

**Development Control Committee**  
Meeting to be held on 16<sup>th</sup> October 2013

Electoral Division affected:  
St Annes North

**Fylde Borough: Application ref 05/13/0431**  
**Change of use from general industrial unit (Class B2) to metal recycling site.**  
**Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.**

Contact for further information:  
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Appendix A – Application report to Development Control Committee meeting of 4<sup>th</sup> September 2013

**Executive Summary**

Application - Change of use from general industrial unit (Class B2) to metal recycling site. Unit 2, Scafell Road, Queensway Industrial Estate, St Annes.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, control of noise and storage activities and hours of operation.

**Background**

A report on the application for the change of use of an existing industrial unit to a metal recycling site was presented to the meeting of the Development Control Committee on 4<sup>th</sup> September 2013; a copy of the report is appended as 'A'.

Following a presentation of the application the Committee resolved to undertake a site visit before determining the application. The site visit took place on 15<sup>th</sup> October 2013.

**Consultations**

The consultation responses are set out in Appendix A.

**Planning Policy**

Since the report to the 4<sup>th</sup> September 2013 Committee was published, the policies relevant to the application have changed. The saved policies in the Lancashire Minerals and Waste Local Plan (LMWLP) have now been replaced by the policies of the Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management DPD.

The following policies of the Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management DPD are relevant to this application

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 WM3	Local Built Waste Management Facilities

### **Advice**

A planning application for the change of use of an existing industrial unit at Queensway Industrial Estate to a site for the processing of waste metal was reported to the meeting of the Development Control Committee on 4<sup>th</sup> September 2013. Following discussion, the Committee resolved to undertake a site visit before determining the application. The site visit took place on 15<sup>th</sup> October 2013.

Since the application was last reported to the Committee, the saved policies of the LMWLP referred to in the report (policies 2, 37 and 88) have been replaced by the Lancashire Minerals and Waste Local Development Framework – Site Allocations and Development Management policies DPD. The application must now therefore be considered against these policies and those of the NPPF, the Lancashire Minerals and Waste Development Plan Framework and the Fylde Borough Local Plan.

Policy DM2 of the Site Allocation and Development Management Policies DPD is the most relevant policy to the proposal. The policy supports minerals or waste development proposals where it can be demonstrated that all environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. The requirements of this policy are very similar to those found in Policy 2 of the former LMWLP and against which this application was previously assessed and found acceptable. It is therefore considered that the proposal remains acceptable in terms of the development plan policies relating to local environmental impacts.

Since the previous Committee, the applicant has confirmed that all unloading operations can take place within the building and that the skip for the receipt of non ferrous metals can also be accommodated within the building. This would provide for all activities, with the exception of parking, to take place within the building and which would further mitigate the potential environmental impacts of the proposed recycling operations. Conditions 4 and 5 have therefore been modified to ensure all operations would be undertaken within the building.

The applicant has also now obtained an Environmental Permitting exemption from the Environment Agency. The exemption has been granted on the basis that the proposed activities can be undertaken without endangering human health or harming the environment in particular without risk to water or air and without causing nuisance through noise or odours. The exemption has therefore been granted on the basis that the proposed activities are of a small scale and do not present a risk to the environment.

The proposal was previously considered acceptable subject to conditions. The applicant has now confirmed that all operations can be carried out within the building. This would further protect the amenities of nearby properties and could be controlled by condition. The proposed use would not generate large numbers of heavy goods vehicles. The site is served by a purpose built access serving the remainder of the industrial estate which does not require traffic to pass the front of any residential properties. Subject to the imposition of conditions the proposed use is considered to be acceptable for the purposes of Policy DM2 of the Site Allocation and Development Management Policies.

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

### **Recommendation**

That planning permission be **granted** subject to the following conditions:-

#### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990.*

#### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
  - a) The Planning Application and supporting statement received by the County Planning Authority on 24th June 2013.
  - b) Submitted Plans and documents:  
Drawing no Scar/001

*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 EMP2 of the Fylde Borough Local Plan and policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.*

3. No receipt or export of metals, waste processing, bulking up and loading activities shall take place outside the hours of:

08.00 to 17.00 hours, Mondays to Fridays (except Public Holidays)  
08.00 to 13.00 hours on Saturdays

No receipt or export of metals, waste processing, bulking up and loading activities shall take place 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 DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.*

4. All unloading / loading of vehicles, metal processing activities and storage of metals shall be undertaken within the building shown on Drawing no Scar/001.

*Reason: To protect the amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.*

5. No waste or sorted metals shall be stored outside of the building shown on Drawing No Scar/001 unless they are stored in purpose designed skips or storage containers (which shall be first loaded within the building) and are located within the area shown by the dashed line on drawing Scar/001.

*Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.*

6. 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 operation of the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.*

## **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
5/13/0431	24/5/13	Jonathan Haine/Environment/534130

Reason for Inclusion in Part II, if appropriate – N/A