

Development Control Committee
Meeting to be held on 16 October 2013

Electoral Division affected: West Lancashire North

West Lancashire Borough: Application No. 08/13/0959
Change of use of building to an end of life vehicle de-pollution and breaking area and use of adjoining land for ancillary storage. Unit 6 Highgate, Tarleton.

Contact for further information:
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Executive Summary

Application – Change of use of building to an end of life vehicle de-pollution and breaking area and use of adjoining land for ancillary storage. Unit 6 Highgate, Tarleton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, prevention of retails sales and safeguarding of watercourses and drainage.

Applicant's Proposal

Planning permission is sought for the change of use of a building currently used as a vehicle repair workshop to a de-pollution area and breaking area for end of life vehicles (ELV).

Vehicles would be delivered to the site and de-polluted within the specified part of the unit. Prior to and after de-pollution the vehicles would be stored in a small yard area adjacent to the unit which is currently used for ancillary purposes to the vehicle repair workshop.

The proposed operating hours would be between 0800 to 1800 hours Monday to Friday, 0800 to 1400 hours on Saturday and closed on Sunday.

Description and Location of Site

The proposal is located at an existing vehicle repair workshop located in a unit at the end of the private road of Highgate and at the edge of the west side of the village of Tarleton. Highgate is accessed directly from the west side of Hesketh Lane. The proposed unit is at the end of a continuous line of four units that are subdivided.

Unit 6 consists of the building, which measures approximately 15m x 6m and an adjacent open area to the west side of the building measuring approximately 15m x 10m and which is surrounded by a 1.8m high wooden fence. The adjoining unit is in use as a joinery workshop while the other two units are used for commercial vehicle repairs. To the north and west is an overgrown and disused plant nursery area. A partially covered open storage area associated with the vehicle repairs separates the units from the rear of the nearest houses to the south by a distance of 30m.

The private road of Highgate which serves the units is partially surfaced with hardcore and is potholed. The distance from its junction with Hesketh Lane to Unit 6 is 80m and passes between two houses that front Hesketh Lane. There is a church on the opposite side of the road on Hesketh Lane.

The ELV de-polluting and breaking would take place within the building while the adjoining yard would be used for storage of vehicles.

Background

A Certificate of Lawfulness (ref. 8/96/0051) was granted by West Lancashire District Council on the 03 July 1996 for the Use of the building as a joiner's workshop and use of adjoining land for storage (i.e. materials and equipment) ancillary to the joinery business.

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 proposals of this nature:

Framework Directive on Waste

A Community Strategy for Waste Management

EU Sustainable Development Strategy 2001

Securing the Future (UK Strategy for Sustainable Development)

Waste Management Licensing Regulations 1994

PPS10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 18-20, 56 – 66, 109 and 120 are relevant with regard to the requirement for sustainable development, core planning principles, strong local economy, the requirement for good design and conserving and enhancing the natural environment.

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

Policy CS7 Managing our waste as a resource

Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management DPD

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy WM3	Local Built Waste Management Facilities

West Lancashire Replacement Local Plan

Policy GD1	Design of Development
Policy EN11	Protection of Water Resources
Policy DS4	Open Land on the Urban Fringe

Consultations

West Lancashire Borough Council – Objection. Insufficient information has been provided to enable full assessment of the implications of the proposal.

Tarleton Parish Council – No observations received.

LCC Assistant Director (Highways) – No observations received.

Environment Agency - No objection.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. One representation has been received objecting as the de-pollution activities involve removing, storing, disposing and processing highly dangerous, explosive fluids which are dangerous to the environment and surrounding houses. It is not clear as to the processes involved in these activities.

Advice

Director of Transport and Environment – Observations

Planning Authorities 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.

National policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy' of reduction, re-use, recycling, composting, using waste as a source of energy and only disposing of waste as a last resort. PPS 10 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 and the West Lancashire Replacement Local Plan. The Minerals and Waste Local Development Framework – Core Strategy was 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 plan and the policies were prepared to reflect the intentions of such.

Planning permission is sought for the change of use of a workshop currently in use as an existing vehicle repair workshop to a de-pollution area and breaking area for the end of life vehicles. The adjoining yard would be used for the storage of vehicles associated with the activities. Permission is required as the end of life vehicle breaking activities are a *sui generis* use. There would be no alteration works to the exterior of the building or the yard area. The workshop and yard area have a lawful use as a joiners workshop and storage. It is not known when the current vehicle repair use commenced and which would be a matter for the district council. However, irrespective of the planning status of the site, the current application must be considered on its own merits.

The applicant currently operates the adjacent two units used for commercial vehicle repairs and the existing vehicle repair and MOT centre (J. Cheetham and Sons) at 172 Hesketh Lane. These existing operations deal with vehicles that have reached the end of their usable life. The applicant wishes to use the existing Unit 6 solely for the de-pollution activities associated with the ELV that arise at the other sites.

