

## Development Control Committee

Meeting to be held on 9 July 2014

Electoral Division affected: Accrington South
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**Hyndburn Borough: application number. LCC/2014/0082**

**Change of use from sui generis car dealership to sui generis vehicle parts sales and end of life vehicle centre with associated uses at land off Sydney Street, Accrington**

Contact for further information:

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### **Executive Summary**

Application – Change of use from sui generis car dealership to sui generis vehicle parts sales and end of life vehicle centre with associated uses at land off Sydney Street, Accrington.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, hours of operation, car park spaces and use thereof, and drainage.

### **Applicant's Proposal**

Planning permission is sought for the change of use of premises previously used as a car dealership to a vehicle parts sales and end of life vehicle centre with associated uses. The site extends over an area of approximately 1 ha and includes a collection of steel framed buildings. Vehicular access to the site would continue to be via the existing access via Sydney Street into a large car park which could accommodate approximately 104 car parking spaces.

The proposal is to utilise the existing buildings to accommodate business operations associated with trade in new, recycled and spare car parts employing around 40 people. The business comprises three distinct aspects dismantling, repairs and sales

The applicant has advised that the proposed operations would involve approximately eight to ten vehicles a week being dismantled in the buildings having been transported to Sydney Street by a variety of vehicles, the largest of which would be a six vehicle transporter. All dismantling works would be undertaken within one of the buildings identified as 'Area A'. Part of this building would be banded and fluids would be drained into a de-pollution rig which would be emptied approximately once a month.

An area identified as 'Area B' would become the main storage facility for new and used car parts and racking would be installed to provide storage.

Part of one of the buildings ('Area C') would be used as a vehicle repair garage servicing 5 to 6 vehicles per day equating to 30 to 35 vehicles per week. The sale of spare parts would be carried out from the first floor of 'Area C' and would be conducted usually via the internet and involving the sale of new parts acquired direct from manufacture or as salvaged parts. It is anticipated that this element of the business would employ approximately 8 people. Parts would be delivered directly to the site using a small transit van and is anticipated to take two collections per morning with parts being collected by courier twice in the afternoon.

The applicant states in total "excluding staff, the vehicle movements from dismantling (five deliveries per week, equating to ten trips), repairs (thirty five vehicles, or seventy trips), sales (twelve deliveries, twelve collections and forty eight customer collections), are anticipated to be in the region of one hundred and fifty vehicles movements per week, over the proposed five and one half day working week".

The hours of operation would be between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays with no workings on Sunday or Bank Holidays.

There are no proposals to alter the external facades of the building, the current boards would be removed and the openings re-glazed and all entrances would remain in their existing locations.

It is anticipated the use would employ approximately 40 people.

### **Description and Location of Site**

The application site is located within a mixed residential and industrial area approximately 0.3km north east from Accrington town centre. The site is surrounded by roads with Sydney Street forming the eastern boundary, Water Street to the south and Back Burnley Road to the north. The western boundary of the site abuts an office development and residential properties surround most of the site.

### **Background**

Outline planning permission for the erection of garage show rooms and paint shop was granted by the district council in August 1989 (ref 11/89/0400).

Reserved matters for the erection of garages show room and paint shop were approved in January 1990 (ref 11/89/0771)

A planning application for the change of use from garages showroom and workshops to community centre place of worship and conference venue was submitted in 2012 (ref 12/0283). The application was withdrawn.

### **Planning Policy**

## Planning Policy Statement (PPS) 10 - Planning for Sustainable waste management

### National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 – 19, and 122 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong economy, and conserving and enhancing the natural environment.

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

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 (JLMWLP)

Policy NPPF1	Presumption in favour of sustainable development
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy WM2	Large Scale Built Waste Management Facilities
Policy WM3	Local Built Waste Management Facilities

### Hyndburn Core Strategy

Policy ENV 7	Environmental Amenity
Policy E2	Protection, Modernisation and Development of Employment Sites

### Hyndburn Local Plan

Policy E 10	General considerations
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### Accrington Area Action Plan

Policy AQ7	Eastgate Quarter
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## **Consultations**

Hyndburn Borough Council – Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. If LCC are minded to approve the application conditions restricting hours of use, the storage of vehicles to within the buildings and for the development to be carried out in accordance with the plans.

LCC Developer Support (Highways) – No objection. The proposed use would not have any significantly greater impact on the highway network than previous usage. A plan should be agreed about car parking spaces and how the access would be controlled prior to any planning permission being granted.

