

Development Control Committee

Meeting to be held on 2nd September 2015
Item of Urgent Business

Electoral Division affected: Preston East
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Preston City: Application number. LCC/2015/0020
Variation of condition 9 of planning permission 06/07/0984 to allow plastics recycling to take place within the building on a 24 hours per day basis on Mondays to Fridays and between 06.00 - 22.00 hours on Saturdays and Sundays. Gaskell House, 45-49 Rough Hey Road, Preston.

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Executive Summary

Application – Variation of condition 9 of planning permission 06/07/0984 to allow plastics recycling to take place within the building on a 24 hours per day basis on Mondays to Fridays and between 06.00 - 22.00 hours on Saturdays and Sundays. Gaskell House, 45 – 49 Rough Hey Road, Preston.

Reason for Urgent Business

The report for this application was prepared to meet the closing date for the 2nd September Committee agenda. However, the report was not placed on the agenda due to an outstanding objection from the Environment Agency. An updated response from the EA has now been received confirming that their concerns can be addressed. The applicant has said that the site is currently running at a loss and failure to secure a new permission at the September Committee would have financial implications for the Company risking the investment in the site, the existing workforce and the proposed additional posts.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of operation, noise controls and heights of storage.

Applicant's Proposal

The planning application is for a variation of condition 9 of planning permission 6/07/0984 to allow plastics recycling to take place within the building on a 24 hour per day basis on Mondays to Fridays and between 06.00 – 22.00 hours on Saturdays and Sundays.

The current planning permission for the site (ref 06/07/0984) restricts the recycling

activities to between 06.00 – 22.00 Mondays to Fridays and 06.00 – 18.00 on Saturdays and Sundays.

The applicant proposes to install a new processing plant for the sorting of waste plastics and the extended operating hours are needed in order to optimise the use of the new plant. Installation of the new plant together with the longer working hours would provide for the creation of 45 new jobs at the site due to the introduction of a three shift system.

Description and Location of Site

The application site is an existing industrial building and attached yard area known as Gaskell House located off Rough Hey Road, on the Rough Hey Industrial Estate located 5km north east of Preston town centre and 1km south west of Grimsargh.

The site is accessed via Rough Hey Road which links to the B6243 Longridge Road immediately to the east of the site.

To the west and south of the application site are other units on the industrial estate comprised of a concrete batching plant, HGV maintenance and other storage and distribution uses. To the north of the site is a landscaped bund and area of open space beyond which is a residential development known as the Hills estate (70 metres from the application site). To the east is a landscaped verge forming the boundary with the B6243. The eastern side of Longridge Road is fronted by houses, the nearest of which is located at no. 216 Longridge Road (55 metres from the application site).

Background

History

The application site has been the subject of a number of planning applications for waste recycling developments:-

Planning permission 6/04/0128 for a change of use to bailing and sorting of plastic and cardboard was approved in April 2004.

Planning permission ref 6/06/0023 for the construction of two single storey extensions for storage and bailing of cardboard was approved in March 2006

Planning permission 6/06/0139 for an extension to the site for handling and processing of commingles and mixed recyclable materials was approved in April 2006.

Planning permission 6/06/1007 for the construction of a warehouse, fencing and concrete panelling to the perimeter of the site was approved in December 2006.

Planning permission 6/07/0984 for the variation of conditions to extend working hours by one hour to 06.00 – 22.00 Mondays to Fridays was approved in December 2007.

Planning Policy

National Planning Policy Framework: Paragraphs 11, 17 and 123 are relevant with regards to the purposes of the planning system, definition of sustainable development and the impacts of noise.

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

Policy CS7 Managing our waste as a resource
Policy CS8 Identifying capacity for managing our waste.
Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 Management of waste and extraction of minerals
Policy DM2 Development Management
Policy WM3 Local built waste management facilities

Preston City Local Plan

Policy DP4 Development and pollution

Consultations

Preston City Council: No objection subject to the completion of a noise and general environmental assessment of the proposed operations during the additional hours proposed. The Borough Council's Environmental Health Officer has considered the information submitted and initially was concerned that the noise levels at night would have a significant adverse impact. However, in response to the applicant's additional noise surveys and proposals to increase noise attenuation, the EHO has concluded that noise can now be controlled to acceptable levels.

LCC Developer Support (Highways): No observations received.

Environment Agency: The EA were initially of the view that the applicant has not provided sufficient detail to fully assess the likely impact on residents and other local receptors. The applicant has not undertaken a noise survey to BS4142 standards. Subsequent to the planning application being made, the applicant has submitted an application to the EA to vary the existing environmental permit which contains information on noise impacts including the measures that will be taken to control such impacts. The permit application has not yet been determined by the EA but they have confirmed that the permit application provides the confidence that measures can be implemented to control noise from this site.

