

Appendix A

Development Control Committee

Meeting to be held on 17 July 2013

Electoral Division affected: Rossendale East

Rossendale Borough: Application 14/13/0239

Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup

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Executive Summary

Application: Extension to building at waste transfer station and erection of a screen wall at Waterbarn Mill, Newchurch Road, Stacksteads, Bacup.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limit, working programme, site operations, hours of working, dust, lighting, highway matters and protection of water resources.

Applicant's Proposal

Planning permission is sought for the construction of an extension to an existing waste transfer station (WTS) building. The proposed extension would measure 20m x 14m with a maximum roof height of 7.5m. The WTS falls within a larger former mill site which includes a number of industrial buildings. The extension would be rectangular in shape and would be located on the eastern elevation of the existing WTS building. It would include a single pedestrian door and sliding doors that would enable vehicles to enter and leave the proposed extension and existing WTS building. The extension would be constructed of profiled metal sheeting similar to the existing WTS building.

Currently the yard area to the WTS and proposed extension is demarcated by heavy duty concrete blocks to define separate access to a commercial vehicle company located to the west of the WTS within the former mill area. It is proposed to construct a screen wall in place of the block wall, which would measure 2.5m in height, for a length of 33m and would be constructed of metal sheeting.

The current WTS operations involve a throughput of approximately 400/500 tonnes of primarily inert waste materials a week including sand, rock, glass, building waste,

plastics, non hazardous metals, timber and rubble. Specific wastes and volume limits are controlled by an Environmental Permit issued by the Environment Agency and no changes are proposed in this respect.

The proposed extension would operate within the permitted hours of the WTS which are between 08:00-18:00 hours Monday to Friday, and 08:00-14:00 hours on Saturday, with no working on Sundays and Bank Holidays

Revised plans have been submitted that identify car parking spaces that would be used by the WTS located on land adjacent to Newchurch Road and within the applicant's ownership.

The boundary to the planning applications encompasses the existing WTS operations.

Description and Location of Site

The application site is located within the site of the former Waterbarn Mill in the Rossendale Valley, between Rawtenstall and Bacup, south of Newchurch Road at Waterbarn. The River Irwell flows along the northern boundary of the majority of the former mill site and mature woodland is located to the south and east which forms a buffer strip between the site and the nearest residential properties. The application site includes an existing block work and steel clad building with a large roller shutter door, and a concrete yard area currently used as a WTS with the benefit of planning permission. The nearest residential properties are located approximately 25m from the former mill site boundary and approximately 50m from the existing waste transfer building and proposed extension. The site has a history of industrial use. Land to the north and further south is designated as Green Belt. Access to the site is taken from Newchurch Road (the A681 Rawtenstall to Bacup Road) via a tarmac road across a bridge in private ownership which has no designated weight limit. Residential properties are located along Newchurch Road adjacent to the site access.

Background

The County Council has received complaints from local residents relating to alleged breaches of planning control associated with the existing WTS. Investigations have identified some operations being carried out contrary to the planning conditions to the planning permission, most particularly the storage of skips and waste materials outside the waste transfer station building. Investigations have also identified instances of sandblasting and processing stone outside the permitted waste transfer site but within the former mill complex. The operator was advised in writing on 13 August 2012, 16 October 2012 and 7 February 2013 that the storage of skips and waste materials outside the building constituted a breach of planning control and requested this to cease to avoid the risk of enforcement action being pursued.

The operator's business appears to have become more successful than the existing WTS permission can accommodate. Consequently, the operator has now submitted the planning application subject of this report for an extension to the existing waste transfer building, with associated screen wall, as a means of seeking additional

internal storage space and avoid the need for outside storage and the loading and unloading of skips onto vehicles.

Although this planning application seeks to address the issue of outside storage, it is recognised that a continued breach of the requirements of the existing planning permission would be unacceptable where harm to local amenity is occurring.

However, if the County Council is to pursue enforcement action it must be satisfied that non-compliance with the requirements of the planning permission is causing measurable harm to amenity in the locality of the site. Investigations are continuing to establish any sustainable reasons to pursue enforcement action particularly as this planning application has yet to be determined.

