

Development Control Committee
Meeting to be held on 2nd March 2016

Electoral Division affected:
Preston East

Preston City: Application number. LCC/2015/0070
Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays.

Recycling Lives, Longridge Road, Preston.

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Executive Summary

Application - Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays.

Recycling Lives, Longridge Road, Preston.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of operation, review of boundary treatments, noise, stockpiling and protection of water resources.

Applicant's Proposal

The application is for a variation of condition 3 of planning permission 6/10/0169 to vary the hours of use within which the metal shredding machinery can be used.

Condition 3 currently restricts the use of such machinery to between 07.30 – 14.00 hours on Mondays to Fridays and from 07.30 – 13.00 hours on Saturdays with no operations on Sundays or Public Holidays.

The applicant wishes to vary this condition so that the metal shredding equipment can be used between the hours of 07.30 – 17.30 hours Monday to Friday and from 07.30 - 13.00 hours on Saturdays with no operations on Sundays or public holidays.

Description and Location of Site

The application site is an existing metal recycling facility located off the B6243 Longridge Road, Preston approximately 1 km south west of Grimsargh and 4km east of Preston city centre. The recycling site measures around 6 ha in area and lies to the north of Longridge Road from where access is gained and is separated from the road by a landscaped strip. To the northeast of the site are a number of industrial units including car dismantlers and scrapyards on the Rough Hey Road Industrial Estate. Running along the south western boundary is the Guild Wheel cycle path beyond which is the distribution warehouse and central offices belonging to EH Booths Ltd. To the north west is the former Preston – Longridge railway line beyond which is the distribution warehouse belonging to James Hall Ltd.

The application site itself is comprised of a large industrial building measuring 120 metres by 120 metres which is used for the processing of non ferrous metals and recycling of electronic equipment. To the rear is a yard area which is used for the depollution and breaking of end of life vehicles and processing of ferrous metals. The yard area includes a large processing plant which is used to shred and fragment metals.

The nearest residential properties to the fragmentiser plant are located 450 metres to the north east of the site off Longridge Road and on the Hills Estate, Grimsargh.

Background

History: Planning permission was granted for the change of use of use of land from storage and distribution to a metal recycling site was granted in 2010 (planning permission 6/10/0169). The permission provided for the erection of a metal fragmentising plant in the northern part of the site.

A further permission (ref 6/12/0984) was granted in 2013 for the erection of a concrete panel screen wall to part of the site boundaries.

Planning Policy

National Planning Policy Framework : Paragraphs 6 – 14, 17 and 122 -123 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, and prevention of pollution and noise impacts.

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

Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

Central Lancashire Core Strategy

Policy 10 Employment Premises and Sites

Preston City Local Plan – Site Allocations and Development Management Plans

Policy V1 Model Policy

Consultations

Preston City Council: The City Council objects to the application as the proposed extension in hours of operation would create undue noise which would impact on residential amenity.

LCC Developer Support (Highways): No objection.

Environment Agency: The EA have no objection in principle to the extension of the operating hours. However, they consider that the operation of the fragmentiser plant is currently contributing to a number of amenity impacts including noise, dust and explosion events and that an extension of hours would lead to an increase in the frequency of such events. The EA consider that the hours should not be extended until such improvements are in place.

In a further response, the EA note that the applicant has now proposed a number of improvements to the plant including installation of a pre shredder which is due to be completed imminently. The EA also note that off site dust levels appear to comply with standards but that further monitoring is required. In relation to noise, the EA state that their latest monitoring indicates that current daytime noise levels are not giving rise to impacts due to background noise levels but that there are still some concerns about noise in the late afternoon period (17.00 – 17.30) and on Saturdays but that a further review of the management systems for noise and vibration control will be carried out with the Company.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Ten representations have been received objecting to the application which can be summarised as follows:-

Three representations are from residential properties on the Hills Estate or on Longridge Road who raise the following issues:-

- Noise from the site, including crashing metal, often continues until 1.30 am and any planning applications that would result in more noise should be rejected.
- Noise from site interferes with sleep at the nearest residential properties.

The other representations originate from other industrial and commercial properties which adjoin the application site and which raise the following issues:-

- The site has given rise to explosions, a major fire, smell and a fly infestation which has affected employees working in adjacent industrial units.

- The site gives rise to significant levels of noise and the increased working hours would worsen these problems.
- The shredding plant has already worked outside permitted hours.
- The operations on site have given rise to dust impacts.
- The explosions are frightening to staff and have caused damage to adjacent buildings.
- Windows in adjacent units cannot be opened due to the impacts of noise, fumes and odour and the site has an unacceptable impact on staff welfare.
- The site is an inappropriate location for a metal fragmentiser plant and longer hours should not be permitted.
- The site is adjacent to EH Booths warehouse and central offices. The central offices have a high quality design and the explosion events have had impacts upon the structure of the building, including the glass curtain walling and have caused distress to staff.
- Booths state that they objected to the original planning application in 2010 for the change of use of the site to a scrapyards but later withdrew their objections as their concerns were allayed by the applicant company. However, their earlier fears have been exceeded and therefore no further permissions should be granted.
- The installation of additional plant may require planning permission and an environmental impact assessment.

