

**Development Control Committee**  
Meeting to be held on 17 January 2024

Electoral Division affected:  
Burscough and Rufford

**West Lancashire Borough: application number LCC/2023/0026**  
**Change of use of agricultural building and yard area from agriculture to waste management including the sorting, storage, recycling and distribution of non-hazardous waste, and including two ancillary buildings. Bank Farm, 40 Martin Lane, Burscough**

Contact for further information:  
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### **Brief Summary**

Application - Change of use of agricultural building and yard area from agriculture to waste management including the sorting, storage, recycling and distribution of non-hazardous waste and including two ancillary buildings. Bank Farm, 40 Martin Lane, Burscough.

### **Recommendation – Summary**

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

### **Applicant's Proposal**

This application is for the change of use of an existing agricultural building and yard area to use for the management of non-hazardous waste. The applicant initially stated that inert aggregate based materials would be stored in a designated outside storage area, but the application has been amended so that all waste management operations would now take place in the existing building.

The site includes an existing portal framed building measuring approximately 30m x 23m x 6m in height with an open front and a yard area with two new small steel demountable units for use as an ancillary site office and toilet block measuring 10m x 4m x 3m high and 6m x 3m x 2.5m high respectively. The site area is approximately 1400m<sup>2</sup>. The applicant states that a maximum of 20 empty skips are stored on site at any one time. No full skips are stored on site, as they are brought to site and emptied for sorting.



The applicant has 60 mini-skips, which are sent out to households which are then returned to the building where the contents are manually sorted into separate bays and containers for metal, plastic, cardboard, wood, green waste, aggregate and general waste. Once full, large skip containers are collected by various recyclers, appropriate to the material contained within. The applicant has two skip wagons, which deliver and return the skips on a daily basis. The applicant states that there would be a maximum annual throughput of 15,000 tonnes of waste.

Operating hours would be Monday to Friday from 08:30 to 17:30 and Saturdays from 08:00 to 15:00.

## **Description and Location of Site**

The application site is at an existing agricultural unit that includes a range of buildings and a yard area. The original farmhouse buildings are located to the north and the application site is bordered by agricultural land to the south and east. Martin Lane and Merscar Lane are located to the west. These roads include a number of residential properties, a disused public house, a timber mill and other agricultural enterprises. The nearest residential properties are approximately 130m from the application site. The site is in the Green Belt.

Access to the site is along an unmetalled track from Gorst Lane some 300m to the south. Gorst Lane has a 7.5-tonne weight limit except for access/loading.

The Wildfowl and Wetlands Trust (WWT) Martin Mere Site of Special Scientific Interest (SSSI) is located approximately 1km to the north-east. Langley's Brook is approximately 370m to the east and Merscar Brook is approximately 250m to the west. The site is not in Flood Zone 2 or 3.

On open land to the west of this application site, another waste management company is sorting, processing and storing soils and aggregates. Objections have also been made regarding this operation. It is subject of planning application LCC/2023/0033 and is reported elsewhere on the agenda.

## **Background**

A number of permissions have previously been granted at the farm site by West Lancashire Borough Council for agricultural buildings and associated development. The building subject of this application has been on site since at least 2015.

## **Planning Policy**

*National Planning Policy Framework (December 2023)*

*National Planning Policy Framework Planning Practice Guidance*

*Waste Management Plan for England (December 2013)*

*National Planning Policy for Waste (October 2014)*

*Our Waste, Our Resources: A Strategy for England (December 2018)*



*Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD*

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 – Site Allocation and Development Management Policies – Part One*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management

*West Lancashire Local Plan*

Policy SP1	A Sustainable Development Framework for West Lancashire
Policy GN1	Settlement Boundaries
Policy GN3	Criteria for Sustainable Development

*Burscough Parish Neighbourhood Plan*

**Consultations**

West Lancashire Borough Council – object to the proposed development as no very special circumstances have been demonstrated which would overcome the harm to the openness of the Green Belt in this location. It is considered therefore, that in its present form, the development is considered to be contrary to Policy GN1 and GN3 of the West Lancashire Local Plan and Paragraph 148 and 150 of the National Planning Policy Framework.