History

Planning permission for the erection of an industrial building for plastic waste reclamation was granted in 1979 (ref.14/79/279).

Planning permission for the 'Phased development of an industrial thermoplastic recycling plant' at Waterbarn Mill was granted in 1993 (reference 14/93/484).

In 2004 Lancashire County Council as Waste Disposal Authority submitted a request for a screening opinion for the development of the site as a waste transfer facility in accordance with the Town and Country Planning Act (Environmental Impact Assessment) (England & Wales) Regulations 1999. The proposed development was for a green waste transfer plant, recycled handling plant, a residual waste reception and transfer building, provisions for external vehicle parking, manoeuvring areas and ancillary buildings including offices, weighbridge and staff facilities. The site would have provisionally handled a maximum of 40,000 tonnes of waste per annum and would have formed part of a network of facilities for the management of municipal waste across the County. A screening opinion was adopted in 2004, which concluded that the proposal for a waste transfer station would not give rise to environmental impacts of a magnitude to warrant an Environmental Impact Assessment as set out by the Regulations.

Following a site visit planning permission for the change of use from industrial thermoplastic recycling plant to waste transfer station was granted November 2010 (ref. 14/10/452).

At the Development Control Committee meeting of 5 June 2013 the committee resolved to visit the site prior to determining this application. The site visit took place on 15 July 2013.

Planning Policy

In law all EU regulations and Directives apply and all government guidance and policy statements must be taken into account. The following are particularly relevant to this proposal.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England. Although it does not contain specific waste policies, waste planning authorities must have regard to the policies in the Framework so far as relevant when taking decisions on waste applications. Relevant sections include:

- Section 1 Building a strong competitive economy
- Section 7 Requiring Good Design
- Section 10 Meeting the challenge of climate change.
- Section 11 Conserving and enhancing the natural environment

Planning Policy Statement 10 – Planning for Sustainable Waste Management

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

- Policy CS7 Managing our Waste as a Resource
- Policy CS9 Achieving Sustainable Waste Management

Lancashire Minerals and Waste Local Plan (LMWLP)

- Policy 2 Quality of Life
- Policy 5 Environmental and Other Benefits
- Policy 23 Water Resource Protection
- Policy 37 Strategic Road Network
- Policy 88 Recycling, Sorting and Transfer of Waste
- Policy 112 Standards of Operation

Rossendale Core Strategy DPD (2011)

- AVP 2: Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations & Principles
- Policy 10 Provision for Employment
- Policy 23 Promoting High Quality Design and Spaces
- Policy 24 Planning Application Requirements

Consultations

Rossendale Borough Council – Object to the proposal as it would cause unacceptable detrimental impact on the amenity of local residents, most particularly those on Brandwood Park. It would result in an expansion/intensification of the use of the site which would exacerbate existing problems with noise, dust, lighting, odour and the activity on the site which would unacceptably harm the amenity of local residents. The Borough Council is of the view that the site has been/is currently operating in breach of conditions attached to its existing consent based on complaints received by local residents, which have been substantiated by evidence. The regulatory authorities need to ensure they work closely in monitoring and ensuring compliance with conditions attached to the existing consent.

LCC Assistant Director (Highways) – No objection on highway grounds.

Environment Agency – No objection in principle. The proposal will not require any modifications to the existing Environmental Permit for the site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. A total of 36 letters of representation have been received objecting in relation to the following summarised points.

