

Development Control Committee
Meeting to be held on 8th April 2015

Electoral Division affected:
Farington

South Ribble Borough: Application number. LCC/2015/0009
Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.

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Executive Summary

Application – Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, control of noise and dust, highway matters and floodlighting.

Applicant's Proposal

The application is for the change of use of industrial land to a waste transfer use. The applicant currently processes and stores inert waste at a nearby site on Talbot Road, Leyland but it is proposed to transfer these operations to the larger Tomlinson Road site where there would be more room to store larger quantities of processed and unprocessed wastes.

Access to the site would be from the existing access point off Tomlinson Road. A hard surfaced access road would be created to form a one way loop within the site area. Inert waste would be imported at rates of up to 75,000 tonnes per year and would be stockpiled up to a maximum of 4 metres above ground level. Raw materials would then be passed through a mobile screening plant to produce different grades of recycled aggregates with discarded materials being taken to landfill. Processed materials would be stored in different stockpiles pending sale.

The hours of operation would be 07.00 – 17.30 Monday to Friday and 08.00 – 12.00 on Saturdays.

The facility would generate 2 – 3 full time jobs.

Description and Location of Site

The application site is an area of industrial land measuring 0.9 hectares in area located at the northern end of Tomlinson Road 1km north west of Leyland town centre. Tomlinson Road itself is gained from Golden Hill Lane and serves a number of industrial premises including storage and distribution uses.

The land forming the northern, eastern and southern boundaries of the site are all currently in industrial use. The western boundary of the site is formed by the River Lostock beyond which is an area of new housing development. The nearest properties on Meadowland Close are located 40 metres from the application site boundary. The application site is at a higher elevation than the houses.

Part of the River Lostock upstream of the site is designated as a Biological Heritage Site.

Background

The site is located on an existing industrial site. A planning application ref LCC/2014/0064 for a similar development to that currently proposed was submitted in 2014 but was later withdrawn.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 -16, 17, 123, and 143 are relevant with regard to the definition of sustainable development, core planning principles, control of noise and sustainable use of mineral resources,

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

Policy CS2 Minimising the need for mineral extraction.
Policy CS7 Managing our waste as a resource
Policy CS8 Identifying capacity for managing our waste
Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM1 Management of waste and extraction of minerals
Policy DM2 Development Management
Policy WM3 Local Built Waste Management Facilities
Policy WM4 Inert waste recycling

Central Lancashire Core Strategy

Policy 1 Locating Growth

South Ribble Borough Local Plan

Consultations

South Ribble Borough Council: The Borough Council Environmental Health Officer has considered the updated noise assessment and considers that it is unlikely that the development will have adverse noise impacts on residential properties provided that all plant is kept at ground level and the acoustic fencing is provided. It is considered that the development may still give rise to dust impacts and it is suggested that a condition be submitted requiring suitable dust suppression measures to be installed including a system of water sprays around the perimeter of the site.

Farington Parish Council: No observations received

LCC Developer Support (Highways): No objection subject to conditions relating to the design of the access and internal manoeuvring areas.

County Ecology Service: No ecological information has been submitted with the application but given the nature of the site, impacts on ecology are considered unlikely. The proposed acoustic screen along the western edge of the site could potentially impact upon ecological interests.

Environment Agency: No objection. The applicant's attention is drawn to the need to obtain an environmental permit from the EA.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations have been received from properties on Meadowland Close objecting to the application for the following summarised reasons:-

- The site already generates noise and the proposals will only increase these noise levels.
- The development will have a visual impact on the properties.
- There is potential for night time noise.
- The trees on the river bank do not offer sufficient screening.
- The proposal has the potential to generate dust which could be harmful to the health of local residents.
- The operating hours would require lighting which could be intrusive on local residents.

Advice

The application is for the change of use of an area of industrial land to a waste transfer use. The site is currently used by the applicant as a storage depot for building materials used for highway and civil engineering operations. The applicant currently operates a waste transfer facility for inert wastes on a nearby site located off Talbot Road but wishes to transfer the operations to the application site where there is more space for the processing and storage of materials.

An application ref LCC/2014/0064 for a similar development to that currently proposed was submitted in 2014 but was later withdrawn to allow the concerns of the Borough Council Environmental Health Officer to be addressed.

