

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application No. LCC/2014/0144
Retrospective planning application 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 while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

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

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Executive Summary

Application - Retrospective planning application 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 while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

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

Recommendation – Summary

That subject to the applicant first entering into a Section 106 Agreement to ensure all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** for the variation of conditions 3 and 9 of planning permission 02/11/0876 subject to conditions controlling working programme, hours of operation, colour of building, use of building, site operations, noise, dust and highway matters.

Background

This application was presented to the meeting of the Development Control Committee on 8th April 2015. However, at that meeting, applications LCC/2014/0144 LCC/2014/0145 were not determined as it was considered that both applications

were invalid due to an error in the submitted ownership certificates. Consideration of both applications was therefore deferred. However, amended certificates for applications LCC/2014/0144 and LCC/2014/0145 have now been submitted which addresses the validation issue and therefore allows both applications to proceed to determination.

Applicant's Proposal

Planning permission 02/11/0876 was granted in October 2012 for the erection of a building to enclose a materials recovery plant associated with a waste transfer use previously approved under permission 02/11/0184.

Condition 3 of permission 02/11/0876 prohibits the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of permission 2/11/0876 stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors to the building are closed.

Planning permission is now sought for the following:

- To vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays) with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 9 to allow the doors of the waste transfer building to be kept open while the waste processing plant is operating but only whilst vehicles are entering and leaving the building.

A screening opinion of this proposal has been undertaken and it was concluded that the proposed development is not Environmental Impact Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Description and Location of Site

The site is operated by Lancashire Waste Recycling Limited (LWR) and is 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. A weighbridge and demountable units are near the site entrance with the 'L' shaped waste transfer building located along the southern boundary and south-east corner of the site. On the north side of the building are two vehicle entrances; one measuring 5m by 5m high that is north facing, and one measuring 4.5m by 5m high that is west facing. An air filtration system is on the east elevation of the waste transfer building. The majority of the site between the waste transfer buildings and the northern boundary has a reinforced concrete surface with some surfacing of the area not yet complete. The area between the west side of the waste transfer building and the part western boundary along Enterprise Way is a mixture of bare, hardcored and tarmaced ground. 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 an 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 of the site boundary 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.

Members visited the site on 18th May 2015.

Background

Planning permission (ref.02/11/0184) 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. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0876) 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. This permission was subject to a Section 106 Agreement relating to vehicle routing.

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

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.

A retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, the erection of a single storey substation plant room extension, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, and the provision of three metal shipping containers for use as a canteen, showers and mess room, is reported elsewhere on this agenda.

Planning Policy

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

National Planning Policy for Waste

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

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste 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 it was considered that insufficient information had been submitted to demonstrate that the variation and removal of conditions as proposed would not have a detrimental impact on the amenity of neighbours. However, in response to further noise monitoring data, the Borough Council's Environmental Health Officer states that although there is a difference in recorded background noise levels, conditions in line with BS4142 relating to the difference between the source and background level would overcome this uncertainty. The EHO states that the change in noise levels when the doors are open compared to when they are closed is not perceivable and that the proposed extension of hours for the operation of the plant is still within daytime hours. It is therefore considered that the noise levels are acceptable subject to conditions being applied relating to the difference between the rating level and background noise level.

Fleetwood Town Council – Object due to the working hours, noise, odours and pollution of a watercourse.

LCC Developer Support (Highways) – No observations received.

Environment Agency – No objection in principle although there are concerns about the operation of the doors. Assessments have been carried out on the suitability of the fast acting doors which were installed with the intention of containing odour within the building. EA investigations raised a number of concerns:

- The extraction system is designed to maintain a slight negative pressure, even when the roller shutter doors are open, which is intended to contain any odorous air within the building. In practice this was not the case.
- During a visit the EA detected odour outside the building near to one of the fast acting doors as the contaminated air was being drawn out of the building due to low air changes in the building.
- The EA observed the operation of the automatic doors and found during a delivery that the doors seemed to be operated manually by staff.
- The time period for the opening and closing of the fast acting doors to allow for vehicular access ranged from 47 seconds to 1 minute 47 seconds.
- After observing the door closing, it then unexpectedly reopened on its own. This was explained to be the automatic motion sensor inside the building which opens the door when any movement is detected near the door.

The applicant has taken some measures to address this, but they do not fully address the escape of odour when the doors are opened, which is still to be resolved. Improvements that have been made include the changes to the motion sensor from 90 seconds to an activation time of 30 seconds. In addition, the site has moved operations likely to activate the motion sensor away from the door to prevent it being accidentally activated.

