

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

Electoral Division affected: Thornton Cleveleys North
--

Wyre Borough: Application number LCC/2014/0146

Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:
Rob Jones, 01772 534128, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, colour of buildings, plant and equipment and control of noise.

Applicant's Proposal

Retrospective planning permission is sought for the provision of an air filtration system and the erection of a single storey substation plant room extension on the external elevations of the waste transfer buildings at Lancashire Waste Recycling

Ltd, plus the relocation of a weighbridge and the provision of demountable units for use as a reception/ office, a canteen, showers and mess rooms, and the provision of a secure cycle stand.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipe work and a 16.6 metre high steel vent stack.

The pre-filter unit is a stainless steel construction and measures 1.8m long x 2.4m wide x 2.4m high. The steel shipping container housing the carbon filter unit measures 12.2m long x 2.4m wide x 2.5m high and is coloured blue with 1.0m high galvanised railings around the top edges. The fan assembly building is an extension to the waste transfer building and measures 6.8m long x 5.0m wide and is constructed of concrete breezeblocks with a grey mono-pitch profiled steel roof measuring 5.2m high at the south end and sloping down to 4.5m high at the north end. The building is open on the north and south sides where pipe work connects to the pre-filter and carbon filter units on the south and north sides, respectively. The vent stack is constructed from stainless steel and has an overall height of 16.6m to protrude 3.6m above the ridge of the waste transfer building that it adjoins. Steel ducting/ pipe work is attached to the side the waste transfer building to connect to the pre-filter unit and the vent stack.

The single storey substation plant room measures 18.2m long x 3.2m wide with a mono pitched roof measuring 2.8m high at the south end and sloping up to 3.2m high where it adjoins the waste transfer building. The elevations are constructed of galvanised steel vertical cladding coloured silver/grey (RAL 9006) and the roof has a standing seam roof coloured goose wing grey (BS 10 A 05) to match that of the waste transfer building. Double access doors are located in the west elevation of the building.

The demountable unit used as a reception/ office measures 14.4m long x 4.0m wide x approximately 3.0m high and is of a timber ply panel construction painted Lovat Green with galvanised window frames and timber doors. The three metal shipping containers to provide separate canteen, showers and mess room facilities each measure 9.6m long x 3.0m wide x approximately 2.5m high and is coloured white. The weighbridge measures 17.2m long x 3.4m wide.

Description and Location of Site

The site is an existing waste transfer / processing site located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land covering an area of 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. The weighbridge, demountable unit, shipping containers and the cycle stand are located between the site entrance and the north-west corner of the waste transfer building that are themselves located along the southern boundary of the site. All the air filtration system plant and equipment are attached to the east elevation of the waste transfer buildings except for the steel ducting/ pipe work located along the east and south elevations of the

waste transfer buildings. The plant room is located near the south-west corner of the waste transfer buildings and adjacent to the south boundary of the site. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is a flat and open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Background

Planning permission for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hardsurfacing was granted on 28 October 2011 (ref.02/11/0184). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012 (ref. 02/11/0876). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 - increase in size of waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted on 24 October 2012 (ref. 02/11/0877). This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0144) for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0145).for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

Planning Policy

National Planning Policy for Waste

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council –The Borough Council initially raised objection to the application as they considered that the applicant had not submitted sufficient information to demonstrate that the retention of the odour control equipment would not have a detrimental impact on the amenity of neighbours. The Borough Council EHO considers that the existing extraction system is the dominant noise on the site boundary and which operates 24 hrs per day. Whilst work has been undertaken to reduce noise from this source, the noise is still very intrusive at the site boundary. The EHO notes the applicant's proposal to replace and further enclose parts of the existing equipment to ensure that the noise will be reduced to 33 dB(A) at the boundary. Whilst there is some debate about existing background levels, the EHO considers that the improvements to the system will ensure that the night time noise levels can be reduced to acceptable levels.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No observations received.