Grimsargh Parish Council: No objection but request that the site be restricted to the recycling of plastics only as other waste materials would result in greater levels of noise.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Eight representations have been received objecting to the application on the following grounds:

- The proposed 24hr operation of the plant would give rise to noise disturbance at the nearby properties.
- The existing operations have given rise to odour and litter impacts
- The plant should relocate to an industrial location further from properties
- The development would increase traffic impacts
- The existing eastern elevation of the building is an eyesore
- Impact on house values
- The existing plant gives rise to a load whirring noise and the proposed night time working would make sleep difficult at the nearest houses due to the lower background noise levels at night.

Advice

The application site is an existing industrial building and attached external yard area that benefits from a planning permission for the recycling of mixed waste materials such as glass, paper, cardboard and plastics. The current planning permission restricts recycling operations to between 06.00 – 22.00 hrs Monday to Friday and 06.00 – 18.00 on Saturdays and Sundays.

The applicant is proposing to install a new plant within the building that would provide for the sorting of hard plastics (predominately bottles) into different polymer types such as PET, HDPE, PP, PS and PVC. The new plant would pass the plastics across a light stream and compressed air would then be used to sort the bottles into different plastic types. The new plant would allow approximately 14 tonnes of plastics to be sorted per hour. Sorted plastics would then be bailed and exported from the site for recycling elsewhere to produce high quality raw materials. The applicant states that the plastic materials have low margins which are sensitive to volatile price fluctuations and therefore higher volumes of plastic need to be processed necessitating longer working hours.

The National Planning Policy for Waste requires that waste materials be managed in accordance with the waste hierarchy and that waste should be managed at the highest level possible within the hierarchy. Policy CS7 of the Lancashire Minerals and Waste Local Plan Core Strategy states that provision will be made for a network of facilities that relies on the 'top end' of the waste hierarchy and sets targets for the recycling of various waste types. The proposal would provide for the recycling and reuse of hard plastics derived largely from household waste collections. The new processing plant would provide for the recovery of a greater range of plastic types than is currently possible thereby meeting the aims of the national policy and policy CS7.

The main issue relates to the likely impacts of noise. Under the existing planning permission, the site can operate between the hours of 06.00 and 22.00 hours on Mondays to Fridays and 06.00 – 18.00 on Saturdays and Sundays. The site previously handled a variety of waste materials including tin cans and glass and the proposed concentration on plastic wastes would be likely to reduce the noise levels

that would result from the site during the day when activities take place in the external yard area. The main issue relates to the impacts of the operation of the plant during the night.

The only operation proposed during the night time period is the operation of the new sorting plant within the building. There would be no deliveries or export of materials or operations within the external yard area during the night time period.

The nearest houses to the plant are located on Longridge Road and on the Hills estate, 55 and 70 metres respectively from the application site. The houses on the Hills are separated from the site by a landscaped screening mound together with an area of open space beyond. Longridge Road itself separates the houses on this road from the application site.

To assess the noise impact of the development, the applicant has undertaken a survey to establish the background night time noise levels at the Hills estate and also at the nearest property on Longridge Road. The lowest background noise level (L90) during the night time period recorded at The Hills was 31.4 dB(A) and 32.5 dB(A) on Longridge Road. The applicant has calculated the noise levels that would be produced by the new plant to allow an assessment of the likely impact of noise at the nearest houses.

The initial assessment was not acceptable to the City Council's EHO or to the Environment Agency on the basis that the proposal would result in an adverse to significant adverse impact. The applicant has therefore undertaken further noise assessment to BS4142:2014 standards and has investigated the ability to provide further noise attenuation to the building.

The building has double skin brick walls with areas of glazing to the upper levels with a corrugated steel roof containing a number of roof lights. There are a number of roller shutter doors set within the walls. The applicant has acknowledged that further noise attenuation to the building is required in order to reduce noise to acceptable levels and a number of options are available including installation of secondary glazing to the existing windows and replacement of the existing roller shutter doors and skylights. The applicant calculates that these improvements would allow noise increases to be limited to +2 dB(A) at the Hills and +3 dB(A) on Longridge Road which corresponds to a marginal increase in noise that would not be readily discernible at the nearest properties. The new plant to be installed would allow the site to concentrate on the sorting of waste plastic which would reduce the odour impacts that have been experienced at this site in recent times from the recycling of a much wider range of waste materials. Provided that further noise attenuation works to be undertaken to the building are the subject of conditions and are installed prior to the extended working hours commencing, the City Council's EHO does not object to the application.

The extension of working hours would also require a variation of the existing environmental permit regulated by the Environment Agency. The permit contains controls on the detailed operation of the site including noise controls. The applicant has submitted an application to the EA for the variation of the existing permit. The EA state that the permit process will provide the ability to ensure that the noise

impacts arising from the proposed night time working can be satisfactorily addressed.