In light of these findings, until the site can increase the extraction rates to create sufficient negative pressure the removal of condition 9 would not be advisable as it would increase the risk of odour release off site. We understand this is a retrospective application as the current planning condition 9 would prevent any machinery being operated every time the door is opened and therefore require the

company to shutdown and start up machinery on average 30 times a day, which is not practicable. With this in mind, it may seem more appropriate to make an amendment to condition 9 that the doors are only to be opened for the ingress and egress of vehicles requiring access to the building, and not a full relaxation of the condition which was presumably in place to minimise the initial risk of noise and odour emissions from the building. The proposed improvements to the air filtration/extraction system (that are the subject of Application LCC/2014/0146, also on this agenda) would include operating 24 hours and so increasing extraction rates overall from the waste transfer building. This would help to prevent the escape of odours from the open doors of the waste transfer building.

The EA state that they will continue to work with LWR through the regulatory regime to address these issues. The submitted Odour Management Plan Version 10.4.1 is acceptable. The application is not considered to be a risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 95 representations of objection, including one from Eric Ollerenshaw MP, and 2 representations 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 a vehicle movement 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 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.
- The Acoustic Assessment and Noise Management Plan submitted with the application are inadequate to draw any valid conclusion that the noise impact created by the facility can be reduced to levels to prevent adverse impacts.
- The Odour Management Plan submitted with the application lacks sufficient detail and is inappropriate for its intended use to demonstrate that the harm can be eliminated or reduced to an acceptable level.
- 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 from issues arising mainly from odour and noise pollution, but also from vibration and dust pollution, 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.
- Cala Gran is a significant local employer and has an important role to play in the tourism economy of Wyre Borough. Complaints by visitors to Cala Gran arising from LWR's operations have been continuous and are having a detrimental effect on the caravan park. 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.
- Full and extensive odour assessments, noise assessments and traffic assessments have been undertaken and submitted on behalf of Cala Gran Caravan Park that conclude that LWR's operations have caused detrimental impacts.
- The Environment Agency's Compliance Assessment Reports from August 2013 to October 2014 clearly demonstrate that the site is causing harm noise and odour. It is becoming increasingly evident that the regulatory regimes are not able to control the impacts to an acceptable level.

- Cala Gran and other businesses that may be affected by the development were not notified by letter as to the application, while other businesses were consulted, which is very inconsistent.
- Agents for Cala Gran also consider that there is an error in the ownership certificates that accompany the application.

The objection from Eric Ollerenshaw MP is 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 I feel that lifting the current planning restrictions will only add to this.

The 2 letters of support from local residents are as follows:

- One who lives 1km from the site and experiences negligible nuisance or disturbance from the operations.
- One who lives 0.5km from the site who is of the opinion that Lancashire Waste Recycling are not responsible for the problems of noise and odour for which they are blamed. Global Renewables appears to be the problem. LWR have provided a tour when the automatic doors opened and closed as the wagons delivered the plastic waste. No smell or noise could be detected when the doors were open even though the plant was fully working. The plant produces a great product that is used to replace the burning of coal to heat the kiln of a cement factory on a continual basis and so reducing the amount of carbon released into the atmosphere.

Prior to the 8th April Committee, presentations to Members of the Committee were made by Bourne Leisure (operators of the Cala Gran Caravan Park and the applicant (Lancashire Waste Recycling), the content of which can be summarised as follows.

Presentation by Bourne Leisure

- Bourne Leisure provided information on the scale of their company and the numbers of guests at the Cala Gran site which are in the region of 30,000 per year. It was stated that Cala Gran had not invested in the site due to the odour issues generated by Lancashire Waste Recycling. Information was also provided on the planning history of the site and continued breaches of condition at the site. It was stated that the issues at the site had led to adverse comments being posted on Trip Advisor.
- Information was also provided in relation to odour including a map to show the relationship between Cala Gran and the application site and also a wind rose showing prevailing wind direction. It had been calculated that odours from the application site were blown towards Cala Gran for approximately 25% of the time. Information was also provided on measurement criteria for odour impacts and it was stated that the waste is around 2 weeks old by the time it reaches the application site.
- It was stated that LWR is not operating in accordance with its permitted development and that 2 applications are to regularise breaches and the other application is retrospective. It was also stated that there appeared

to be an issue with the validity of the applications. It was considered that the proposed condition on waste types conflicts with the Wheatcroft principles the applicant considered that they have been denied opportunity to comment on this condition.

- Bourne Leisure consider that the significance of the proposals has been understated in that it would allow for a large increase in hours and tonnages of waste delivered to the site. There were concerns that the air extraction system produced additional noise and the proposed conditions to control this noise were imprecise.
- Bourne Leisure consider that the problems cannot be pushed onto another regulator to deal with and that applications 144 and 145 should be refused with 146 only being approved if conditions are strengthened.