- Properties on Brandwood Park have suffered from flies, mice, and rats since Shadlock skips took over.
- The noise associated with the lifting and dragging of the skips is shaking the foundations of properties and is generally excessive. Foul language associated with the workforce is unpleasant.
- Light pollution from night lights is affecting existing health problems.
- The noise during the day is affecting sleep due to working nights.
- Suggest the need for unannounced visits to assess the problems.
- Odour issues and vermin issues due to the waste being poorly managed and hoarded. Windows of residential properties have had to be kept closed due to flies.
- An increase in dust and pollution has affected residents with Parkinson's Disease, asthma and other lung related illnesses.
- The new building is not necessary if the site is managed properly. The extension would create more storage space and allow increased hoarding of waste enabling the operator to wait until materials can be sold/disposed of at a more profitable price. Giving the operator an unfair advantage over other businesses.
- The site is totally unsuitable for this type of business located in a mainly residential area. The existing use should be compensated so that it can move to an industrial estate or over the Moors towards Todmorden.
- The activities cause distress and encroach on privacy which adversely affects residential amenity.
- The proposed extension would place the building literally on top of the residents at 9 Brandwood Park denying them of light during the evening period the only time that Shadlocks are not meant to be working.
- There is concern that the new building would not accommodate all waste operations and that they would spill in to other areas of the site.
- Noise and diesel fumes equating to air pollution from the site has reduced the ability to enjoy the back gardens of nearby residential properties.
- There would be an increase in traffic on to Newchurch Road which is already busy.
- The committee is urged to take the views of the residents in to account. Both county and local councillors are objecting to any further development on this problematic site. There have been issues of the operator breaching the conditions associated with operating hours.
- The introduction of a screen fence would not prevent any form of dust and noise from travelling over onto the properties on Brandwood as the vehicles, machinery and many of the containers are higher than the proposed wall.

Further, it would look like a carbuncle during the winter months and would lead to more processing of waste outdoors.

- Contradictions exist within the application form. The application would provide for current breaches to allow all the work to be carried out inside the building. However, the extension relates to an expansion of the business - an increase of 6-9 employees coupled with an increase of 50% in throughput (10,000 tonnes per annum original application and increasing 15,000 tonnes per annum on the current application form).
- The accompanying acoustic assessment report should be discredited as it was carried out with the prior knowledge of the applicant and no noise figures have been obtained adjacent to numbers 9 and 10 Brandwood Park as per the original planning conditions.
- The proposed extension would not stop dust or odour issues as work would continue to be carried out with the door open.
- Smells are currently emitted from the site because waste is left outside and waste materials are hoarded within the building. Unauthorised municipal waste arrives at the site which has led to flies, smells and vermin.
- The development does not accord with the Development Plan.
- LCC are legally obligated to protect the rights of residents under Protocol 1, Article 1 of The Human Rights Act which seeks to protect residential amenity.
- Objective 11 of the Core Strategy must promote high quality design and working practices in waste management facilities to minimise harm. The application is required due to the applicant's poor working practices, which have caused detriment to the local wildlife. Residents no longer see evidence of badger, fox, owls and bats.
- The application form falsely states that the site is not visible from any road, footpath or bridleway. This is incorrect as the old train line, a designated public footpath runs to the rear of the land. As this is currently being upgraded to make it part of 'The Valley Way' the rights of Rossendale Borough Council to decide its own strategies and area vision plans should not be compromised by a planning decision made at County level.
- Horses using the proposed bridleway may become distressed and throw their riders resulting in injury.
- A certificate from a structural engineer should have been provided to certify that the bridge is able to cope with the increase in the amount of waste that would be handled.
- The new extension is acoustically unsuitable to contain the noise generated by the application.
- There is no reference in the applicant's statement about the area vision for Bacup and Stacksteads which states that the area is to be the focus of intensive tourist development.
- Breaches in hours of working before 0800 and also at Bank holidays.
- An internal enquiry should be instigated as to why the planning conditions imposed upon 14/10/0452 have not been rigorously enforced.
- Beeping of vehicle reversing alarms causes disturbance.
- The site is being used as a dump and if the extension is granted the site will just become a bigger dump.

- Requests that photographs sent by the residents of Waterbarn Mill are sent to members of the Development Control Committee in advance of the meeting on 17 July 2013. Although residents will be able to present their case at a special meeting on the 15 July some members of the committee may not hear the residents case and it may not be possible to hand the photographs round at the meeting.

