

Development Control Committee
Meeting to be held on 25th May 2016

Electoral Division affected:
Lytham

Fylde Borough: Application number LCC/2016/0014
Change of use of land and building as an extension to the existing adjacent waste transfer station and for the storage of skips (Retrospective application).
Land at Lidun Park Industrial Estate, off Boundary Road, Lytham.

Contact for further information:
Rob Jones, 01772 501772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective change of use of land and building as an extension to the existing adjacent waste transfer station and for the storage of skips (Retrospective application). Land at Lidun Park Industrial Estate, off Boundary Road, Lytham.

Recommendation – Summary

That planning permission be **granted** subject to conditions relating to working programme, hours of operation, building materials, noise, dust and litter, site operations, highway matters and floodlighting.

Applicant's Proposal

The proposal is for the retrospective change of use of a vacant piece of land and industrial building for the recycling and transfer of inert and non-hazardous household, commercial and industrial waste.

Waste materials are currently delivered to the adjacent waste transfer station, sorted within the building by a combination of machinery and by hand, and then stored outside in designated skips and on the ground in the yard areas of both the existing site and the site the subject of this application, before removal from site for reuse or disposal. The intention is that the sorted wastes will be stockpiled and stored outside within moveable bays to be constructed from concrete 'lego' type blocks that can be covered to enclose any windblown material. The building is used for the storage of plant and equipment, and potentially for additional indoor space for the sorting of waste.

The operating hours are 0730 to 1700 hours Monday to Saturday, and closed on Sundays and public/bank holidays.

Description and Location of Site

The site is located on the northern edge of the Lidun Park Industrial Estate on the edge of Lytham approximately 2km north-east from the town centre. Access to the industrial estate is from Boundary Road that leads on to the A584 Lytham Road. The site is a flat and triangular shaped piece of land 0.2 hectares in area. It consists of a building measuring 26 metres by 16 metres on the west side of the site located by 2m high metal palisade access gates, a small area between the front of the building and Boundary Road that is used for the storage of skips, and a hard surfaced yard area on the east side of the site used for the outside storage of sorted waste and skips.

The site is bordered to the east by a tidal watercourse known as the Main Drain that forms part of the Lytham Coastal Changes Site of Special Scientific Interest (SSSI) beyond which are flat and open fields in agricultural use. To the west is an existing unit within the industrial estate, and to the south is the existing permitted waste transfer station and other industrial units. The site lies within Flood Zone 3.

The nearest residential dwellings are on Cheviot Avenue. The rear boundaries of the houses back onto a railway line that separates them from the industrial estate. The closest property is approximately 45m to the west of the application site.

Background

History

There is no relevant planning history for the application site but it was previously used by an engineering company prior to becoming vacant.

Land adjacent to the site is subject to the following permissions which are relevant to the current application.

Planning permission for the change of use of vacant land to a Waste Transfer Station and the erection of an associated industrial building, was granted on 22 May 2008 (ref. 05/08/0326).

Planning permission for the change of use of land for the storage of empty skips was granted on 07 May 2015 (ref. 15/0152) by Fylde Borough Council. The permission is temporary for a period of five years and relates to land adjacent to the railway line to the west of the application site.

A retrospective planning application on the existing waste transfer station for the retention of a trommel and two extensions to the existing waste transfer building; one for use as an office building and one as an open sided structure to cover sorting and screening equipment (ref. LCC/2016/0013), has not yet been determined as further information is required to be submitted.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 103 – 104, 109, 111, 122, 123 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, conserving and enhancing the natural environment, use of brownfield land, permitting regimes operated by pollution control authorities, noise and light pollution.

National Planning Policy for Waste

National Planning Practice Guidance

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

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

Policy WM1 Capacity of Waste Management Facilities

Policy WM3 Local Built Waste Management Facilities

Fylde Borough Local Plan

Policy SP1 Development within Settlements

Policy EMP2 Existing Industrial Areas

Policy EMP4 Buffer Zones and Landscaping on Industrial Estates

Policy EP16 Sites of Special Scientific Interest

Policy EP23 Pollution of Surface Water

Policy EP26 Air Pollution

Policy EP27 Noise Pollution

Policy EP28 Light Pollution

Policy EP30 Development within Floodplains

Consultations

Fylde Borough Council – No objection but request that screen landscaping be provided to the northern boundaries of the site to mitigate the visual impact of stored skips when viewed from passing rail traffic and from across the wider adjoining countryside.

