

Development Control Committee

Meeting to be held on 26th February 2014

Electoral Division affected:
Padiham and Burnley West

Burnley Borough: Application 12/13/0509

Retrospective application for change of use from B2 Industrial use to a vehicle recycling centre, Green Lane Mill, Stockbridge Road, Burnley.

Contact for further information:

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Executive Summary

Application – Retrospective application for change of use from B2 industrial use to a vehicle recycling centre, Green Lane Mill, Stockbridge Road, Burnley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of operation, safeguarding watercourses and drainage and site operations.

Applicant's Proposal

Retrospective planning permission is sought for the continued use of an existing industrial premise at Green Lane Mill as a vehicle depollution and recycling facility. End of life vehicles are imported to the site where engine and hydraulic fluids are drained and salvageable parts stripped and stored for resale. The approximate annual throughput is 625 tonnes. The site currently operates between 09.00 –18:00 Monday to Friday, and between 10.00 –16.00 on Saturdays. No operations take place on Sundays or Bank Holidays. The site extends over 1,336m² and all de-pollution operations and the processing and storage of salvageable parts take place within the existing building.

Description and Location of Site

Green Lane Mill is a series of buildings at Green Lane/Stockbridge Road, Padiham, Burnley, located approximately 0.5km south east of Padiham town centre. The surrounding area is a mix of industrial/commercial properties, including a number of former mill buildings and residential dwellings, the closest of which are located 11m from the site on Green Lane. The River Calder is located approximately 120m to the north, with its tributary Green Brook running immediately adjacent to the site to the west.

The site is located within Flood Zone 2.

Background

History

Green Lane Mill has a long established industrial use and is designated as an Economic Improvement Area on the Burnley Borough Local Plan Proposals Map. There is no relevant planning history.

Planning Policy

PPS10 Planning for Sustainable management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 19, 57 – 58, 100, 103, 111 and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong economy, good design, flood risk and conserving and enhancing the natural environment.

Technical Guidance to the National Planning Policy Framework

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

Policy CS7 Managing our waste as a resource
Policy CS8 Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

Policy NPPF1 Presumption in favour of sustainable development
Policy DM2 Development Management
Policy WM1 Capacity of Waste Management Facilities

Burnley Borough Local Plan

Policy GP1 Development Within the Urban Boundary
Policy GP3 Design and Quality
Policy GP7 New Development and the Control of Pollution
Policy EW4 Expansion and Improvement of Existing Buildings.
Policy EW6 Economic Improvement Areas – Thompson Street, Padiham.
Policy E7 Waterbodies and Watercourses
Policy E8 Development and Flood Risk.
Policy E9 Groundwater Resources

Consultations

Burnley Borough Council – No objection.

Padiham Town Council – No observations received.

LCC Assistant Director (Highways) – No observations received.

Environment Agency – Advise that the proposed development will be acceptable if a condition is attached to any planning permission requiring separate drainage systems for clean and contaminated water and that sealed surfaces with water / spillage collection facilities be required for depollution areas.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising concerns regarding possible spillages of oil and contamination of Green Brook and visual impact of storage of vehicles and vehicle parts.

Advice

Director of Environment and Transport - Observations

The applicant is seeking retrospective planning permission for the change of use of land and buildings at Green Lane Mill to accommodate a vehicle depollution/recycling operation. End of life vehicles are imported to the site where they are drained of hydraulic and engine fluids and subsequently dismantled within the building. The recovered parts are then stored elsewhere within the building awaiting sale and removal from the site. The external yard area is proposed to be used for the storage of vehicles awaiting depollution and also vehicles which have been depolluted and had any salvageable parts removed prior to being removed from the site as scrap.

When considering applications for waste development including vehicle recycling operations a local planning authority must have regard to the EU Waste Framework Directive, which has been made part of domestic law by the Waste (England and Wales) Regulations 2011. 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', which is reduction, re-use, recycling, composting, using waste as a source of energy and only disposing of waste as a last resort. The proposed development would assist in the recycling of end of life vehicles and would therefore contribute towards meeting the objectives of Government policy.

The Development Plan for the site is made up of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies, the Joint Lancashire Minerals and Waste Development Framework Core Strategy and the Burnley Borough Local Plan. The Minerals and Waste Local Development Framework Development Plan documents were prepared with regard to the EU Waste Framework Directive and the need to ensure that waste management is carried out without endangering human health and without harming the environment. The plans and the policies were prepared to reflect these intentions.

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.

Policies EW4 and EW6 of the Burnley Borough Local Plan seek to support applications for the redevelopment and improvement of existing industrial premises, including those located within the Thompson Street Economic Improvement Area, insofar as the development would not conflict with the surrounding land uses or adversely affect adjacent residential areas.

Policy DM2 of the Lancashire Minerals and Waste Development Framework – Site Allocations and Development Management Development Plan documents 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 application site is located in an area where there is a mix of land uses including residential properties and industrial buildings. The nearest houses are a pair of semi detached properties located on Green Bridge Lane (11m from the site boundary) and a terrace of properties on Thompson Street 30m from the application site. The site, along with land immediately to the east of the site which is a former industrial site, has outline planning permission for further commercial and residential development granted by the Borough Council. Burnley Borough Council has not raised any objection regarding any loss of amenity or possible conflict between future residential and commercial activities. If the site were to be developed for residential purposes in the future it is likely that the use of the premises would cease to facilitate such.

The existing houses on Thompson Street are close to the application site but there is a row of industrial buildings on Livesey Street between the application site and Thompson Street which serve to screen views of the site from these properties. The representation received makes reference to the visual appearance of the existing site. However, the application site is screened by intervening buildings and is not readily visible from the objector's property.