Chair of Waterbarn Community Group

- LCC looked at the site and rejected it as it was unsuitable due to the close proximity of residential properties in particular accommodation for the elderly.
- LCC stated that if the site were to be used for a WTS the old buildings would need to be demolished.
- Noise from the building is excessive due to the construction of the building. Unloading, loading and sorting of skips in the yard.
- The present occupiers have consistently broken planning and environmental conditions relating to dust, noise, smoke, and violation of the water transfer processing. LCC has served a Breach of Condition Notice. The owner of the site has previously been prosecuted by the Environment Agency (EA) for a similar facility in Rochdale. The Rossendale Borough Council Enforcement Officers have to constantly visit the site to tell them to stop the pollution and noise.
- The appearance of the site is appalling. The building is in a derelict state with holes in the roof of the main building used by processing which can be seen from Newchurch Road.
- Whilst previous uses may have been compatible with a light industrial use as residents we now have basic human rights and that is to have peaceful enjoyment of our homes. These rights are being degraded by this Waste Transfer site.
- The Council has failed in their obligation to enforce the law and as residents we are suffering accordingly.
- There has been a violation of waste processing restrictions by hoarding and storing waste.

Advice

Director of Transport and Environment – Observations

Policy context

When considering applications for waste development a local planning authority must have regard to the EU Waste Framework Directive, which has been made part of domestic law by the Waste Management Licensing Regulations 1994. This legislation provides that the local planning authority must have regard to the 'relevant objectives', which are ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods that could harm the environment and, in particular, without risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest.

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.

Government policy on waste management (PPS 10) establishes key sustainable waste management principles and considers that proposals should be assessed in terms of their contribution towards driving waste management up the waste hierarchy in a manner which safeguards human health, does not harm the environment, and enables waste to be disposed of in one of the nearest appropriate installations (proximity principle). PPS10 stresses that the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining planning applications.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, the saved policies of the Lancashire Minerals and Waste Local Plan 2006, and the Rossendale Borough Council's Adopted Core Strategy Development Plan Document (DPD). The Lancashire Minerals and Waste Local Plan was prepared, and the Lancashire Minerals and Waste Development Framework is being prepared with regard to the EU Waste Framework Directive and Paragraph 4 of Part 1 of Schedule 4 of the Waste Management Licensing Regulations 1994. The 'relevant objectives' are referred to in the plans and the policies were prepared to reflect the intentions of such.

Waterbarn Mill consists of three main buildings on a large yard. There is a high, steel clad modern warehouse building and two older buildings. There is also a bungalow at the site entrance that was last used as an office. The land is within the Urban Boundary, as designated by Policy 1 of the Rossendale BC Adopted Core Strategy DPD (2011). The site has historically been used for industrial purposes and until 2004 operated as an industrial thermoplastic recycling plant. This use ceased, the site was left vacant and in 2010 planning permission was granted for one of the units and part of the yard area to be used as a Waste Transfer Station (WTS). The applicant owns the historic mill complex and lets out the unit used by 'Pick up Systems' to the rear/south of the site and the unit nearer the entrance into the site known as 'Tin Man.' As these two uses are not waste related planning matters any planning issues are the jurisdiction of the Borough Council.

Policy 88 of the Lancashire Minerals and Waste Local Plan seeks to ensure that waste transfer stations are located within appropriate industrial areas and requires operations to be undertaken within a building where they would cause unacceptable injury to amenity if carried out in the open air. The policy also requires that proposals should not give rise to unacceptable adverse impacts on people or the environment and should be able to satisfactorily accommodate the traffic generated by the development.

As the mill site has an historical industrial use and more recently the application site has planning permission for a waste transfer station, it is considered that the principle of the use of the site has already been established subject to conditions. Nevertheless, it is necessary to assess the potential impact of the proposed building extension and screen wall on local and residential amenity, the environment and the local highway network.

The proposed building extension

The applicant is seeking permission for an extension to the existing building to provide more indoor space to undertake all the WTS functions. The applicant has indicated that the extension would increase floor area by 260m² and would measure approximately 13m x 20m x 7.5m to ridge height, which represents an increase of approximately 25% of total available floor space. The number of employees would also increase from 6 to 9.

The design of the proposed extension would incorporate three sliding doors. Skip vehicles would enter the building and deposit the waste onto a designated floor area. Waste would then be manually sorted and segregated into skips all within the existing building and proposed extension prior to being bulked up and transfer off-site to more specialised recycling operations or landfill. The proposed extension would be similar in design to the existing building, would not encroach on neighbouring residents and would be of an acceptable size and scale for the existing former mill site.