Advice

Planning permission was originally granted in 2010 for the change of use of a former distribution warehouse and attached yard area to a metal recycling site. The permission included provision of plant and machinery located at the rear of the site for the shredding and fragmentising of metals.

The fragmentising plant is located on the north western and north eastern boundaries of the site and is of significant scale. The highest part of the plant is around 13 metres high and 90 metres in length. The plant includes a feed hopper, a main fragmentising plant incorporating a hammer mill for the mechanical breaking and shredding of scrap metal and a number of 'downstream' screening plants linked by conveyors for separating different metal types.

In the planning application, the applicant proposed that the fragmentising plant would be used between the hours of 07.30 - 14.00 Mondays to Fridays and 07.30 – 13.00 on Saturdays with no operation of the plant on Sundays and public holidays. These hours were incorporated into condition 3 of the planning permission. No other controls were imposed with respect to hours of operation and therefore metal recycling operations within the general yard area and within the building are currently unrestricted.

The applicant has now applied to amend condition 3 of planning permission 6/10/0169 so that the metal fragmentising plant can be used between the hours of 07.30 – 17.30 Mondays to Fridays with no change to the hours on Saturdays and Sundays. Longer hours are required to maximise production and to allow for maintenance during normal working hours.

Scrap metal including end of life vehicles is imported to the site for recycling. End of life vehicles are normally crushed for ease of transport. Scrap metal is then loaded into a hopper at the start of the fragmentising plant and passes through a hammer mill which breaks down the feedstock into smaller pieces so that it can be separated into different metal types through magnetic separators. The hammer mill is able to accept crushed cars to reduce them to fragmented metal and is therefore a large and powerful piece of equipment which can generate significant levels of noise. There are also occasions where items such as fuel tanks or particularly gas bottles concealed within larger bails of metal are fed into the process and which then give rise to explosions or 'flame events' when they are passed through the hammer mill. The shredded product then passes along a series of conveyors and other separation plant situated adjacent to the north eastern boundary of the site.

The application for longer operating hours for the fragmentising plant has given rise to a number of objections including from residents who are concerned about noise levels including in the night time period. A number of businesses on the Rough Hey Road Industrial Estate which are located immediately adjacent to the fragmentiser plant have objected due to the incidence of the explosion events causing vibration and disturbance, flies, general dust and noise levels. Agents for EH Booth Ltd who have a distribution warehouse and main office to the south east of the application have objected particularly in relation to the disturbance to staff and structural damage to their head office building caused by the explosions.

The plant subject to this application is part of a significant recycling operation and therefore makes an important contribution towards the recycling of metals in the north west. The facility as a whole therefore contributes to ensuring that waste metals are managed at the highest level possible within the waste hierarchy. The extension of working hours for the fragmentising plant would further enable that objective to be achieved by increasing the volume of material that can be processed by the plant. However, it is also important to ensure that such operations are undertaken with due regard to local amenity and the health and safety of other adjacent landusers.

Paragraph 120 – 123 of the NPPF requires that planning decisions should ensure that new development is appropriate to its location and that the effects of pollution on general amenity should be taken into account. In carrying out this exercise, it states that LPA's should focus on whether the development itself is an acceptable use of land and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. In such circumstances LPA's should assume that these regimes will operate effectively.

In their response to the planning application, the Environment Agency state that the site is regulated by them through an environmental permit. The EA state that they consider that the operation of the fragmentising plant is currently contributing towards a number of off site amenity impacts and that an increase in operating hours could increase the risk of impact pending implementation of further control measures including enclosure of the fragmentiser, installation of a pre shredder and further monitoring. In a further response, the EA state that the applicant Company are current working to install a pre shredder and that they are in discussions with the Company regarding a range of other measures to mitigate for noise and dust. The

pre shredder would reduce explosion events as it would allow vehicles and other crushed metal to be slowly pulled apart enabling a visual inspection before waste is admitted into the hammer mill. The EA consider that installation of the pre shredder would prevent the majority of the explosion events.

In response to recent explosion events, (most recently on the 9th February), the EA have served a notice on the applicant Company which prohibits certain waste streams from being imported to the site – these waste streams are end of life vehicles which are imported in crushed form from elsewhere and which the EA consider are responsible for the majority of the explosion events.