Environment Agency (EA) - No objection subject to a condition requiring details for the control of pollution.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

Three letters of representation have been submitted by Graham Jones MP. His first letter includes a letter of concern from a local resident to which Graham Jones concurs as follows:

- The proposal is not suitable for a residential location
- It would have an impact on the character of the area and have a detrimental impact on the appearance of the area as a gateway into Accrington
- The residential properties would be affected by lighting from the site.
- One of the residents has not received a letter of notification although the documentation on the on line planning register advised that they have been sent one.
- Concern that the proposal would create an industrial recycling centre in a residential location.
- The amount of vehicles associated with the proposal would be considerable.
- There would be a financial impact of living next door to a vehicle recycling plant.

The MP's second letter includes, as an attachment, 19 petition style letters objecting to the proposal for the following summarised reasons:

- The proposal is in the heart of a residential area.
- The site would be a dangerous attraction to the local children.
- The site would generate noise and air pollution.
- Water Street and Sydney Street are already congested with vehicles on a daily basis.

The MP's third letter specifically raises objection to the proposed development for the following summarised reasons:

- The proprietor and associates are well established in this line of business and well known within it. There have been long running issues with residents with their current business on Higher Antley Street.
- It is clear that the numbers of vehicles travelling into this dense residential area will far exceed those submitted in the application. The size and scale of the garage is such that for this to be a successful business the numbers of vehicles entering and leaving the site will be considerable.
- This is a very built up residential area which is in the most 20% deprived in the UK. The area is in need of regeneration and this business will detract

from the desirability of the area. The former garage was an upmarket car showroom.

- There are two accesses for the regular flow of vehicles. Up Burnley Road and turning right on to Sydney Street. This will hold up all the traffic on a main artery when vehicles seek to turn into an already busy Sydney Street. Or secondly up Avenue Parade, a residential avenue with parked vehicles on both sides.
- It is clear that any significant use of this site must involve an access road off Burnley Road directly in the site. Buildings have been cleared and this has always been an option.
- There is no doubt the principle reason for objecting is the gross understatement of the number of vehicles that would use this site and the adverse impact such a business would have on the amenity of neighbourhood.

Nine separate letters of objection have been received which raise the following summarised points:

- Many houses have no front garden and the streets are the only place for children to play. There was a fatality of a five year old boy on Cedar Street a few years ago involving a vehicle towing a trailer.
- The site is within a residential area which is unsuitable for a scrap yard.
- The noise of the operations including machinery would disturb the peace.
- There would be a parking issue.
- The development would devalue the price of housing.
- The sight of cars being stacked would be visually unacceptable.
- Oils spills on the road would occur.
- Big transporting vehicles would pass within a residential area.
- The scrap metal aspect of the business belongs on an industrial estate.
- The proposed development would represent a significant intensification of operations.

## **Advice**

Planning permission is sought for the change of use of a former car dealership at Sydney Street to accommodate a vehicle de-pollution/recycling operation including a garage repair and retail sales.

The applicant currently operates across several sites with locations in Great Harwood, Blackburn and elsewhere in Accrington. The development seeks to consolidate onto the Sydney Street site to provide a more efficient and sustainable company in the future.

It is anticipated that approximately eight to ten vehicles per week would be imported to the site where they would be drained of hydraulic and engine fluids and subsequently dismantled within the building. The recovered parts would then be stored elsewhere within the buildings on site before sale and removal. All vehicles and parts are proposed to be stored within the building. Parts of the buildings are proposed to be used as a vehicular repair garage and administration.

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.

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. Policy DM2 of the JLMWLP 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 use of the premises assists in the recycling of vehicles which are no longer fit for purpose and therefore contributes towards meeting the objectives of Government policy in this respect.

The application site is not defined within the proposals map of the Hyndburn Local Plan as having a specific site allocation. However, it has permitted use as a car dealership including car repair garage which is regarded as a sui-generis use in that it does not fall within any of the defined planning use classes. Vehicle de-pollution centres are also typically regarded as 'sui-generis' uses and therefore separate planning permission for a change of use must be sought.

### **Principle of Development**

Policy CS8 of the Core Strategy requires a network of major sites at strategic locations together with other locations for smaller facilities suitable for managing waste close to its source. WM2 and WM3 of the JMWLP identify a range of areas and sites for built waste management facilities and encourage a sequential approach to site selection for larger developments.

The applicant has advised that the throughput associated with the proposal would equate to approximately 3,900 tonnes per year. Policy WM3 of the JMWLP supports development involving individual local waste management facilities of a capacity around 50,000 tonnes per year at a number of strategic locations identified in Policy WM2 and at other specific sites across Lancashire. The site does not fall within the list of sites where waste management facilities will be positively supported. In the east Lancashire area Policy WM3 positively supports development on land at Whitewells Industrial Estate, Pendle and land at Heasandford Industrial Estate, Burnley.