Presentation by Lancashire Waste Recycling

LWR is local company employing 30 staff and the additional hours are needed to allow traffic to be programmed to avoid the busiest parts of the day and no more waste would be imported that at present.

It was acknowledged that there were some odour issues at first but there were other activities in the area which generate odour – a map was circulated showing the location of these.

The applicant explained that a number of MP's had been to the site and were satisfied and that they were in compliance with environmental controls. He explained the types of waste that were processed and that they had invested £200,000 in odour abatement plant and new doors to control odour and noise.

Advice

At the meeting of the Development Control Committee on the 8th April 2015, the determination of this planning application was deferred due to the application being deemed invalid as the submitted ownership certificates had not been correctly completed. The applicant has subsequently supplied amended ownership certificates to serve notice on the co-owner of the site and the statutory period for representations to the amended certificates has now expired. The validation issue has now been satisfactorily addressed and the application can now be determined.

Planning permission 02/11/0876 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.

Condition 3 of the permission relates to the hours of working and prevents the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of the permission stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors of the building are closed.

Planning permission is now sought to vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays)), with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.

Planning permission is also sought to vary condition 9 so as to allow the doors of the waste transfer building to be open while the plant inside is operating but only to allow the ingress and egress of vehicles.

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, when the site was developed at the end of 2011, it was established as a facility for converting dry unrecyclable plastics, paper and textiles into a fuel which can be used as a kiln fuel in the manufacture of cement. The waste is shredded to produce a fine 'flock' type material that can be blown in to the kiln.

The majority of waste (70-80%) received at the site is currently from the adjacent Thornton Waste Technology Park where it has been sorted from the general household waste stream by screening in a trommel to remove fines and hand and mechanical sorting to remove metals and other non combustible items. As much of the waste will be food packaging, it may contain, or have on its surface, traces of organic matter. The remaining 20-30% of waste that LWR receive is sourced from local recycling facilities that may also be 'contaminated' with organic matter. The Environment Agency have advised that, in the period October 2013 – September 2014, the LWR site accepted 62,701 tonnes of waste.

Given the change in the nature of the operation and the waste types accepted, legal advice from counsel was obtained as to whether a material change of use had occurred. The advice concluded that the current operations to process waste to produce a fuel is an industrial process and does not constitute a material change of use from the originally approved operation as a waste transfer station for inert construction and industrial waste. It is therefore considered that the operations now undertaken can be properly carried out under the provisions of the existing planning permissions for the site.

The applicant contends that the variation to condition 3 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials on Mondays to Fridays is required to allow greater flexibility in the processing of waste to a shredded product and receipt /export of material and hence less would be stockpiled within the building. The delivery and removal of waste and processed materials on Saturday afternoons and Sundays is again to allow for greater flexibility in the hours that the unprocessed waste can be delivered to the site and also in the hours that the processed waste can be taken from the site, so as to meet the requirements of both the providers of the unprocessed waste and of the customers of the processed waste.

The variation of condition 9 to allow operation of the waste processing plant whilst the doors of the waste transfer building are open to only allow the ingress and egress of vehicles requiring access to the building would negate the need for processing machinery to be shut down every time the doors are opened. The doors have to be opened on average 30 times a day and if the plant has to be shut down on every occasion the operator would lose a substantial proportion of operating time and could not produce the volumes of processed waste that their customers require.

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 Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the Wyre Borough Local Plan and Thornton / Fleetwood Area Action Plan. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system does everything it can to support and secure economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that our waste can be managed as a resource. The shredding operations to produce a fuel for commercial use assists in the diversion of waste from landfill and moves waste up the waste hierarchy as it enables the recovery of energy from waste and also reduces the reliance on fossil fuels to power kilns. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD

Policy 1 of the Wyre Borough Thornton / Fleetwood AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality urban and natural environment, be of a high design quality and should not increase flood risk. Policy 3 of the AAP allocates a number of areas for industry and business including employment development for B2 uses (general industrial) in Burn Hall Industrial Estate. Policy SP14 of the Wyre Borough Local Plan seeks to achieve high standards of design and amenity for all types of development. Policy EMP8 seeks to retain land in industrial areas for industrial/ employment uses and to resist development for alternative uses.

The proposal raises issues relating to noise, odour, flood risk, water pollution and traffic.

The combination of the extended hours of operation and the operation of the processing plant while the doors are open has the potential to create impacts of noise and odour on surrounding business in Burn Hall Industrial Estate, but particularly on the residential uses at Springfield Terrace and Cala Gran Caravan Park, that are both close to the northern boundary of the site. Noise can arise from the plant operating within the building while odour can arise from the organic matter on the waste received at the site and that is stored within the building.