The principle of the use on this site has already been established. The planning issue to consider is whether the use of the fragmentiser plant for an additional 3.5 hours on Monday to Friday afternoons will result in unacceptable impact on local amenity by reason of noise, dust or other impacts. In relation to noise, the EA state that their most recent monitoring indicates that current noise levels from general site operations are not causing an off site impact due to the generally high background noise levels in this area. It is considered that the background noise levels over the proposed extended period will not be dissimilar to those during the current permitted working hours and therefore, it is unlikely that noise from normal operations between the hours of 14.00 – 17.30 would give rise to unacceptable impacts. There are still issues with particularly high instantaneous noise events and vibration levels arising from the explosion events. However, the EA have the controls within the permitting system to exclude the waste streams that are likely to cause such events and can also require the operator to install improvements (such as the pre shredder) to reduce the incidence of such events. Given the main detrimental impacts of the site arise from particular aspects of the operation, which the EA have the power to control, it is considered that the extension of operating hours is acceptable.

The boundaries of the external yard area are currently formed by a concrete panel wall which is constructed between metal columns. This wall was permitted in 2013 (planning application 6/12/0964) and varies in height between 6 and 4.5 metres high and provides some screening to the metal recycling operations. However, the metal columns extend beyond the height of the concrete panels. A condition to the planning permission requires the metal columns to be reduced in height so that they equate with the height of the columns but to date this condition has not been complied with. It is considered that there would be some merit in reviewing the design of the wall including the addition of a further row of concrete panels to raise the height of the wall, particularly on the north eastern boundary of the site where the fragmentiser plant adjoins other industrial units. Such works would provide additional screening of noise and dust and the visual impacts arising from the raising of the wall would be acceptable in this industrial location. It is therefore considered that a condition should be imposed requiring a further review of the boundary treatments to the site.

Objections have also been received in relation to odours and flies. It is understood that these issues arose through the importation of metal cans derived from household waste collections. The extension of working hours for the fragmentiser would not increase the likelihood of such impacts and in any event, odours and pests are matters for the EA to control through the permit.

There are currently no restrictions on the hours of operation for the site outside of the fragmentiser. A number of objections, particularly from local residents, are concerned with noise disturbance arising from activities on this site in the evening and night time period. The applicant has agreed that they would accept a control on the hours of general site operations in the external yard as part of a new permission to allow the fragmentiser to be operated for an extended period. Such controls would clearly reduce the impact of the operation on local amenity particularly for the nearest residential receptors.

In conclusion, the concerns of local residents and other adjacent land users with regard to the operations on this site are acknowledged. However, the principle of the use of the fragmentiser plant on this site has already been approved through the 2010 permission and it is considered that the extension in the hours of use of the plant in normal operation would not give rise to unacceptable impacts on local amenity or health and safety. Whilst there are concerns in relation to particular aspects of the operation of the plant, these are matters that can be controlled effectively by the Environment Agency and the planning system should proceed on the basis that these regimes will operate effectively. On this basis, the application is considered acceptable in relation to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

In view of the scale, location and nature 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:

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 ref 6/10/0169 and supporting statement received by the County Planning Authority on 18th March 2010 as amended by the planning application ref LCC/2015/0070 received on 15th July 2015.

- b) Submitted Plans and documents:

Plans and Drawings submitted with planning application 6/10/0169: _

Drawing E5800098105 -01-ZNG1 Rev A - Installation Drawing
Drawing 649/SK/01 Rev B - Existing site layout plan
Drawing 649/PL/01 Rev A - Location Plan
Drawing 649/SK/05 Rev D - Proposed Site Layout Plan
Environmental Noise Impact Study - R0243-REP01A-SJW (as amended May 2010)
Preliminary Services Drawing

Transport Statement - T1242 REV 1 - February 2010

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 Lancashire Minerals and Waste Local Plan.

2. No metal recycling operations including operation of the fragmentising plant shall take place outside the hours of:

07.30 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.30 to 13.00 hours on Saturdays

No metal recycling operations or operation of the fragmentising plant shall take place at any time on Sundays or Public Holidays.

The requirements of this condition shall not apply to the depollution of end of life vehicles, to metal recycling operations taking place within the building or carrying out essential repairs to plant and machinery used on site.

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

3. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

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

4. Within three months of the date of this planning permission, a scheme and programme for the review of the existing boundary treatments to the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall include details of the following:-

- a) a review of the heights of the existing boundary treatments on the south western, north western and north eastern boundaries permitted under permission ref 6/12/0964 including the heights of concrete panels and steel uprights and the positioning of the floodlighting with respect to the concrete panels.
- b) the need for additional fencing along the south western boundary of the site including design and heights of fencing.

c) the need for additional landscaping to screen the existing or proposed fencing to include details of areas to be planted, sizes and species of plants, planting techniques and protection measures.

d) a timescale for the installation of the additional boundary treatments and landscaping measures.

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

5. A copy of this permission and all other 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 that all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. No waste materials or recycled materials shall be stockpiled outside the areas shown for this purpose on Drawing 649/SK/05 rev D and such stockpiles shall not exceed 5 metres in height.

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

7. No waste other than ferrous and non ferrous metals, waste electronic and electrical equipment and end of life vehicles shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

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 Lancashire Minerals and Waste Local Plan.

9. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

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 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/Ext
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LCC/2015/0070		
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15th July 2015		
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Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate
N/A