The officer report from West Lancashire Borough Council acknowledges that Paragraph 150 of the National Planning Policy Framework provides a range of exceptions to development within the Green Belt. The re-use of the building would meet criteria d) of Paragraph 150 which refers to the re-use of buildings provided that the buildings are of permanent and substantial construction. The officer notes that in this instance the building would not need any alterations in order to accommodate the use and as such this element of the proposal is considered to be acceptable in relation to Green Belt considerations. However, outside storage operations would be inappropriate development.

[note – West Lancashire Brough Council comments are based on the National Planning Policy Framework September 2023 edition. Paragraph numbers have changed in the December 2023 edition of the Framework, but the Policy requirements remain the same].

Burscough Parish Council – In principle there is no objection to this development and are encouraged by the applicant's assurance that nothing, with regard to their operation, will require the need for the use of landfill. Although no objection is raised, the following points should be considered:



- Has the applicant considered developing the business on the nearby industrial estate, which would not then require the change of use in Green Belt?
- How many vehicle movements are estimated per day?
- What routes are proposed when nearing the site? The Parish Council ask this due to weight restrictions in the area and narrow country lanes, particular concern regarding the forty-tonne skips leaving the site.
- Concern has been raised about the Martin Lane access. Access on Gorst Lane should be the designated access for this development.
- This application, if approved, is a relatively small operation with the business only operating two vehicles. The Parish Council have concerns over further development in future as the local population increases and therefore demand is greater.

The Parish Council has submitted an additional representation and note that works have already started at the site and the hard standing is to be built on Grade 1 agricultural land. Water is running off the site which is going straight into a watercourse which in turn runs into Martin Mere Wetlands.

Environment Agency – No objection but note that the development requires an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.

Lancashire County Council Highways Development Control – No objection following the submission of revised information clarifying access via Gorst Lane only, provision of a swept path analysis, expected traffic generation, staffing levels and details of parking.

Lancashire County Council Lead Local Flood Authority – No comments to make.

Representations – The application has been advertised in the local newspaper and by site notice, and neighbouring residents have been informed by individual letter. 32 individual representations and a petition with 303 signatories have been received objecting for the following summarised reasons:

- Noise from machinery on site and the tipping of waste on the yard floor, and from traffic.
- It will generate smells and noise nuisance.
- Disturbance to wildlife.
- Close to residential properties.
- Impact on local amenity.
- The skip business should be on an industrial estate.
- Inappropriate in the Green Belt and in a rural agricultural area.
- Gorst Lane has a weight limit of only 7.5-tonnes for trucks.
- Increase in heavy domestic, commercial and industrial traffic will have an adverse effect on the character of the immediate vicinity and area.
- Impact on highway safety on local road network.
- Roads not suitable for skip wagons.
- It will detract visitors to the area including Martin Mere Wildfowl Trust.
- Possible increase in vermin.
- How is drainage going to be dealt with?



- The development is already taking place and there is now litter in the area and hardcore and brick stockpiles.
- There is a current noise source with an extremely low-pitched rumble during the day due to a stone crusher processing an enormous pile of hardcore and soil on site.
- Heavy goods vehicles (HGVs) currently using an unauthorised unsafe access on Martin Lane.
- Potential water pollution to local watercourses.
- The application states 15,000-tonnes per year, which does not equate to a small-scale operation. With the addition of the 40-tonne skips to remove the waste to the intended recycling sites, then it will not be a small-scale activity and the noise levels as well as dust levels and air quality in the surrounding area will be impacted.
- Would planning permissions state only household waste and how would this be monitored to ensure no other items are contained?
- Why is there no noise assessment?
- What is the difference between sui generis and waste activity development?
- The Gorst Lane access track to the site is unsuitable for skip wagons and would need major upgrading.
- Waste being tipped adjacent to Langley Brook.