Environment Agency - No objection in principle. The submitted Odour Management Plan Version 10.4.1 is acceptable. The vent stack and air filtration equipment have been provided in an effort to reduce the odour issues on site. The EA consider that this equipment is not operating adequately but this is something that is dealt with

through their own regulatory regime. The application is considered to be low risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

LCC Specialist Advisor (Landscaping) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 81 representations of objection and one representation letter of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of vehicle movements in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping ground for more waste from other areas.
- LCC have not consulted enough neighbouring properties about the application by letter as they should have done.
- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

One of the representations has been made on behalf of the operators of the Cala Gran Caravan Park who raise the following issues:-

- The quality of the information submitted with the application is not of sufficient detail to enable LCC to make an informed decision on the proposal; the supporting statement makes reference to policy documents that either do not exist or have been superseded, and there is limited information available with inaccurate submitted drawings and no robust documents to provide evidence of the acceptability of the proposal, such as an Odour Management Plan and a Noise Management Plan.
- The application is one to which the Environmental Impact Assessment (EIA) Regulations apply because it falls within Paragraph 11(b) of Schedule 2 of the

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an 'Installation for the disposal of waste'. However, no screening opinion has been undertaken by LCC to assess if the development is EIA development. If they had, then LCC would have considered and concluded that the environmental amenity impacts of the development such as noise, odour, light pollution, additional vehicle movements, air pollution and dust, would be of such potential harm and significance that the submission of an EIA would be required.

- The site affects the environment to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.

An objection has also been received from Eric Ollerenshaw MP on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and lifting the current planning restrictions will only add to this.

The letter of support is from a resident who lives less than a mile from the site who states that there is negligible nuisance or disturbance from the operations.

Advice

Retrospective permission is sought at Lancashire Waste Recycling, Thornton for the provision of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, for the erection of a single storey substation plant room extension to provide power at the site, for the relocation of a weighbridge, for the provision of a demountable unit for use as a reception/ office, and for the provision of three metal shipping containers for use as a canteen, showers and mess room.

The main issues associated with the application are the suitability of the plant, equipment and buildings at the site, the visual impact, noise and odour.

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 necessary to take into consideration the relevant policies of the Development Plan and 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.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Wyre Borough Local Plan and the Fleetwood - Thornton Area Action Plan (AAP).

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, the site has been

developed as a facility for the re processing of waste plastics, paper and textiles into a material that can be used as a kiln fuel such as at cement works.

The site is located within Burn Hall Industrial Estate. The site benefits from planning permissions for the management of waste and the new buildings plant, equipment and buildings would be ancillary to that use and are therefore acceptable in principle. However, the impacts of the various plant, equipment and buildings have themselves to be assessed.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipe work and a 16 metre high steel vent stack. All the plant and equipment are on the ground adjacent to the east elevation of the waste transfer buildings, except for the steel ducting/ pipe work located along the east and south elevations of the waste transfer buildings. The main view of the equipment is from the raised public footpath adjacent to the northern boundary. The vent stack is the most prominent but, as it only protrudes 6.4m above the eaves and 3.6m above the overall pitch height of the waste transfer building that it adjoins, then the size is not excessive and is visually acceptable in this industrial location. The other equipment is of a relatively small scale when compared to the waste transfer buildings and the materials and colour are acceptable.

The weighbridge, demountable unit, shipping containers and the cycle stand are at ground level and grouped together near the site entrance. Again, these elements of the development are of relatively small scale and the materials and colour acceptable in an industrial location such as this. The plant room is located on the south side of the waste transfer building and adjacent to the south boundary of the site. The building is small in scale, the materials and colour match that of the waste transfer building and it cannot be seen from outside the site.

To ensure that the visual impact of the air filtration system and demountable units continues to be acceptable, it is recommended that a condition should be imposed requiring that the plant / buildings be retained in their current colours.

The visual impact of the air filtration equipment and all other buildings is considered acceptable and accords with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The main issue with this proposal relates to noise and air quality impacts. The air filtration equipment is a purpose designed system that maintains the building under negative pressure so that air is drawn into the building thereby reducing the emission of odours from the doors. The air is then passed through filters to remove odours and expelled through the stack to aid dispersion. The system is designed to operate on a 24 hour basis. A number of representations have been submitted questioning the effectiveness of the new plant to address odour impacts and raising concerns about the noise levels that are generated by the system.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the dominant source of noise on the site is currently from the

odour abatement system. The noise levels contained in the document are projected noise levels based upon improvements that are intended to be undertaken to the air filtration/extraction system by replacing the existing two fans currently on site with variable speed fans that would give rise to a sound level of 33dB(A) when measured at two points on the boundary of Cala Gran Caravan Park to the north of the LWR site. The background noise levels at these two boundary points have been recorded as between 41-46dB during the day and 38-44dB during the night. The proposed improvements would not involve any visual changes to the extraction system on the exterior of the buildings.