The external yard area would be visible from the two houses on Green Bridge Lane and potentially, depending on site layout, from the new properties proposed on land to the east. However, provided that conditions are imposed requiring all breaking operations to be undertaken within the building and to restrict the storage of vehicles awaiting depollution and vehicles having been depolluted and stripped of salvageable parts, in the external hard surfaced yard area and not to be stacked, there would be no unacceptable visual and amenity impacts on the surrounding area and the development would be acceptable. The external yard area is only small which would therefore restrict the number of vehicles that could be stored externally.

The application site has historically been used for uses falling within Class 'B' (Business, Industry & Storage) of the Town and Country Planning Use Classes Order. Vehicle depollution centres are a 'sui-generis' use in that they do not fall within any of the defined use classes. However, given the scale and nature of the operations and that all de-pollution operations are undertaken within the existing building, it is considered that the vehicle breaking operations would not be dissimilar to the general industrial operations that could be undertaken without any further permission.

The operations have the potential to generate noise nuisance given the relatively close proximity of local residents. The site is located in an industrial area and the applicant has applied for operating hours of 09.00 –18:00 Monday to Friday, and between 10.00 –14.00 on Saturdays with no operations taking place on Sundays or Public Holidays. It is considered that the vehicle depollution operations that currently take place at the site do not generate any greater level of noise than could be generated by the broad range of general industrial uses that could be employed at the site without the benefit of planning permission. Given that all the depollution operations take place within the building and that the proposed hours of operation are reflective of the majority of businesses within the area, it is considered that the use does not generate any unacceptable impact through noise nuisance. Subject to conditions being imposed regarding external activities and hours of operation, the application is considered acceptable in terms of Policy DM2 of the JLMWLP.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies seeks to prevent development where there would be an unacceptable detrimental impact to the quality of surface water resources. Vehicle de-pollution operations have the potential to result in land and water contamination. Although the site is located in close proximity to Green Brook all depollution operations take place within a building which has an impermeable floor. The site has existing foul drainage provision and operations are unlikely to generate any significant pollution risks. However to safeguard against potential risk to surface water resources, conditions are proposed requiring all depollution activities to be undertaken within the building, any chemical, oil or fuel storage containers on the site to be sited on an impervious surface with bund walls, or alternatively within double skinned tanks and to require that vehicles that have not been depolluted be stored on hard surfaced areas. Additionally, the operations are subject to the applicant satisfying the regulations of the Environment Agency's Environmental Permitting regime which stipulates the operational standards and practises that must be employed to ensure the protection of the local environment and the amenity of local residents. Subject to the conditions outlined above, it is

considered that the operations do not present an unacceptable risk to local surface water courses.

The NPPF and Policy E8 of the Burnley Borough Local Plan seek to prevent development where there would be an unacceptable risk of flooding of the development site or where the proposed development would create an unacceptable risk of flooding elsewhere. Green Lane Mill is located within Flood Zone 2 which is defined as the high-risk flood zone and the applicant has provided a Flood Risk Assessment in support of their application.

The Environment Agency has not raised any specific comments in relation to flood risk as the existing building is in Flood Zone 2. It is considered that the assessment adequately demonstrates the acceptability of the development and hence it is also considered that the development accords with the objectives of the NPPF and Policy E8 of the Burnley Borough Local Plan.

The building has good access to the existing road network and the vehicle movements associated with the operation do not have a significant impact on the highway and hence it is considered unnecessary to restrict vehicle numbers in this instance.

In view of the nature, location and design of the development, no Convention Rights as identified by the Human Rights Act 1998 would be affected.

Recommendation

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

Working Programme

1. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application received by the Director of Transport and Environment on 17th December 2013.
 - b) Submitted Plans and documents:

Location Plan
Site Plan MILL/01 Dwg 02
Site Plan @ A2 MILL/01 Dwg 03

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 Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

Hours of Working

2. No vehicles shall be delivered to the site and no vehicle de-pollution or recycling operations or sales of recycled parts to the general public shall take place at the site outside the hours of:

0900 to 1800 hours, Mondays to Fridays (except Public Holidays)

1000 to 1600 hours on Saturdays

No vehicles shall be delivered to the site and no vehicle de-pollution or recycling operations or sales of recycled parts to the general public shall take place at any time on 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 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4 and EW6 of the Burnley Borough Local Plan.

Safeguarding of Watercourses and Drainage

3. 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 drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP7, E7, E8 and E9 of the Burnley Borough Local Plan.

4. 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 DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP7, E7, E8 and E9 of the Burnley Borough Local Plan.

Site Operations

5. No more than 10 vehicles shall be stored in the outside yard area at any one time. Such vehicles shall comprise either vehicles awaiting depollution or those having been depolluted and stripped of salvageable parts and awaiting removal from the site for disposal purposes.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

6. Vehicles stored on the site for the purposes of depollution, breaking or pending removal from the site shall not be stacked or stored on any racking systems.

Reason : In the interests of visual and residential amenity and to conform with policy DM2 of the Lancashire Minerals and Waste local Development Framework Site Allocations and Development Management policies Development Plan documents.

7. All depollution/breaking operations and storage of parts shall be undertaken within the building as outlined on the Location Plan

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One and Policies GP1, GP3, GP7, EW4, EW6, E7, E8 and E9 of the Burnley Borough Local Plan.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Green Brook adjoining the site is a designated Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written consent of the Environment Agency. Full details of such works must be submitted for consideration.

The Environment Agency has a right of entry to the Green Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
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12/13/0509 17th December 2013 Steve Bergus/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A