The eastern side of the building facing Longridge Road is currently in poor condition which is a matter raised by a local resident in representations. In summer this elevation of the building is screened by the existing landscaping on the wide verge between the building and the road. However, in winter the screening is less effective and this façade is more visible. The works to improve noise attenuation including replacement of existing glazing and doors would also improve the visual appearance of this side of the building.

The existing planning permission allows operations such as the import and export of waste and operations within the external yard area to commence as from 06.00 hours Mondays to Fridays. However, in view of the proximity of properties and that activities in the open area are potentially the most disturbing, it is considered that the start time for such activities should be amended to 07.00. The applicant is agreeable to this change. The application is also agreeable to a condition prohibiting the storage of waste materials adjacent to Longridge Road which is permitted under the existing permission.

The installation of the new plant and longer working hours may result in an increase in traffic volumes at the site. However, the existing permission has no restriction on HGV levels and the site has a good access onto the B6324 which provides quick access to the motorway network. The proposal is therefore considered acceptable in terms of highway capacity.

In summary, the development would assist in the recycling of waste plastic and would help move the management of such materials up the waste hierarchy. The site is an established waste processing facility located on an existing industrial estate. Subject to conditions to control hours of operation, the installation of further noise attenuation measures and to control activities within the external yard area, the development is considered acceptable in terms of the policies of the Development Plan.

In view of the scale, location and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

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

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
- a) The Planning Application and supporting statement received by the County Planning Authority on 18th February 2015 as amended by the email and accompanying revised noise assessment from SLR Ltd received on 30th April 2015.
 - b) Submitted Plans and documents:

Drawing 1 Application Site Location Plan
Drawing 2 Application Site Plan
 - 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 Policy DM2 of the of the Lancashire Minerals and Waste Local Plan.

3. Written notification of the extension of working hours beyond 22.00 hours shall be sent to the County Planning Authority within 5 working days of such extended working hours commencing.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. No operations outside of the building or deliveries or export of materials shall take place outside the hours of 07.00 - 21.00 Mondays to Fridays and 07.00 - 18.00 hrs on Saturdays and Sundays.

No waste sorting and handling operations within the building shall be undertaken between the hours of:-

22.00 on Fridays to 06.00 on Saturdays
22.00 on Saturdays to 06.00 on Sundays
22.00 on Sundays to 06.00 on Mondays

No waste recycling operations or delivery or export of materials shall take place at any time on public holidays.

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

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

5. Waste handling or sorting activities between the hours of 22.00 and 06.00 hrs shall be restricted to the handling of waste plastics. No other waste materials shall be handled or sorted during the above hours.

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

6. Within three months of the date of this permission, a scheme and programme for the types of reversing alarms to be fitted to all mobile plant used on the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall specify the fitting of low noise reversing alarms to all mobile plant used together with a specification of the alarms to be fitted. The proposed alarm type shall be fitted to all mobile plant used on the site prior to the extended hours of operation being brought into use.

Thereafter, the approved alarms shall be used at all times on all mobile plant used at the site.

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

7. The rating level of noise emitted from the site shall not exceed the following levels:-

	216 Longridge Road	No. 10 Jeffrey Hill
Between 06:00 -22.00	Background + 5dB(A)	Background + 5dB(A)
Between 22.00 - 06.00	Background + 3dB(A)	Background + 2dB(A)

The assessments and measurements shall be made in accordance with BS4142: 2014.

Reason: In the interests of residential amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan

8. No operations shall take place between the hours of 22.00 - 06.00 until works to improve the noise attenuation properties of the building have been completed 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 include details of the following:-

- a) Details for the replacement or improvement of the existing glazing to the building to include secondary / double glazing
- b) Details of works to the rooflights to reduce the escape of noise through the roof.
- c) Replacement of the existing roller shutter doors
- d) The works to be undertaken to the east facing facade of the existing building.

Thereafter, the approved noise mitigation measures shall be retained at all times.

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

9. All external doors to the building shall remain closed during the period between 22.00 to 07.00 hours.

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

10. Storage of recycled materials shall only take place within the areas edged red and hatched red on the drawing accompanying planning application 6/06/0024 and dated 9th January 2006. No such stockpiles shall exceed a height of four metres. Notwithstanding the provisions of this plan, no such storage shall take place on those parts of the site adjoining Longridge Road.

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

11. Within three months of the date of this planning permission, a scheme and programme of floodlighting control for the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall comprise a review of the existing floodlighting at the site to identify any changes that are required to reduce light spillage and glare to surrounding residential properties and controls to minimise the illumination of lights outside of working areas.

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

Notes

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

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

Paper	Date	Contact/Directorate/Ext
LCC/2015/0020		

10th March 2015

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Reason for Inclusion in Part II, if appropriate

N/A