In relation to the change to the hours of operation, the variation sought to condition 3 would permit an additional hour at either end of the working day on Monday to Friday, an additional four hours on Saturday afternoons for loading / unloading of vehicles and movements of HGV's only and for the site to be open on Sundays and bank holidays between 10.00 – 15.00 hours on Sundays for the same purpose. The site would continue to operate on a Saturday morning as per the extant permission 02/11/0876. However, the changes requested to the permitted hours are relatively minor with no night time working being proposed. Given the location of the application site, it is only the residents of Springfield Terrace and caravan units in Cala Gran Caravan Park that would be potentially affected by such an extension in working hours.

The current planning permission for this site requires that the doors to the building remain closed whilst the processing plant is in operation. The operator wishes to modify this condition to allow the plant to operate whilst the doors are open but only to permit vehicles to enter and leave the building. Given this mode of operation, the doors would not be open continuously and the majority of time would remain in the closed position. To ensure this is the case, the operator has installed a sensor system that automatically triggers the opening of the doors in response to the presence of a vehicle and then to close the doors shortly after. Notwithstanding this system, the opening of the doors would, however, allow for the intermittent migration of noise from the operating plant and possibly of odour from the waste within the waste transfer building.

The original planning permission for this site incorporated a number of conditions in relation to noise attenuation to address concerns that were raised in relation to noise. In particular noise attenuation fencing to a height of 2.5 metres has been erected on the full northern boundary of the site. The waste transfer buildings were also subject to a condition requiring their construction to contribute towards noise attenuation. The buildings were constructed in concrete blockwork and metal cladding in order to improve noise attenuation. It should be noted that the applicant's original proposals for this site in planning application 02/11/0184 involved the recycling of commercial and industrial waste including the crushing and screening of inert waste materials outside the building.

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 noise from plant activities at the site have been shown to be constant throughout the production process. With the doors closed and open, the noise levels attributable only to the production process have been recorded as a maximum of 48.8dB and 50.6dB, respectively, when measured at two points on the

boundary of Cala Gran Caravan Park to the north of the application site. In relation to noise standards in the NPPF, the hours of 0700 – 1900 are normal working hours. The submitted noise assessment concludes that the noise levels associated with the production process while the doors are both open and closed are clearly within currently permitted noise limits.

The Borough Council Environmental Health Officer has concluded that noise levels at the site boundary are very similar irrespective of whether the doors are open or closed and therefore the proposed variation of condition 9, if permitted, would make very little difference to noise levels at the nearest properties including the caravan park. It is also important to note that the doors would only be open for a total of approximately 1 hour during each 12 hour day and therefore the impact on average noise levels has to be viewed in that context. He also notes, there would be approximately 2 HGV movements per hour for the extended operating hours and that although the noise from these vehicles would be audible at the site boundary, each HGV movement would only be for a short time period and therefore would not have a marked impact on average noise levels during the extended hours. The levels of noise created by the extended hours of working and the operation of the processing plant while the doors are open would therefore be acceptable to surrounding land uses.

Permission 02/11/0876 has noise conditions attached to require that all plant, equipment and machinery are equipped with effective silencing equipment or sound proofing equipment. The existing permission also contains conditions regarding maximum noise levels. It is considered that a similar condition should also be imposed on any permission. Any such condition should reflect the advice of the EHO that any condition should reflect BS4142 to provide for the rating noise levels from the site to not exceed 5Db(A) above the background level when measured at the boundaries of the nearby Springfield Terrace and Cala Gran Caravan Park. Such rating noise levels would include the noise from the waste processing activities as well as any noise emitted including during the night time period from the odour control system.

Many objections to this application are concerned that the operations on this site are giving rise to odour impacts that are affecting local amenity. Agents acting on behalf of the Cala Gran Caravan Park have made representations that the applicant is already in breach of existing planning conditions to the detriment of local residents and users of the caravan park. They are concerned about the impacts of noise, vibration and odour. In particular it is stated that odour issues have been raised by customers staying at the caravan park and that such impacts are a disincentive for repeat and new business which threatens the commercial viability of the holiday park. Whilst it is acknowledged that this site has given rise to some odour issues in the locale, there are also a number of existing uses adjacent to or near the caravan park that have the potential to give rise to odour issues. These include the Thornton Waste Technology Park (150 metres south east of the caravan park), the Jameson Road Landfill Site (500 metres north east of the park) and the Fleetwood Waste Water Treatment Works (500 metres north of the park). Due to odour issues experienced from the Waste Technology Park, the County Council regularly undertakes odour assessments in this area which includes an analysis of the types of smell detected and wind direction and other climatic conditions. Whilst, there are

occurrences where odours detected do appear to be from the application site, there are also times when any odours must be originating from other premises due either to wind direction or the nature of the odour. It is therefore considered that the application site is not the only generator of any odour impacts that are detected by local residents including those on the caravan park.