Wyre Borough Council's Environmental Health Officer initially raised concerns about the noise levels that are currently generated by the odour abatement system particularly during the night. However, he considers that the proposed improvements to the system involving replacement fans and better enclosure of parts of the system would be capable of reducing noise levels from the system to 33dB at the site boundary which would be lower than the background night noise level. The levels of noise created by the improved air filtration/extraction system would therefore be acceptable to surrounding land uses. However, the predicted noise level of 33dB at the site boundary is clearly dependant on implementing the improvements to the odour abatement system. It is therefore recommended that a condition should be imposed requiring the improvements to the air filtration/extraction system to be undertaken within two months of the date of the granting of planning permission and thereafter be retained, and that a further noise survey be carried out post improvement to demonstrate the effectiveness of the improvements with a requirement to undertake further attenuation works should they be necessary.

Subject to such conditions it is considered the proposed building conforms with Policy DM2 of the LMWLP, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Fleetwood /Thornton AAP.

In relation to odour, the Environment Agency has commented that the submitted Odour Management Plan is acceptable but that the current air filtration/extraction system is not operating to its full potential as it has not been used at night. The reason for this is due to the noise levels, particularly during the night, that are created, as mentioned earlier in this report. The proposed improvements to the noise generated by the plant would allow the system to operate continually and would ensure that its operation complies with the EA's odour standards so that there is continual control of odour at the site whether or not the processing plant is actually operating.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the odour emanating from the air filtration/extraction system is something that they would deal with through their regulatory regime. If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. Whilst there have been odour issues at this site, it is considered that that these are capable of being addressed through the EA's regulatory regime and that there is no

fundamental odour problem that would lead to unacceptable impacts on local amenity.

In relation to the other issues that have been raised in representations:-

No screening opinion has been undertaken as the various plant, equipment and buildings do not fall within Schedule 2 of the EIA Regulations. It is therefore not necessary to screen this application for EIA and the issues of the visual impact, noise and odour and flood risk can be adequately assessed as a part of this application.

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary where the air filtration system is located. The only aspect of the proposal that could increase the risk of flooding elsewhere is the single storey substation plant room extension (floor area of 58sq.m.) located on the south side of the waste transfer building. However, the buildings and other plant subject to this application are small in scale. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

This development will not increase traffic associated with the site and would not affect the routing agreement for Heavy Goods Vehicles that is attached to planning permissions 02/11/0876 and 02/11/0877.

In conclusion, the odour management plant subject to this application is designed to reduce odour impacts from this development so that the plant can operate without causing harm to local amenity. The visual impact of the odour control equipment is acceptable. Whilst odour associated with activities at the site has improved, the EA state that the plant is still not operating as adequately as it should. However, once the improvements to noise attenuation have been undertaken, the plant should be able to operate on a 24 hour basis as it is designed to do which will further improve the control of odour emissions. In line with the requirements of Paragraph 122 of the NPPF, the odour mitigation improvements to this system should be investigated by the EA and the EA's regulatory regime is sufficient to tackle and remedy any such issues. The application therefore complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

In view of the scale, location and nature of the proposed development it is considered that no Convention Rights as set out in 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, 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 08th October 2014.

b) Submitted Plans and documents received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted Plans and documents received by the County Planning Authority from Keith Allen on 19th December 2014:

Drawing No. A013/086/P/01 Rev. C - Site Layout

Drawing No. A013/086/P/02 Rev. C - Elevations

Submitted Plans and documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan

Noise/ Acoustic Assessment

Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

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 NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

2. The external claddings of the air filtration system and associated equipment shall be maintained in their existing colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Control of Noise

3. Within two months of the date of this planning permission, works to reduce the noise levels emitted by the air filtration/extraction system shall be undertaken 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 measures that are to be undertaken to further reduce noise levels arising from the air filtration system and a calculation of the noise reduction factor that will result from the improvements

Reason: To safeguard the amenity of local residents and 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, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. Within one month of the completion of the works to reduce the noise levels generated by the air filtration/extraction system, a noise survey shall be undertaken to assess the effectiveness of the improvements. The results of the survey shall be submitted to the County Planning Authority for approval in writing and shall include a further schedule of works and a timetable for implementation should the noise reduction levels stated in condition 3 not be achieved.

Reason: To safeguard the amenity of local residents and 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, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

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

Paper	Date	Contact/Directorate/Ext
LCC/2014/0146	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A