The applicant has undertaken a review of the opportunities available at the preferred locations identified within the Local Plan which concludes that all of the available sites at Heasandford Industrial Estate were too small and most of those at Whitewalls were too small. Further, available units and warehouses at Altham Industrial Estate identified in Policy WM2 were considered to be too small or too large and/or related to an undeveloped site. Similarly all the available units were too small at Lomeshaye Industrial estate.

The applicant has chosen Sydney Street as it met several key objectives for the business. It would be in close proximity to other sites controlled by the operator, within easy reach of the majority of their employees, with good access to Accrington town centre for the employees, a good road network, underground storage areas to minimise impact on the local area, approximately 50,000 square feet of industrial space, sufficient car parking for staff and customers, and the buildings are arranged efficiently with opportunity to create a retail showroom area.

Advice at Paragraph 24 of PPS 10 in relation to the determination of applications for waste management facilities states:

*'Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:*

- (i) The policies in this PPS, including the criteria set out in paragraph 21;*
- (ii) The waste planning authority's core strategy.'*

Paragraph 21 of PPS 10 states:

In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:

- (i) Assess their suitability for development against each of the following criteria:*
  - the extent to which they support the policies in this PPS;*
  - the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
  - the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts*

*on environmental quality, social cohesion and inclusion or economic potential;*

- *The capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

*(ii) Give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.*

Annex E of PPS 10 sets out a range of locational criteria that should be considered to test the suitability of sites against. This includes visual intrusion, pollution control matters, traffic, nature conservation, the historic environment and potential land use conflict.

The adopted Hyndburn Core Strategy seeks to encourage the improvement of existing employment sites and it is considered that the re-use of this vacant site would meet the aims of Policy CS8 of the JLMWDF and the key principles of the adopted Hyndburn Core Strategy and PPS10.

It is recognised that Policy AQ7 of the Accrington Area Action Plan identifies the site as a potential for residential development with a mix of units and open space. However, no redevelopment proposals of this nature have been brought forward. Irrespective of whether or not the proposed development subject of this application is approved, the landowner would still be in a position to consider redevelopment opportunities in the future, which may meet the aspirations of the Area Action Plan.

### **Residential Amenity**

Concern has been raised with regard to the impact of the proposal upon residential amenity. It is acknowledged that the site is surrounded by residential properties but these are interspersed with other uses; for example there are small garage premises opposite the application site on Water Street and a Social Club on Sydney Street. An office development abuts the western boundary and the northern boundary includes both residential and commercial properties. Furthermore, the previous use was considered acceptable in this mixed use area.

The impacts of the proposal do have the potential to cause disruption to local communities and the environment but not to an extent that they could be readily distinguished from general noise associated with the permitted use as a car repair garage and car showroom. Policy DM2 of the JLMWLP states that such impacts can be addressed through the sensitive design and operation of facilities and planning conditions can be imposed where appropriate to ensure this.

The applicant has applied for operating hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no workings on Sunday or Bank Holidays; all de-polluting activity would take place within the building using hand tools. The applicant has stated a wish to store some lightly damaged vehicles, awaiting repair, within an overflow car park/outside storage area. However, it is considered that this could present a detrimental risk to the appearance of the site contrary to Policy



ENV7 of the Hyndburn Core Strategy and is considered to be unacceptable and could not be supported.

Subject to conditions preventing external activities, including no outside storage or stacking of end of life vehicles and applying controls to hours of working as proposed it is considered that noise nuisance and general disturbance is unlikely to be of a level that would be unacceptable, particularly given the site history and permitted use. As such the proposal is considered to meet the aims of Policy DM2 of the JLMWLP, Policy E10 of the Hyndburn Local Plan and Policy ENV7 of the Hyndburn Core Strategy.

## **Pollution Control**

With regards to general pollution control measures including prevention of water pollution, the operations are subject to the applicant satisfying the requirements of the EA's Environmental Permitting regime, which stipulates the operational standards and practices that must be employed to ensure the protection of the local environment. Paragraph 122 of the NPPF makes it clear that 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 emissions themselves where these are subject to approval under pollution control regimes.

In view of the NPPF guidance and the existing permitted rights at the site it is considered unreasonable to impose conditions relating to the control of pollution and emissions. The EA has confirmed that the operations would require an Environmental Permit and has raised no objection to the proposal subject to a condition preventing the pollution of controlled waters. However, in view of the above NPPF guidance, the recommended condition would represent a duplication of controls and is therefore unnecessary. More relevant planning terms, the EA has also clarified that foul and surface waters drain to separate sewers from the site. Given the proposed new use it is considered important to establish drainage arrangements at the site and a condition to address this is included in the recommendation.

## **Highway Matters**

The applicant has advised that the proposed operations would on average process a total of forty five vehicles a week. This would include eight to ten vehicles for de-pollution and thirty to thirty five vehicles a week associated with the repair garage. With regard to the sales aspect including parts delivered and parts collected the applicant has provided the following breakdown as a total of all vehicular movements.

