

**Development Control Committee**  
Meeting to be held on 13<sup>th</sup> April 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.**  
**Appendix A refers**

Contact for further information:  
Jonathan Haine, 01772 501772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **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) 07.30 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**

Based upon the Committee's conclusion that the impacts of the proposal are considered likely to be so great as to render the proposal unacceptable, then the application be refused for the following reason:-

The proposed extension of operating hours for the fragmentiser plant would be likely to have unacceptable impacts on the amenities of adjacent land users by reason of noise, dust and vibration contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

### **Background**

This application was reported to the meeting of the Development Control Committee on 2<sup>nd</sup> March 2016. A copy of the report is set out at Appendix A. The Committee resolved to refuse the application having concluded that the proposal would be likely to result in unacceptable harm to the amenities of the area. The Committee further resolved that the application should be reported back to the next available committee to confirm the full reasons for refusal.

## **Applicants proposal and Description and Location of Site**

This information was included within the report to the Development Control Committee meeting of 2<sup>nd</sup> March 2016.

## **Planning Policy**

The following policies were considered to be of most relevance to the proposal:-

National Planning Policy Framework

Paragraphs 6 – 14, 17 and 122 – 123 of the National Planning Policy Framework 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 Core Strategy

Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 Development Management

Central Lancashire Core Strategy

Policy 10 Employment premises and sites

Preston City Local Plan

Policy V1 Model policy

Policy AD1(a) Development within (or in close proximity to) the existing residential area.

Policy AD1(a) was not referenced in the report to the 2<sup>nd</sup> March 2016 Committee but is considered to be relevant to the planning application.

## **Consultations**

The consultation responses and representations relevant to the application were summarised in the report to the 2<sup>nd</sup> March 2016 Development Control Committee meeting. No further consultation responses or representations have been received subsequent to the report being published.

Two presentations by members of the general public were made to the meeting of the Development Control Committee on 2<sup>nd</sup> March 2016 which are summarised as follows:-

Mr Andrew Tait from Abbot Associates representing Booths Supermarkets – explained that his client's property was close to the south west boundary of the site. A number of explosions had caused significant distress to Booth's staff from air pressure effects and noise which had caused the glass panels at the rear of their

central offices to move and crack. 60 – 80 staff were employed at the Booths site but the explosion events have resulted in the office building having to be evacuated which has made staff apprehensive. The additional hours would give potential for more explosive events. Mr Tait noted that pre shredding equipment had been installed at the site – the effectiveness of this should be monitored before there is any agreement to longer hours. The decision on the current planning application should therefore be deferred to allow this to take place.

Mr Marco del Pol (Agent on behalf of applicant) – his clients were pleased to note the conclusions and recommendations of the report. He noted that the merits of the pre shredder had been set out by the case officer in his presentation to the committee. The pre shredder had cost £¾ million to install and should reduce the incidence of flame events. He urged the committee not to defer consideration of the application as requested by Abbot Associates but to accept the officer's recommendation.

### **Advice**

After hearing the officer presentation and public speakers opposing and supporting the proposal, the Committee resolved:-

- i) that the application be refused due to the likely detrimental impacts of the proposed development on local amenity and;
- ii) that a further report setting out the precise reasons for refusal in terms of the policies of the Development Plan be reported back to the Committee.

At the 2<sup>nd</sup> March Committee, the concerns of Members of the Committee related to the impacts of noise, vibration and dust arising from the operation of the fragmentiser plant and particularly the impacts of flame events resulting from inappropriate materials being admitted into the fragmentiser plant.

Policy DM2 of the Lancashire Minerals and Waste Local Plan is a central policy against which all waste management proposals are considered. The policy supports waste management operations where it can be demonstrated that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

The application is to extend the hours of use of the fragmentiser plant and the proposed development would therefore result in an extended period over which the impacts of this plant including noise, dust and vibration might be experienced. In the light of the consultation responses and representations received from adjacent landusers, the Committee could conclude that the longer hours of operation for the fragmentiser plant would extend the duration of such impacts on the adjacent landusers contrary to Policy DM2 of the LMWLP.

Policy AD1(a) of the Preston City Local Plan - Site Allocations and Development Management Policies sets out criteria for assessing development within or in close proximity to the existing residential area. The policy states that such development will be permitted where the design and scale of development is sensitive to and in keeping with the character and appearance of the area, there would be no adverse impact on residential amenity by reason of noise and general disturbance, the proposal would not lead to an over concentration of non residential uses and the

proposal would not lead to an over intensification of use of the site. The City Council considers that the proposal is contrary to this policy.

The supporting text to policy AD1(a) does not specify the distances where development would be considered to be in close proximity to existing residential areas. The nearest properties are located around 450 metres to the north east of the site on the edge of Grimsargh and whilst the separation distances are considerable, it is considered that this policy could be considered relevant to this application.

The policy requires that development in such areas would not give rise to adverse impacts on residential amenity by reason of noise and general disturbance. Whilst the additional hours of use of the fragmentiser plant would extend the duration over which the impacts are experienced, the nearest residential properties are located at some considerable distance from the site with a range of other industrial uses in between. It is unlikely that there would be any dust or vibration impacts over such long distances and therefore the only possible effects might be in terms of noise. However, some of the nearest properties are located adjacent to a busy road and day time noise levels in the general area are relatively high given the proximity of the motorway and other industrial / distribution type developments. Therefore, it is considered that it would be difficult to demonstrate that the proposed development would be so harmful to residential amenity that it would be contrary to Policy AD1(a). Consequently, to refer to this policy in any reason for refusal would not be sustainable.

## **Human Rights**

Article 1 of the 1<sup>st</sup> Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The refusal of planning permission has the potential to affect the applicant's rights under this Article. However, the County Council has a duty to secure the proper location and design of waste recycling development in order to protect the amenities of local land users as set out in the policies of the Development Plan. The proposal would conflict with these policies and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by refusal of permission and that refusal of the application would not place a disproportionate burden on the applicant.

## **Conclusions**

At the meeting of the Committee on 2<sup>nd</sup> March 2016 it was resolved to refuse the application due to its likely detrimental impact on local amenity but to report the application back to a subsequent meeting in order to agree full reasons for refusal. Taking into account the location of the site and the likely impacts of the development, it is considered that the proposal could be found to be contrary to Policy DM2 of the LMWLP due to the impacts on adjacent landusers. However, it is considered unlikely that the proposal would have a unacceptable impacts on the nearest residential properties and therefore there would be no conflict with Policy AD1(a) of the Preston City Local Plan – Site Allocation and Development Management Policies.

## **Recommendation**

If the Committee concludes that the likely impacts of the proposal would be so great as to render the proposal unacceptable, then the application be refused for the following reason:

The proposed extension of operating hours for the fragmentiser plant would be likely to have unacceptable impacts on the amenities of adjacent land users by reason of noise, dust and vibration contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

Paper	Date	Contact/Directorate/Ext
-------	------	-------------------------

LCC/2015/0070		
---------------	--	--

15th July 2015		
----------------	--	--

Report to the Development Control Committee		
---	--	--

2 March 2016		
--------------	--	--

Jonathan Haine Planning and Environment 534130		
--	--	--

Reason for Inclusion in Part II, if appropriate N/A		
--	--	--