Wildfowl and Wetlands Trust (WWT) Martin Mere – object as the development has already started, it is in flood zone 3, the developer is tipping waste materials adjacent to a watercourse that could put Martin Mere at risk of pollution, and Natural England should be consulted.

### **Advice**

This application is for the change of use of land and buildings from agricultural use to a waste management use including sorting, storage and distribution of non-hazardous waste).

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal. The proposal would allow the sorting of mixed waste into different materials for recycling purposes and would therefore assist in meeting the requirements of the waste hierarchy.



The National Planning Policy for Waste also states that in identifying suitable sites and areas, priority should be given to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages. However, the document also notes that there should be consideration of physical and environmental constraints on development, including existing and proposed neighbouring land uses, transport infrastructure, and the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential. Furthermore, inappropriate waste management development in the Green Belt should be guided to locations outside the Green Belt.

Policy SP1 of the West Lancashire Local Plan refers to a sustainable development framework for West Lancashire. It advises that when considering development proposals there should be a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Furthermore, applicants should be worked with proactively to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy GN1 of the West Lancashire Local Plan refers to development and settlement boundaries and states that development proposals within the Green Belt will be assessed against national policy and any relevant local plan policies.

Policy GN3 concerns general criteria for sustainable development and states, among other things, that development should minimise the risk from all types of pollution and contamination.

### *Green Belt*

The site is located in the Green Belt and the large building and yard area have permission for agricultural use.

Paragraph 142 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built-up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 152 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the National Planning Policy Framework advises that when considering any planning application, local planning authorities should ensure that



substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a number of exceptions including, of relevance, limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

Paragraph 155 of the National Planning Policy Framework advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes, of relevance, material changes in the use of land and the re-use of buildings provided that the buildings are of permanent and substantial construction.

The majority of the application is for a change of use of an existing building. On this basis, there is no significant change at the site in terms of the overarching aims of Green Belt policy. The proposal also includes the siting of two small ancillary demountable units for office and toilet use on an existing concrete yard area. It is considered that these buildings would comprise the redevelopment of an existing developed site and in view of the National Planning Policy Framework referred to above, the development is appropriate in Green Belt policy terms. However, it is considered that a condition should be attached to any permission requiring the removal of the demountable buildings should the waste management use cease. West Lancashire Borough Council agree that the re-use of the building is appropriate development in the Green Belt and the storage of soil and aggregate materials outside on open land, which was the focus of their original objection, has now been removed from the application.

### *Traffic*

Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The application site sits within an agricultural unit that is served by an existing access track to Gorst Lane. The track will have historically been used for agricultural and horticultural vehicles, but this use has declined. The applicant states that there are typically two heavy goods vehicle (HGV) visits to the site each week and the applicant's skip lorries make approximately 10 trips per day into the site.

Following the submission of swept path analysis to demonstrate the access would still be suitable for the safe passage of heavy goods vehicles and subject to access improvements, Lancashire County Council Highways Development Control raise no objection. It is also recommended that conditions be imposed for the sheeting and containment of vehicle waste loads, for a requirement to keep the highway free from debris and mud and for surfacing improvements at the access junction with Gorst Lane. It should be made clear at this point that there is no authorised access at



Martin Lane/Merscar Lane, and the current site operator has been advised that this access cannot be used. This application for planning permission is based on access from Gorst Lane only.

### *Impact on local amenity and pollution control*

Paragraph 191 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy 194 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. The Environment Agency has raised no objection to the proposed development but has stated that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016.

