

## Development Control Committee

Meeting to be held on 14th October 2015

Electoral Division affected: West Lancashire West
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### West Lancashire Borough: Application No. LCC/2015/0026

**Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics, and the proposed erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.**

(Appendix A refers)

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#### Executive Summary

Application - Retrospective change of use of land and existing building from light industrial (Class B1) to a mixed use for light industrial (Class B1) and storage and distribution (Class B8) uses and the recycling of non-hazardous waste plastics, and the proposed erection of a warehouse building for the storage and distribution of materials associated with the uses. Unit 1, Station Yard Factory, Station Road, Rufford.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling, working programme, building materials, site operations, hours of working, highway matters, noise, foul and surface water drainage, lighting and landscaping.

#### Background

A report on this application was presented to the meeting of the Development Control Committee on the 2nd September 2015. At that meeting it was resolved that consideration of the application be deferred to allow the Committee to visit the site. The report to the 2<sup>nd</sup> September Committee is appended at Appendix A.

Since the 2<sup>nd</sup> September Committee, consultation responses have been received from the Canal and River Trust and the LCC Specialist Advisor (Landscaping), together with an additional representation from a local resident. These responses are summarised below.

## **Consultations**

Canal and River Trust - No objection and comment that the applicant is advised to contact them in order to ensure that any necessary consents are obtained and that the works comply with them.

LCC Specialist Advisor (Landscape) – No objection. A planning condition should protect the trees not covered by the existing Tree Preservation Orders.

Representations – An additional representation has been received subsequent to the original report objecting to the application. The representation was reported verbally to the 2nd September 2015 Development Control Committee meeting. It did not raise any issues further to those included in the previous report.

## **Advice**

This application was reported to the meeting of the Development Control Committee on 2<sup>nd</sup> September 2015. Following consideration of the application it was resolved that the application be deferred to allow Members to visit the site. The Committee will visit the site prior to determining the application.

At the 2<sup>nd</sup> September meeting, presentations were made by three members of the public opposing the application. The issues raised are summarised as follows:

Resident of Station Road - The resident understood that there had been a number of past users of the site and that the waste management operations had been taking place for some time. However, she was concerned about the highway impacts of the site and that the HGV's were too large and too many were visiting the site. There were double white lines on Station Road in the area of the access and that lorries had to cross the lines in order to access the site. They also came very close to her garden wall. She considered that the proposed use should be on an industrial estate.

The Clerk to Rufford Parish Council – The Clerk confirmed that the Parish Council had concerns regarding the proposal. The site is within the Green Belt and the previous uses of the site had been railway storage and light engineering uses. The Parish Council were concerned about drainage and the connection into the foul sewer. The Parish Council were concerned about waste water being discharged into a ditch which was an issue that had been raised by Network Rail.

West Lancashire Borough Ward Councillor – The Councillor's main concerns related to highways and it was concerning that there was no objection from LCC Highways. She considered that the applicant's proposed turning circle was unrealistic. She was also concerned at the lack of a foul drainage assessment and possible pollution risks. She would support recycling but Station Road was not the right site. She requested that Members visit the site before considering the proposal further.

In response to the issues raised in the presentations and additional representation, the applicant has submitted additional information.

The site is currently used for plastic recycling and for storage and distribution uses. The applicant imports waste plastics to the site which are then washed, dried, granulated and then transferred into sacks for transport off site for further processing and reuse. Unwanted products such as detergents and other cleaning liquids are also taken from manufacturers and stored on the site and then distributed elsewhere for re use.

In relation to the plastic recycling business, the Environment Agency have issued a low risk waste exemption that permits the site to process up to 10,000 tonnes of plastic per annum. The recycling use has been in operation since 2010 and hence this aspect of the application is retrospective.