It is acknowledged that operations have taken place outside of the existing building but the proposed extension would seek to resolve these issues. The proposed extension would be approximately 43m from the rear garden boundary of no 9 Brandwood Park. There is a landscaped buffer strip predominately consisting of deciduous trees measuring approximately 31m in depth which currently acts as a buffer to the mill site and was probably established when the Brandwood Park housing development site was constructed.

The applicant is also proposing a 2.5m high screen wall with materials to match the building extension. This would provide a further opportunity to screen the operations from the residential properties on Brandwood Park and also from other developments on the Mill site. It would provide a dedicated access area for the industrial activities to the southwest of the application area and generally improve the management of the site. Further construction details are required of the screen wall to ensure the design is appropriate, and a condition is recommended accordingly.

The boundary of the Green Belt is located to the south of the Mill complex site and abuts the pedestrian footpath on the southern side of Newchurch Road adjacent to the site access but outside the planning application boundary. The Mill complex site is not within the Green Belt and built development within it would not be contrary to the policies of the Development Plan in this respect.

Pollution control and impact on local amenity

The JLMWDF and LMWLP recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust vibration and visual intrusion. Policy 2 of the LMWLP seeks to ensure that mineral and waste developments do not result in unacceptable adverse impacts on local amenity and the environment. Policy CS9 of the JLMWDF seeks to ensure that developments of this nature meet certain criteria including the protection of amenity, health, and economic well-being. The original approval was granted subject to conditions which included controlling hours of working, and site operations. In particular all operations associated with unloading, depositing, sorting, segregation, processing of waste and storage of waste or materials should be undertaken within the building.

One of the main concerns associated with the waste transfer operations is noise. A noise assessment has been undertaken to seek to establish the likely noise associated with the existing development and proposed extension. This follows on from the noise assessment submitted as part of the application for the existing use of the site (ref. 14/10/0452). That earlier noise assessment was undertaken in accordance with relevant guidance and standards and concluded that predicted worst case noise levels from the operation of the waste transfer station, with roller shutter doors open or closed would not exceed recommended guidance noise limits. Moreover, the predicted noise levels were well below the daytime conditional limits that were imposed on planning permission 14/93/0484 for the thermoplastic recycling. Nevertheless, to seek to ensure that noise would be minimised, conditions were imposed on the permission for the change of use to a WTS to require that all operations should take place within the building, to control hours of working, and a noise condition which set a noise limit at nearest residential properties in view of the findings of the noise assessment.

With the proposed extension the most recent noise assessment concludes that the building extension and screen wall would result in neutral or reduced noise levels from the site as a whole, which is to be expected if the operator carries out operations in accordance with the existing planning conditions. The proposed extension to the building would provide extra indoor space and would set waste sorting, separation and storage operations further within the building. This should reduce noise even further.

Most of the objections that have been received relate to the dragging, dropping, loading and unloading of skips outside of the building and storage of waste within the yard area. This is not currently permitted by the existing planning permission and the investigations associated with this are referred to in the 'Background' section of this report.

The application site is covered by an Environmental Permit under The Environmental Permitting Regulations (England and Wales) 2010. The Permit associated with Waterbarn Mill restricts the throughput of waste to 75,000 tonnes a year, and to no more than 50 tonnes stored at the site. Further, it excludes waste types consisting solely or mainly of dusts, powders or loose fibres and wastes that are in a form which is either sludge or liquid.

Concerns have been raised that since the development was initially approved, the residential properties particularly to Brandwood Park have been subject to vermin, dust, flies and odour. The issues of noise, odour and the effects of pollution on health are referred to in paragraphs 120 to 123 of the NPPF. Paragraph 122 of the NPPF states:

'..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 emission themselves where these are subject to approval under pollution control regimes.'

The County Council must assume the pollution control regime will work effectively and the County Council should not duplicate such controls

Policy 23 of the Lancashire Minerals and Waste Local Plan seeks to prevent development that would present an unacceptable risk to the quality of the groundwater resources or surface waters. The application is accompanied by a Flood Risk assessment and the operations would take place within a building at an established industrial site. The Environment Agency has raised no objection in principle. As part of the permitting requirements the operator would continue to have to satisfy the Agency that the site would be operated in accordance with best practice. Some conditions are proposed to safeguard watercourses and drainage as they are considered necessary to address the land use implications specific to planning control and to ensure the safeguarding of local water resources.