*"In total, therefore, excluding staff, the vehicle movements from dismantling (five deliveries per week, equating to ten trips), repairs (thirty five vehicles, or seventy trips), sales (twelve deliveries, twelve collections and forty eight customer collections), are anticipated to be in the region of one hundred and fifty vehicles movements per week, over the proposed five and one half day working week."*

LCC Developer Support (Highways) has raised no objection. All operations associated with the site would take place within the site boundary and no new or additional access points or barriers/gates are proposed. The proposed use would not have any significantly greater impact on the highway network than the previous usage. Therefore, it is considered that the vehicle movements associated with the operation would not have any greater impact on the highway network than the permitted use. A condition is proposed to ensure that the proposed car park layout is adhered to. Subject to such it is considered that the proposal meets the aims of DM2 of the JLMWLP, Policy E10 of the Hyndburn Local Plan and ENV7 of the Hyndburn Core Strategy.

Other matters that have been raised include:

- The potential for light pollution. However, as part of the change of use application no new lighting is proposed.
- Concerns over neighbour notification. Neighbour letters were sent out together with three site notices and the proposed development was advertised in the local paper.

In summary, subject to the imposition of restrictive conditions in respect of hours of operation and ensuring all operations are contained within the buildings, it is considered that the proposed development would be an acceptable use of the site and would not generate any greater impacts than the permitted use of the site for garage repairs and car showroom. The proposal provides the opportunity for a local business to consolidate on one central location and it would provide employment for up to 40 people at what is currently a vacant site. Furthermore, the proposed change of use would not compromise Hyndburn Borough's aspirations to consider any future redevelopment of the site in the future.

The development complies with the policies of the NPPF and PPS10 and the policies of the development plan subject to conditions to prevent outside storage or stacking of vehicles, car park layout and hours of working.

In view of the scale and location 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 8 May as amended by the email and attachments from David Bailey dated 18 June 2014.
  - b) Submitted Plans and documents:
  - c) All schemes and programmes approved in accordance with this permission.

Location Plan  
Drawing entitled `Site Layout Plan`  
Drawing entitled `Access Plan`  
Drawing entitled `Proposed parking layout`

*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 Lancashire Minerals and Waste Local Plan and policy ENV7 of the Hyndburn Local Plan Core Strategy.*

## Hours of Working

3. No car repairs/vehicle breaking/de-pollution operations or sales of vehicles or parts shall take place outside the hours of:

0800 -1800 Monday to Friday (excluding Public Holidays).  
0800-1300 Saturdays (excluding Public Holidays)

No car repairs/vehicle breaking/de-pollution operations or sales of vehicles or parts shall take place on Sundays or Public Holidays.

*Reason: To safeguard the amenity of adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy Env7 of the Hyndburn Core Strategy.*

## Site Operations

4. All car repairs/vehicle breaking/de-pollution operations and sales of vehicles or parts shall be undertaken within the buildings identified as A, B, or C as identified on the Drawing entitled "Site Layout Plan`. No car repairs/vehicle breaking/de-pollution operations or sales of vehicles or parts shall be undertaken elsewhere at the site.

*Reason: To safeguard the amenity of adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies -Part One and Policy Env7 of the Hyndburn Core Strategy.*

5. All vehicles or parts of vehicles shall be stored or stockpiled within buildings annotated as A, B, or C identified on the Drawing entitled as `Site Layout Plan`. There shall be no storage of vehicles or vehicle parts outside the buildings annotated as A, B, or C identified on the Drawing entitled as `Site Layout Plan`.

*Reason: In the interest of residential and visual amenity and to conform with Policy ENV 7 of the Adopted Hyndburn Core Strategy and policy DM2 of the JLMWLP.*

6. Prior to the commencement of the use of the premises the car parking spaces as illustrated on the drawing entitled `Proposed Parking Layout` shall be marked out. Thereafter only vehicles that are intact or are complete shall park in the marked out spaces. Any vehicles that are not intact or are incomplete shall only be stored or parked within buildings A, B or C as shown on the plan entitled 'Site Layout Plan'.

*Reason: In the interest of Highway Safety and residential amenity and to conform with policy E10 of the Hyndburn Local Plan ENV 7 of the Hyndburn Core Strategy.*

### **Safeguarding of Watercourses and Drainage**

7. No development shall take place until a scheme and programme to make provision 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 has been submitted to and 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 Joint Lancashire Minerals and Waste Local Plan.*

### **Notes**

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

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

Paper	Date	Contact/Directorate/Ext
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LCC/2014/0082    June 2014    C Lewis/ENV/34159

Reason for Inclusion in Part II, if appropriate

N/A