The vehicles would be delivered to the site, de-polluted and dismantled within the specified unit. The hazardous wastes such as oils and radiator liquids that are drained off as a part of the de-pollution process would be stored for removal at a later date. The vehicle parts would be either used in the existing vehicle repair and MOT centre at the previously mentioned sites or sold on and the vehicle shells removed from site for recycling or disposal.

Policy DM2 of the Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management DPD supports proposals for 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.

The unit is located on land designated as Open Land on the Urban Fringe and which is subject to Policy DS4 of the West Lancashire Replacement Local Plan which does not permit development unless it retains or enhances the rural character of the area. Suitable uses of the land would be small scale, low intensity tourism and leisure uses, and forestry and horticultural related uses. Small scale employment facilities to meet an identified local need will be permitted on the designated land provided that it can be demonstrated that there are no suitable sites available within the built up area, and, if there are no such sites, that sustainable sites, allocated under this policy, closest to the village centre are considered first, followed, secondly, by sites which are further from the village centre where a problem of dereliction would be removed. Only after this search sequence has been satisfied should other sites be considered.

The proposed de-pollution activity would take place within the existing unit. The proposed use is not one of the uses considered to be suitable for the purposes of Policy DS4 of the West Lancashire Replacement Local Plan, but it would be classed as a small scale employment facility to meet an identified local need. .

The policy also requires that it be demonstrated that there are no suitable sites available within the built up area. In relation to this point, the applicant has advised that there are two designated employment areas in the Tarleton, Becconsall and Hesketh Bank areas; Tarleton Mill in Tarleton and Alty's Brickworks in Becconsall. However, Tarleton Mill has been demolished for residential development that has not yet commenced, while Alty's Brickworks is also to be developed for residential purposes. There are no designated industrial estates in the local area and no other alternative locations available. Given this information and the apparent scarcity of available sites, it is considered that it has been demonstrated that there are no suitable sites available within the built up area within which the proposed use could be accommodated.

In terms of the location of the site, it is just inside the land designation as Open Land on the Urban Fringe and would be only 80m from the west side of Hesketh Lane which is the main road that runs through Tarleton. Given the close proximity to Hesketh Lane and the adjacent two units and the existing vehicle repair and MOT centre on Hesketh Lane from where the ELV would be delivered, plus the fact that it would utilise an existing small building and adjoining yard that has been used for local employment uses, it is considered to be a sustainable site due to its location. It is therefore considered that the proposal would accord with Policy DS4 of the West Lancashire Replacement Local Plan.

Vehicles delivered to the site would use the existing private road of Highgate that leads directly from Hesketh Lane. The number of vehicles imported to the site is expected to be small due to the scale of the premises. Vehicles could be stored in the adjoining yard area and which would be screened by the surrounding 1.8m high wooden fencing. No stockpiling of vehicles would be required and which could be restricted by condition. It is not expected there would be any highway implications. The use is therefore considered acceptable for the purposes of the development plan.

Vehicle dismantling has the potential to pollute groundwater resources. However, the vehicle dismantling process would be undertaken within the building thereby controlling the pollution potential of the development. The development is not located close to any watercourse and the development would be subject to environmental controls imposed by the Environment Agency as a part of their granting of a permit for such a use. Subject to conditions being imposed regarding the storage of waste liquids, storage of vehicles and the prevention of the retail sales of parts, the development is considered acceptable in terms of Policies GD1 and EN11 of the West Lancashire Replacement Local Plan.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act 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 received by the County Planning Authority on 29 August 2013.

- b) Submitted Plans and documents received by the County Planning Authority on 29 August 2013:

Location Plan

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 CS7 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and Policies GD1, EN11 and DS4 of the West Lancashire Replacement Local Plan.

Site Operations

3. All vehicle dismantling and de-pollution operations shall be undertaken within the existing workshop building shown on the Location Plan.

Reason: To safeguard visual amenity, ground and surface water quality and to protect the amenity of adjacent land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Plan Policies DPD.

4. The site shall not be used for the retail sale of parts recovered from end of life vehicles at the site.

Reason: In the interests of local amenity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Plan Policies DPD.

5. All vehicles that have been depolluted or are awaiting de-pollution or breaking shall be stored in the yard area shown on the Location Plan and shall not at any time be stacked.

Reason : In the interests of visual amenity and the prevention of pollution and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Plan Policies DPD and Policy GD1 of the West Lancashire Replacement Local Plan.

Safeguarding of Watercourses and Drainage

6. Any chemical, oil or fuel storage containers on the site 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 first 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 Policy EN11 of the West Lancashire Replacement Local Plan.

7. Provision shall be made for the collection, treatment and disposal of all waste liquids arising on the site from the storage of vehicle and the de-pollution process 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 Policy EN11 of the West Lancashire Replacement 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
08/13/0595	29 August 2013	Rob Jones, Environment, 34128

Reason for Inclusion in Part II, if appropriate

N/A