The storage and distribution use involves taking and storing unwanted products such as shampoos, conditioners, body washes, shower gels and detergent based liquids from manufacturers who have decided that the products are not suitable for their intended primary use. There are various reasons for this such as, for example, the product may have had the wrong perfume added, contain slight impurities from the production line, have been packaged in wrongly labelled/ branded bottles, been produced for an out of date promotion or contain the wrong volume of product per unit. The unwanted product is then re-distributed elsewhere to other companies who then process/ amend the products and then repackage as a different product. None of the products involved in the storage and distribution use are disposed of or processed at the application site. These products and the waste plastics to be processed in the recycling business are currently stored externally in the yard area around the site. A permit from the Environment Agency is not required for the storage and distribution use. The use has been in operation since 2009 and hence this aspect of the application is also retrospective.

The proposed warehouse building is required for the storage of the waste plastics, as some plastic types must be retained in a dry condition to prevent deterioration. The warehouse would also provide office and staff welfare facilities and so remove the need for the three existing containers/ portable buildings along the eastern and western boundaries in the southern half of the site currently used for those purposes.

In relation to highway impacts, to ensure that the turning space for HGV's can be maintained for the duration of the development, a condition is recommended to require the turning area to remain clear of any storage, car parking or the portable buildings in the form of the separate toilet and office blocks to the south of the existing building. An additional condition is also proposed to ensure that all vehicles enter and leave the site in a forward gear in order to ensure that there are no reversing manoeuvres into or out of the site onto Station Road.

In relation to foul water drainage matters, the plastic recycling business undertaken within the existing warehouse building on site involves washing the plastics before they are granulated. The applicant has advised that all of the washings are contained on site as the process equipment contains its own in-built sump that collects the washing water. From the sump, the washings are pumped into an intermediate bulk container before being transported to a water treatment facility where the applicant has an existing trade effluent discharge consent that is regulated by the Environment Agency. There is no disposal of any effluent to surface water courses at the site.

In relation to the conditions requested by LCC Specialist Advisor (Ecology), the applicant has submitted a tree constraints plan and survey with the application which demonstrates that the new building can be constructed without affecting the trees on the boundaries of the site. The proposed condition requires the protection of the trees on the site boundaries. This would also accord with the comments raised by the LCC Specialist Advisor (Landscape). As no trees should be affected by the development, there should be no requirement to provide for replacement planting or for the protection of any nesting birds that use these trees. The conditions requested on landscaping and the provision of replacement bird/ bat habitats are therefore considered unnecessary. The external elevations of the warehouse would be coloured Olive Green, which is considered acceptable. A condition is recommended requiring the external elevations of the warehouse building to be coloured as such and thereafter maintained in that colour thereafter.

In conclusion, the applicant has supplied additional information to further detail the activities that are undertaken at the application site and how the impacts of the operation would be managed. It is considered that the impacts of the development on the local highway network, water courses and local amenity can be controlled to acceptable levels and that the development is acceptable in terms of the policies of the Development Plan. The planning conditions that were set out in the report to the 2<sup>nd</sup> September Committee have been updated to reflect the additional information submitted by the applicant and the issues raised in the presentations to the Committee. It is considered that the updated schedule of conditions is capable of controlling the impacts of the development to acceptable levels.

### **Recommendation**

That planning permission be **granted** subject to the following planning 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 17th February 2015 and supplemented by the emails from the applicant received on 7th May 2015, 30th July 2015, 14th August 2015, 24th August 2015, 25th August 2015 and 16th September 2015.
  - b) Submitted Plans and documents received by the County Planning Authority on 17 February 2015:

Drawing No. 101 Issue P - Tree Survey  
Drawing No. 101 Issue P - Tree Protection Plan

Submitted Plans and documents received by the County Planning Authority on 30 July 2015:

Site Location Plan

Drawing No. P5303-01 Rev. E - Plan and Elevations  
Proposed HGV turning area and parking layout  
Drawing No. LE13035-001 - Outline Drainage Strategy  
Supplementary Report on Existing Trees  
Tree Survey  
Drawing No. 102 Issue P - Tree Protection Plan

c) All schemes and programmes approved in accordance with this permission.

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policies NPPF 1, DM2 and WM1 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, and Policies GN3, GN5, EC2, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Building Materials**

2. The external elevations of the warehouse building shall be coloured Olive Green (BS 12B27) and thereafter maintained in that colour.