The odour issues at this site commenced when the applicant first began to import waste from the adjacent waste technology park. In response to these issues the Environment Agency required the operator to prepare an odour management plan. This odour management plan provided for the installation of the vent stack and air extraction system that is the subject of application LCC/2014/146. The EA have no objection to the applications but are of the view that the air extraction system and doors are not currently operating as effectively as possible. However, they consider that these issues can be dealt with under their own regulatory regime. It is recognised that odour can and does arise from the organic matter on the waste received at the site and that some odour does migrate from the building when the doors are opened. With this in mind, the applicant has taken some measures to address this such as changes to the motion sensor so that the period of time that the doors remain open has reduced from 90 seconds to 30 seconds, and moving operations likely to activate the motion sensor away from the door to prevent it being accidentally re-activated. Therefore it is considered that measures are in place to address the noise and odour impacts arising from this operation. However, it is considered that a condition should be imposed requiring details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system.

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 operation of the air extraction system and vent stack is a matter that they can address through their regulatory regime.

It is important to recognise that the handling of these waste types can already be undertaken under the existing planning permission. The odour potential occurs as a result of the presence of these waste types on the site but such impacts would occur irrespective of whether the plant is running or not. The relaxation of condition 9 in the manner proposed would therefore not increase the potential for odours to be released from the building.

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. It is therefore considered

that the EA's regulatory regime is sufficient to tackle and remedy any such issues and that there is no fundamental land use planning objection to the development in terms of odour emissions and impacts on the nearest sensitive development.

Subject to the imposition of conditions limiting noise levels, it is considered that the extension to 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 while plant is operating but only for the ingress and egress of vehicles requiring access to the building would conform with Policy DM2 of the LMWLP, Policy CS9 of the Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary. However, as the proposal is related to activities within an existing waste transfer building, there would be no increase in the risk of flooding or implications for the ground or surface water. 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.

The proposal to extend the hours of working may generate additional traffic movements. However, any such increase is expected to be small and the site would continue to be accessed using the existing access and egress to the industrial estate from Fleetwood Road and then via Venture Road within the industrial estate. The current permission 02/11/0876 is subject to a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall adhere to a routing agreement to require all HGV's access and egress the site via Fleetwood Road and Bourne Way. Subject to any new permission being subject to the same routing controls, the proposal is acceptable on highway grounds.

The existing permission 02/11/0876 includes a number of conditions relating to the colour of the industrial building, use of building, site operations, dust and highway matters. It is considered the same conditions should be attached to any new permission. Subject to the imposition of these conditions, the noise and odour impacts associated with the proposal are considered to be acceptable, and the proposal 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) Planning permission 02/11/0876 as amended by the Planning Application LCC/2014/0144 received by the County Planning Authority on 08th October 2014, email received by the County Planning Authority from Mellor Holdings on 07th November 2014 and email received by the County Planning Authority from Mellor Holdings on 11th February 2015.

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

Site Location Plan

Submitted 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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Hours of Working

2. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours of essential repairs to plant and machinery used on the site.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained goose wing grey (BS 10 A 05) throughout the duration of the development..

Reason : In the interests of the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. The building shall only be used in association with the waste transfer station approved by planning permission LCC/2014/0145.

Reason : In the interests of local amenity 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 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Site Operations

5. A copy of this permission and all the documents referred to in condition 1 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Control of Noise

6. 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 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.

7. Within one month of the date of this planning permission a scheme and programme detailing the measures that are employed to control the operation of the doors to the building shall be submitted to the County Planning Authority for approval in writing. The measures contained in the scheme and programme shall ensure that the doors are opened for the minimum time that is necessary for vehicles to enter and leave the building and are not triggered by other operations undertaken within the building.

Thereafter the approved measures shall be employed in full working order at all times during the operation of the site.

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.

8. 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 12 Springfield Terrace NGR 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood Road between NGR's 332 447 and 332 448. 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.

Dust

9. The measures for dust suppression contained in the scheme and programme dated 5 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012. submitted to the County Planning Authority pursuant to condition 11 of planning permission 02/011/0876 shall be employed at all times.

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.

Highway Matters

10. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

11. All vehicles transporting waste or recycled materials 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.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0144	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A