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

On the basis that the waste management operations at the site will require an Environmental Permit from the Environment Agency and will be subject to further scrutiny, assessment and appropriate pollution controls as part of that process, it is considered unnecessary to impose specific pollution controls through the planning process. Nevertheless, as a means of seeking to ensure that general intermittent disturbance is minimised, a condition is recommended to control the hours of working to those proposed by the applicant, which are 0830 to 1730 hours Monday to Friday (excluding public holidays) and 0800 to 1500 hours on Saturdays. A condition is also recommended to require that all waste handling and storage takes place within the building and that there shall be no mechanical sorting, separating or processing of waste or materials. On this basis the development is considered to be acceptable in terms of local amenity impacts and complies with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The applicant has stated that operations at the site will utilise the existing drainage arrangements. The site is connected to the mains sewer for foul drainage. The toilet





block is communal for the site and is not for the sole use of the applicant due to occupation of other units at the site. The site also features a 1000 litre interceptor tank, which collects yard water. Rainwater from the existing building is transported via gutters and downspouts into the various existing drainage grids in the yard area. The site is contained and distant from watercourses and there should be no reason to suggest that the site is a risk to local watercourses or Martin Mere Wetland Centre. Additionally, Lancashire County Council Lead Local Flood Authority has raised no issues.

Concerns have been raised about waste tipping on adjoining land adjacent to Langley Brook. This is not a material consideration for the assessment and determination of this application. However, the Environment Agency has investigated the site and are satisfied that the materials recently deposited are for the creation of an agricultural access and hardstanding and pose no pollution risk.

### *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 Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with the law and as is proportionate.

This application as it to be approved would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be controlled by conditions or through an Environmental Permit should one be granted.

### *Conclusion*

This application is for waste management activities at an existing agricultural site that present an opportunity for a local contribution towards policy aims of driving waste up the waste management hierarchy.

Subject to recommended conditions it is considered that there should be no unacceptable adverse impact on the environment, visual impact, the Green Belt, local highways or the amenity of local residents. Further scrutiny would be required through an application for an Environmental Permit, and should a permit be refused, waste management activities as currently undertaken would have to cease. The proposal is considered to be acceptable in terms of the policies of the National Planning Policy Framework and the policies of the Development Plan.

## **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:



## Submitted Plans:

Drawing no. LM/DB/5111B - Proposed Site Plan rev date 29 November 2023  
Drawing no. LM/DB/5111C - Site office and toilet block dated 18 December 2023

*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.*

## Site Operations

2. Should no waste management operations take place on the site for a continuous period of 12 months, the demountable units shown on Drawing no. LM/DB/5111C shall be removed from the site within a further period of two months.

*Reason: In the interests of protection of the Green Belt and to conform with Policy SP1 of the West Lancashire Local Plan.*

3. No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place outside the hours of:

0830 to 1730 hours, Mondays to Fridays (except Public Holidays)  
0830 to 1500 hours on Saturdays (except Public Holidays)

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place at any time on Saturdays, 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.*

4. Depositing, sorting, segregation, processing and loading of waste shall only be undertaken within the building shown on drawing no. LM/DB/5111B - Proposed Site Plan rev date 29 November 2023.

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

5. There shall be no mechanical sorting, separating or processing of waste or materials.



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

6. All vehicles transporting waste materials or recycled waste products into the site or from the site shall be securely sheeted or contained.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

7. There shall be no access to the site from Martin Lane/Merscar Lane.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

8. Within three months of the date of this permission the site access road shown on drawing no LM/DB/5111B - Proposed Site Plan rev date 29 November 2023 shall be surfaced over a 10m distance when measured from the carriageway edge at the junction with Gorst Lane using tarmac, concrete or similar surfacing product.

Thereafter the site access road shall be maintained in a smooth condition, free from potholes for the duration of the development.

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

9. Steps shall be taken at all times to prevent the deposit of mud, dust or other deleterious material on the public highway by vehicles leaving the site.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

10. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*



11. All foul water drainage shall be discharged to a public sewer or else to a sealed watertight tank.

*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 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/Directorate/Ext
LCC/2023/0026	December 2023	Rob Hope Environment and Planning 01772 534159

Reason for Inclusion in Part II, if appropriate

N/A