The proposed facility would allow inert waste materials arising from highway repair and other civil engineering projects to be reprocessed into a number of grades of material suitable for re use. The development would therefore assist in moving the management of such wastes up the waste hierarchy and would provide a source of recycled materials to replace primary won aggregates in certain applications. The development would therefore assist in meeting the targets for minimising mineral extraction and increasing recycling in policies CS2 and CS8 of the Lancashire Minerals and Waste Local Development Framework Core Strategy.

The site is on an existing industrial estate. Policy EMP 3 of the South Ribble Borough Local Plan states that planning permission will be granted on the application site for development for expansion of existing or new industrial and business purposes or other employment generating uses provided that the use accords with the other policies of the plan. The site is currently used for the storage of building and civil engineering materials and therefore the proposed operations are similar in character to the existing operations that are currently undertaken although no processing of waste is currently carried out. The proposal is therefore considered to generally accord with the policies of the local plan associated with the location of employment development.

Policy WM4 of the Lancashire Minerals and Waste Local Plan relates to inert waste recycling proposals and positively supports proposals for aggregate recycling at existing operational quarries and landfill sites and on certain industrial estates where the facilities would be expected to be housed within a building. The application site is not within an existing quarry or landfill site or on one of the specified industrial estates where the facilities are housed within a building. However, sites falling outside such locations would not necessarily be unacceptable provided that the local environmental impacts of the development would be acceptable in relation to policy DM2 of the LMWLP

The nearest residential properties to the application site are located on a new housing estate to the west of the River Lostock. The nearest properties (on Meadowland Close) are located around 40m from the site boundary but at a lower elevation than the application site. The trees in the River Lostock valley provide some visual screening to the application site although they are deciduous trees and only provide significant screening for part of the year. However, the site is already used for the storage of construction materials and therefore it is unlikely that the proposed operations will result in a significant change in the appearance of the site when seen from the nearest properties. In addition the applicant is proposing to erect 2 m high attenuation fencing along the crest of the existing perimeter bund which will further mitigate the visual appearance of the site.

The main issues relate to the likely impacts of noise and dust arising from the screening of waste materials and associated loading / unloading operations. A previous proposal on this site was withdrawn in order to allow the objections of the Borough Council Environmental Health Officer in relation to noise impacts to be addressed. As part of the current proposal, the applicant has undertaken a further noise survey to more accurately model the noise impacts on the nearest houses.

The applicant has designed the site so that the operations most likely to result in noise and dust (the use of the screening plant) would be located as far as possible from the properties. The processing plant would be approximately 100m from the nearest house although the stockpiling of processed materials would be much closer to the properties. However, construction materials are already stored in this location and therefore the noise impacts associated with the loading / unloading of such materials already exists. The boundary of the site with the River Lostock is currently formed by a 2m high bund which would prevent the spillage of materials into the watercourse and the applicant's proposed acoustic screen fencing along the top of the bund would further reduce noise impacts. The details of such fencing can be the subject of a condition.

The applicant has undertaken a further noise monitoring exercise to assess background levels and to better model the likely noise impacts on the nearest houses. The modelling exercise concludes that the likely increase in noise at the nearest residential property would be in the region of 4 dB(A) which is considered to be of marginal significance. It should be noted that the modelling has been undertaken on the basis of the screening plant running continually in order to provide a robust assessment of noise whereas in practice, it is likely that the plant would only be used for 2 – 3 times per month although it would be able to be used continually should planning permission be granted. On the basis of the limited increase in noise compared to the existing background levels, the EHO considers that the noise impacts of the development are acceptable.

The application as originally submitted sought permission to import and export materials (but not to process) during the night time period. However, the applicant has now withdrawn this aspect of the proposals and has also agreed to limit the use of the screening plant to between 09.00 and 17.30 on weekdays and not to use the plant on Saturdays which will reduce the impact on local residents. In terms of dust the applicant proposes to construct a circulatory road within the site which would be surfaced in concrete to allow better management of dust impacts. The applicant has also confirmed that site does have access to a mains water supply which could be used for dust suppression purposes if required. Given the prevailing wind direction, the presence of the trees in the River Lostock valley and the ability to undertake mitigation measures, it is considered that dust levels could be adequately controlled.

Although this development would not be sited within a building, given the conclusions of the EHO and the modifications that the applicant has made to his proposal, it is considered that the impacts of this development on local amenity are now acceptable and comply with Policy WM4 and DM2 of the LMWLP. To mitigate noise and dust impacts, it is considered that conditions should be imposed in relation to hours of working including restrictions on the hours of screening and preventing any night time working, requiring the use of low noise reversing alarms and requiring the use of dust attenuation measures including hard surfacing of the internal road.