Whilst it is acknowledged that the nature of waste transfer stations can be unpleasant, the existing development is at an established and historical former mill site with previous uses of an industrial nature. The WTS is controlled by planning conditions to seek to minimise impact on local amenity but it should not be expected that all disturbance would be removed given the close proximity of more recent housing development.

The proposed building extension within the existing WTS site would provide additional indoor space for the operator, thereby removing the likelihood of breaches of planning control associated with outdoor sorting and storage of waste. The planning application boundary encompasses the whole of the WTS site and therefore conditions are recommended which, in the main mirror the existing permission. Additional conditions are recommended to require that all reversing alarms employed at the site are of a broadband or white noise type, a condition is recommended to control outside lighting, the hours of working condition is tailored to include reference to construction development (referring to the extension build), and conditions that were previously imposed in relation to noise limits and dust are no longer recommended to avoid duplication of control with the Permit.

Highway matters

Policies 37 and 88 of the LMWLP support waste developments where they would not give rise to any unacceptable traffic or road safety problems on the strategic road network or on the access routes between the site and that network. Site access would be taken off Newchurch Road via an existing mill site entrance over a private

bridge within the applicant's control. Whilst concerns have been raised about the need to undertake surveys on the bridge to ensure that it is fit for purpose. The bridge is in private ownership and is the responsibility of the owner to ensure it is maintained in a condition to support vehicular movements associated with this proposal and any other proposals or uses on the remaining part of the site. It is therefore considered unnecessary to require such a survey as part of the determination of this application. Concerns have been raised about a potential increase in vehicle numbers and the impact that this would have on Newchurch Road. LCC's Assistant Director (Highways) has assessed the application and has no objection to the proposal.

Other matters

It is acknowledged that Area Vision Policy 2 of the RCS DPD seeks to support an emerging tourism industry within this part of Rossendale however; Policy 10 of this planning document recognises the importance of supporting and maintaining employment sites. Further, the NPPF is very clear that planning should operate to encourage and not act as an impediment to sustainable growth (paragraph 19). Additionally, Paragraph 18 states:

The Governments is committed to securing economic growth in order to create jobs and prosperity....meeting the twin challenges of global competition and of a low carbon future.

Waterbarn Mill complex, whilst owned by the applicant, also consists of a number of units which are let for other industrial purposes. Concerns have been expressed about how the complaints across the site have been investigated. It is acknowledged that there have been complaints received about the mill site and Officer's from Lancashire County Council have worked with both the Environment Agency and the Borough Council to identify any breaches of planning control and which authority is best placed to investigate further. However, this application must be considered on its merits and previous breaches of planning control do not constitute a reason to refuse planning permission; if appropriate, enforcement action should be taken against a breach of planning control.

If the County Council is to pursue enforcement action against a breach of planning control it must be satisfied that non-compliance with the requirements of the planning permission is causing measurable harm to amenity in the locality of the site. This planning application was invited to address the issue of operations taking place outside of the building associated with the waste transfer station. It is understood that the Borough Council is investigating whether to request planning applications with regard to the other activities on the site. The Environment Agency is also currently monitoring the WTS site on a regular basis.

Human Rights

Concern have been raised that although the site has an historic industrial use, residents now have basic human rights to peaceful enjoyment of their homes. However, providing the site is regulated in accordance with statutory controls, it is considered that there would be no unacceptable adverse impact on the amenity of

local residents and therefore no Convention Rights as set out in the Human Rights Act 1998 would be affected to such an extent that would warrant refusal of planning permission. The applicant also has Convention Rights and those rights can only be taken away when necessary in accordance with the provisions of the Act, such as when necessary in the public interest, and when such interference would be proportionate to the rights, which it is necessary to safeguard. In the circumstances it is considered that no such interference could be justified here.

