipt of a noise assessment, the Borough Council withdrew their objection as they were satisfied that the likely noise from the new facility would be sufficiently below the existing background and ambient noise levels so as to not noticeably increase the current noise levels. However, to ensure that the development would not have any unacceptable noise impacts on the amenities of the nearest residential properties on Stopgate Lane and Sidings Lane, the use of the plant should be restricted to the hours of working at the site as a whole, all plant, equipment and machinery should be effectively silenced and sound proofed, and there should be a limit on noise emitted from the development when measured at the boundary of any nearby residential dwelling.

In relation to dust, Knowsley MBC originally objected to the application on the grounds that residents within Knowsley have previously been impacted by dust emissions from waste operations on the industrial estate.

The applicant has advised that the recycled aggregate materials to be reloaded into wagons and exported off-site, will be damp as a result of the washing operations. The damping down of existing raw material stockpiles at the site, and from which material would be taken for processing in the plant, would continue. A condition is recommended to require that dust mitigation measures should be taken to reduce

the incidence of dust generation. A restriction in stockpile heights to 5.5m of material associated with the wash plant would also help to restrict dust, and would accord with the current restrictions on stockpile heights elsewhere across the site. The nearest houses in Knowsley are located at considerable distance (1.5 km) from the site and therefore it is considered that these properties would not receive dust impacts from this site. Given the nature of the operation and the requirements of the above conditions, it is considered that dust can be controlled to acceptable levels.

Policy WM4 of the Lancashire Minerals and Waste Local Plan supports aggregate recycling facilities on the industrial estates named in the policy subject to such facilities being housed with a building. The proposed facility would be in the open air and not in a building. While it is accepted that the proposal would not truly accord with the requirements of Policy WM4, it is considered that the noise and dust impacts could be controlled to acceptable such that they would not be detrimental to the amenity of the surrounding area. It is therefore considered acceptable for the washing plant not to be enclosed within a building.

A local resident states that an acoustic barrier is needed along the north side of the site, in addition to the existing bund, so as to address all noise including that which would be generated by the wash plant. However, it is considered that the conclusions of the noise assessment, demonstrate that the provision of a noise barrier would be unnecessary in order to ensure that noise impacts are acceptable at the nearest properties.

In relation to highways impacts, the location of the wash plant would ensure that all existing vehicular and pedestrian routes within the site would be retained for continued use. Vehicular access to the site is via the internal road that runs through the Simonswood industrial estate from Stopgate Lane to the north of the site. Off-site vehicular movements would not be affected by the proposed development since it is anticipated that the same quantity of aggregate material that is currently exported off-site in an unusable state would be exported for re-use. LCC Highways Development Control have not objected. However, it is recommended that a condition should require that all vehicles transporting materials from the site should be securely sheeted.

In relation to drainage, the land around the proposed wash plant is graded so that water drains to an existing sluice on the west side of the site near the waste transfer building. The sluice is drained by pipework that connects the sluice to a final discharge point just outside the southern boundary of the site. It is proposed that all rainwater falling onto the site will continue to drain to the discharge point and should be the subject of a condition.

Policy GN3 of the West Lancashire Local Plan requires that proposals for development should be of high quality design and have regard to visual amenity through sensitive design including appropriate siting, orientation, scale and materials.

The proposed facility would be positioned centrally in the site in an area currently occupied by storage mounds. The scale and height of the proposed equipment is determined by the supplier in order to provide the required operation capacity. The

appearance of the proposed wash plant equipment is in keeping with the industrial nature of the site and surrounds and its visual impact would be largely screened by the surrounding storage mounds and the landscaped bunds along the northern and southern boundary of the site. It is considered that the visual impact of the proposed wash plant would be acceptable and would accord with Policy GN3.

Whilst no lighting is currently proposed, it may be introduced in the future, and so to ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval.

Subject to the imposition of conditions, as recommended above, it is considered that the development accords with the requirements of the National Planning Policy Framework, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, and Policies NPPF 1, DM1, DM2, WM1 and WM4 of the Joint Lancashire Minerals and Waste Local Plan.

A note should also be attached to any permission to advise the applicant that if the proposed development involves new waste activities, the site operator will need to vary the existing Environment Agency permit and additional infrastructure may be required in order to manage any new pollution risks.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties by reason of noise and dust which would breach those rights. The conditions relating to noise and dust and the sheeting of lorries that are proposed to be attached to the planning permission will protect the amenities of local residents.

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 received by the County Planning Authority on 5th October 2018.

b) Submitted plans received by the County Planning Authority on 05 October 2018:

Drawing No. P185.2_200 - Site Location Plan

Drawing No. P185.2_201 - Existing Site Plan

Drawing No. P185.2_202 - Block Plan

Drawing No. P185.2_203 - Existing Site Section

Drawing No. P185.2_204 - Proposed Site Plan

Drawing No. P185.2_205 - Proposed Plan and Elevation

Drawing No. P185.2_206 - Proposed Site Section

Drawing No. P185.2_207 - Proposed Drainage Plan

c) All details approved under the conditions to 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 CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies NPPF 1, DM1, DM2 and WM1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies -Part One, and Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Site Operations

3. A copy of this permission and all the documents referred to in condition 2 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Stockpiles of raw and processed material associated with the operation of the wash plant shall not exceed 5.5 metres in height.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development

Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Hours of Working

5. The wash plant facility shall not be used outside the hours of:

0730 to 1800 hours, Mondays to Fridays
0730 to 1200 hours, Saturdays

The wash plant shall not be used at any time on Sundays or 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 site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Highway Matters

6. All vehicles transporting recycled aggregate 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Control of Noise

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals

and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Noise emitted from the development shall not exceed 55dB(A)LAeq, 15min, as measured or calculated at the boundary of any nearby residential dwelling.

The measurements shall be undertaken in accordance with the methodology described in BS4142:2014.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Dust

9. Measures shall be taken at all times during the development to ensure that no dust or wind-blown material from the site is carried on to adjacent property. The measures shall include the fitting of all crushing and screening plant with dust attenuation measures, the fitting of dust control measures on conveyor outfall points and the spraying of all dust generative stockpiles during dry and windy weather conditions.

Reason: To safeguard the amenity of the local area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Safeguarding of Watercourses and Drainage

10. All rain water collected from the wash plant facility shall be discharged to the existing drainage system on the south side of the waste transfer building and as shown on the submitted approved Drawing No. P185.2_207 - Proposed Drainage Plan.

Surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation

and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Floodlighting

11. No external lighting and floodlighting shall be erected on the wash plant unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) Type and power of lights
 - b) Types of masking or baffle at the lighting head
 - c) Number and size of lighting units
 - d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties
 - e) Times of use of lighting.

Thereafter the lighting and 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 reduce light pollution and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

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

None

Reason for Inclusion in Part II, if appropriate

N/A