The site is already illuminated at night and therefore providing the level of illumination were to be maintained, the proposed use would not result in any further light pollution at the nearest properties particularly given the difference in land levels. The site is served via an existing industrial access from Golden Hill Lane which serves a number of other industrial uses and haulage depots and which does not pass any residential properties. The application site would benefit from a lawful use

for general or storage and distribution uses which are activities which would be expected to generate a certain level of HGV traffic. The traffic generated by the proposed development would be similar to the levels that could be generated by this site under its existing lawful use.

Part of the River Lostock close to the site is a designated Biological Heritage Site. However, provided stockpiling, light pollution and water runoff were to be controlled it is unlikely there would be any unacceptable impacts on the BHS.

In conclusion, this development would assist in the recycling of inert waste materials. A number of the activities that are proposed as part of the development such as the storage of inert construction materials already take place at the site. Whilst the site is located close to a number of residential properties, it is considered that noise and dust can be controlled to levels such that residential amenity would not be adversely affected. The proposal therefore complies with the policies of the Development Plan.

Human Rights

Having regard to the scale, nature and location of the development, it is considered that the proposal would not affect any convention rights identified under the Human Rights Act 1998.

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 19th January 2015 as amended by the email from Stephenson Halliday dated 5th March 2015.
 - b) Submitted Plans and documents:
 - Figure 1 Site Location Plan
 - Figure 2 Application Boundary
 - Figure 3 Site Plan
 - Figure 4 Proposed Material Processing Development
 - Figure 5 Illustrative Site Office and welfare facility cabin elevations
 - c) All schemes and programmes approved in accordance with this permission.

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 DM2 and WM4 of the Lancashire Minerals and Waste Local Plan and policy of the QD1 of the South Ribble Borough Local Plan.

Hours of Working

3. No importation of waste, management of waste materials or export of waste or recycled materials shall take place outside the hours of:

07.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.00 to 12.00 hours on Saturdays

No importation of waste, management of waste materials or export of waste or recycled materials shall take place at any time on Sundays or Public Holidays.

The use of the screening plant shall only take place between the hours of 09.00 - 17.30 hours Mondays to Fridays and shall not be used at any time on Saturdays, Sundays and 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 Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

Control of Noise and Dust

4. No screening of waste materials shall commence until noise attenuation fencing has been erected along the western boundary of the site in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details of the location of the fencing, constructional details including its height, finish and design including its noise attenuative properties.

Thereafter the fencing shall be maintained in accordance with the approved details.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy QD1 of the South Ribble Borough Local Plan.

5. Measures shall be taken at all times during the development to reduce the emission of dust from the site. Such measures shall include:-

a) the fitting of dust suppression measures to screening plant and their use when necessary to suppress dust from processing operations

- b) the spraying of stockpiles materials to reduce dust from loading operations
- c) the use of waster for dust suppression on vehicle circulation routes.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

- 6. The screening plant shall only be located in the position shown on drawing figure 4. Any such plant shall only be sited on the existing ground level of the site and shall not be located upon any stockpile or other area of raised ground.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

- 7. 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 development.

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 Plan and Policy QD1 of the South Ribble Borough/Local Plan.

- 8. All mobile plant used on the site shall be fitted with and use low noise or white noise reversing alarms.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

- 9. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at no.12 Meadowland Close. The measurements and assessments shall be made in accordance with BS 4142:2014

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

- 10. Prior to any waste materials being imported to the site, the proposed internal access road shall be constructed to the dimensions shown on drawing Figure 4 and finished with a concrete surface.

Reason : To reduce dust emissions from the site in the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1of the South Ribble Borough Local Plan.

11. Measures shall be taken at all times during the development to prevent the transfer of mud, dust or other deleterious materials onto the public highway by heavy goods vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

12. All vehicles transporting waste or recycled aggregates of a size less than 100 mm in any dimension from the site 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 policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy QD1 of the South Ribble Borough Local Plan.

13. No additional floodlighting shall be erected unless a scheme and programme containing the details of such lighting has first been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.

Thereafter the floodlighting shall be erected and operated in accordance with the approved scheme and programme.

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 Plan and Policy QD1 of the South Ribble Borough Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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/2015/0009

19th January 2015

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Reasons for Inclusion in Part II

N/A