Conclusion

It is considered that the proposed development would continue to contribute towards the diversion of waste materials away from landfill, reduce reliance on landfill and move the management of waste up the waste hierarchy. The site has a long history of industrial use and a thermoplastics recycling plant. The proposed building extension and screen wall would be acceptable in terms of size, design and location.

The construction of the extension and the conditions proposed to control the development would seek to ensure all waste transfer operations take place inside and mitigate the impact of those activities currently carried out outside the existing building. It is considered that the development as a whole including the proposed extension would have no unacceptable adverse impact on local amenity subject to compliance with recommended planning conditions and the requirements of the Environmental Permit. It is considered that the proposed development complies with the policies of the Development Plan.

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.

2. Written notification of the date of commencement of the construction of the building extension shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.

Working Programme

3. The building extension and screen wall subject of this permission, and all operations carried out on the site (as defined in this permission) pursuant to

this permission and those approved under permission 14/10/0452 shall be carried out in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 09.05.2013.

b) Submitted Plans and documents:

Drawing entitled 'Waste Transfer Station as existing'

Drawing entitled 'Application Site edged in red'

Drawing entitled 'Waste Transfer Station proposed'

Drawing entitled 'Waste Transfer Station-existing elevations'

Drawing entitled 'Waste Transfer Station-proposed elevations East'

Drawing entitled 'Waste Transfer Station proposed elevations -South'

Drawing entitled 'Waste Transfer Station -proposed working

arrangements Rev A received 28 June 2013

Drawing entitled Waste Transfer Station –proposed elevations- North

Rev A received 3 July 2013.

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 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

Building Materials

4. Notwithstanding the details indicated on the approved plans and supporting documents, no screen wall shall be erected until a scheme and programme detailing the location, design, height and colour of the screen wall to be erected has been submitted to and approved in writing by the County Planning Authority. Thereafter the fencing shall be erected in accordance with the approved details.

Reason: To protect the visual amenities of the area and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

5. Within one month of the commencement of construction of the building extension a scheme and programme for the external lighting of the site (as defined in this permission) shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of:

a) Type, location and intensity of lights

b) Types of masking or baffle at head

c) Type, height and colour of any lighting columns

d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.

e) Details for the control of the times of illumination of the lighting.

The lighting at the site (as defined in this permission) shall be carried out in accordance with the approved scheme and programme at all times throughout the duration of the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 24 of the Rossendale Core Strategy Development Plan Document.

Hours of Working

6. No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place outside the hours of:

0800 to 1800 hours, Mondays to Fridays (except Public Holidays)
0800 to 1400 hours on Saturdays

No construction development, delivery of waste, waste transfer station operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site (as defined in this permission) shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site (as defined in this permission).

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

Site Operations

7. No hazardous or putrescible waste shall be brought onto, stored or deposited at the site (as defined in this permission).

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

8. No unloading, depositing, sorting, segregation and processing of waste, and no loading of waste and recycled materials into skips/containers shall be undertaken outside the building shown on the drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A' received 28 June 2013. The whole of any vehicle shall be within the building during any loading or unloading operation.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

9. Where reversing alarms are employed on site (as defined in this permission) only broadband multi-frequency sound alarms (white sound) shall be used.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 of the Lancashire Minerals and Waste Local Plan.

10. No skips, waste or materials shall be stored outside the building shown on Drawing entitled 'Waste Transfer Station - proposed working arrangements Rev A' received 28 June 2013.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy Development Plan Document.

Highway Matters

11. All vehicles transporting waste/recycled materials from the site (as defined in this permission) 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 Policies 2, 37 and 88 of the Lancashire Minerals and Waste Local Plan.

Safeguarding of Watercourses and Drainage

12. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site (as defined in this permission) to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan

13. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site (as defined in this permission) completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to

conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan

14. Any chemical, oil or fuel storage containers on the site (as defined in this permission) shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 2, 23, 88 and 112 of the Lancashire Minerals and Waste Local Plan.

Definitions

'The site' shall mean the area of land edged red as shown on the Drawing entitled 'Application Site edged in red'

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
14/13/0239	09.05.2013	Catherine Lewis/Environment/30490
14/10/0452	09.08.2010	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A