*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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Site Operations**

3. Materials shall not be stored in the external yard areas to a height exceeding four metres above ground level.

*Reason: In the interests of the visual amenities of the area and to conform with Policy GN3 of the West Lancashire Borough Local Plan.*

### **Hours of Working**

4. No site operations, including the delivery or export of materials shall take place except between the hours of:-

0700 to 1900 hours, Mondays to Friday (except Public Holidays)  
0700 to 1700 hours, Saturdays

The site shall not operate at any time on Sundays or 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: 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, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

5. No operations or the associated delivery or removal of materials associated with the construction of the new building shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)  
0800 to 1700 hours, Saturdays

No construction operations or delivery or removal of materials shall take place at any time on Sundays or 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: 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, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Highway Matters**

6. The access gates from Station Road shall remain open at all times during the hours of operation specified in condition 4 to allow vehicles to access the site and to prevent such vehicles causing obstruction to other road users.

*Reason: In the interests of highway safety 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, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

7. The turning space for HGV's as shown on the 'Proposed HGV turning area and parking layout' plan shall be available for use within one month of the date of this permission. Thereafter there shall be no storage of materials, no parking of vehicles and no stationing of buildings within this area which would restrict the ability for HGV's to turn within the site.

*Reason: To ensure that there is sufficient space within the site for the turning of HGV's in the interests of highway safety 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, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

8. Within one month of the date of this planning permission, the car parking spaces and motorcycle and cycle parking provision as shown on the drawing 'Proposed HGV turning area and parking layout' shall be provided and maintained available for use at all times for the duration of the development.

*Reason: To ensure parking provision in accordance with adopted standards and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GN3 and IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

9. All vehicles associated with the construction and operation of the development shall enter and leave the site in a forward gear.

*Reason: In the interests of highway safety and 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policies GN3 and EC2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Control of Noise**

10. 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. All plant, machinery and equipment 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. Within three months of the date of this planning permission, all mobile plant used on the site shall be fitted with non-audible or white noise reversing alarms.

*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, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Safeguarding of Watercourses and Drainage**

12. Prior to the commencement of the development of the warehouse building, a scheme and programme for the collection, treatment and disposal of all foul and waste water arising on the site to ensure that there shall no discharge of contaminated or polluted drainage to ground or surface waters shall be submitted to and approved in writing by the County Planning Authority. The drainage measures shall thereafter be constructed in accordance with the approved scheme prior to the building being brought into use and shall be implemented and maintained in full working order thereafter.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. The development shall be carried out in accordance with the submitted 'Drawing No. LE13035-001 - Outline Drainage Strategy' and the mitigation measures referred to in the drawing to limit the surface water run-off generated for all storm events to 5 litres per second and for the provision of compensatory flood storage.

The proposed surface water mitigation measures shall be fully implemented prior to the warehouse building being brought into use and shall thereafter be implemented and maintained in full working order thereafter.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants 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, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Floodlighting**



14. No additional lighting shall be erected to illuminate the site unless the details of such lighting including the position, direction and design of such lighting has first been submitted to and approved in writing by the County Planning Authority. Any such details shall include provisions to reduce light pollution to adjacent land.

Thereafter, the lighting shall be operated in accordance with the approved specification at all times.

*Reason: To minimise light spill beyond the site boundary and to safeguard the 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Landscaping**

15. All trees forming part of the site boundaries shall be protected from any damage and maintained throughout the construction period and life of the development by the implementation of the tree root protection zones and tree protection methods as detailed in the submitted Supplementary Report on Existing Trees, the Tree Survey and Drawing No. 102 Issue P - Tree Protection Plan.

*Reason: In the interests of visual and local amenity and the local environment 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, and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Notes**

The applicant's attention is drawn to the observations of the Network Rail in their letter of 7th April 2015.

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

This permission does not grant the applicant permission to connect to the ordinary watercourse(s) and it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site.

The applicant/developer is advised to contact Third Party Works Team (01782 779909) in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal & River Trust".

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

Paper	Date	Contact/Ext
LCC/2015/0026	17 February 2015	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A