LCC Highways Development Control – No objection. The development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

Environment Agency – No objection. The application site lies within Flood Zone 3 in an area benefiting from defences. A Flood Risk Assessment has not been submitted with the application but the proposal is considered to be of low risk and therefore would not create unacceptable flood risk. The site is bordered by a watercourse 'Main Drain' which is classed as a Main River and any work carried out within our easement of Main Drain will require Flood Defence Consent. This development requires an environmental permit if the applicant intends to carry out waste management activities as suggested.

LCC Specialist Advisor (Ecology) – No observations received.

Natural England – No objection. EN are satisfied that the proposed development will not damage or destroy the interest features for which Lytham Coastal Changes SSSI has been notified.

Representations – The application has been advertised by press and site notice and local residents informed by individual letter. Two letters of objection have been received from local residents commenting that the extended site would create noise and vibration disturbance to nearby residential properties in addition to such problems already arising from the existing permitted waste transfer station. To mitigate against the noise and vibration, it is suggested that an acoustic barrier mound be erected on the industrial estate side of the railway line, and the skip storage area (the subject of permission ref. 15/0152) be relocated to another part of the site and as far from the houses as is possible. Similarly, the area where the waste is dumped and where the mechanical digger operates should be moved away from the housing area. Fylde Borough Council is investigating an alleged breach of operating hours and the lack of the provision of a planted tree scheme associated with permission ref. 15/0152.

Advice

Retrospective planning permission is sought for the change of use of a 0.2 hectare area of land including a building for use as an extension to an existing permitted waste transfer station and for the storage of skips. The applicant operates a skip hire company and waste transfer station on an adjacent unit and has purchased the application site to enable an expansion of the skip hire and waste transfer business which currently employs 20 people. The principle issues concern the acceptability of the site to be used for this purpose, the potential to cause nuisance or disturbance to local residents and highway safety.

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 Development Framework Core Strategy DPD, the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the Fylde Borough Local Plan (FBLP).

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 supports and secures sustainable economic growth in order to create jobs and prosperity. 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 waste can be managed as a resource. The proposal would provide increased facilities for the collection and recycling of inert and non-hazardous household, commercial and industrial waste materials and complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD in terms of waste management strategy.

The site is located within Lidun Park Industrial Estate. Policy WM3 of the Lancashire Minerals and Waste Local Plan supports local waste management facilities firstly on the strategic sites listed in Policy WM2 and the local sites as listed in Policy WM3, and then other vacant previously developed land. The site is an existing established industrial estate and therefore the proposal conforms to the general locational criteria in Policy WM3. The site is subject to Policy EMP2 of the Fylde Borough Local Plan. Where industrial estates are located adjacent to residential areas, open countryside or other sensitive locations, Policy EMP4 of the Fylde Borough Local Plan seeks to protect the amenities of such areas through the use of effective buffer / landscaping zones on the relevant boundaries and not permitting industrial development within a minimum distance of 30 metres from any existing dwelling.

Fylde Borough Council have not objected but advise that screen landscaping be provided to the northern boundaries of the site to mitigate the visual impact of stored skips when viewed from the railway and from across the wider adjoining countryside. However, it is considered that such landscaping would not be possible because it would result in the loss of land within the site to the detriment of operational area. It would also not be possible to undertake planting outside the boundary as the applicant does not own this land and the Environment Agency does not normally consent to planting within their easement of 8m of the top of the Main Drain. An advice note is to be included in relation to the Environment Agency's comments.

Two letters of objection have been received from local residents concerned that the extended site would create noise and vibration disturbance to nearby residential properties, in addition to such problems already arising from the existing permitted waste transfer station, and the skip storage area granted by Fylde Borough Council on land adjacent to the railway line.

The nearest residential dwellings are to the west on Cheviot Avenue. The rear boundaries of the houses back onto a railway line that separates them from the industrial estate. The closest property boundary is approximately 45m from the building and adjacent small area used for the storage of skips, and 60m from the

hard surfaced yard area to be used for the outside storage of sorted waste, although other houses in the locale increase in distance from the application site due to the route of the railway line. The building on the site screens the yard area to a significant degree from the houses on Cheviot Avenue and therefore it is considered that activities such as the storage of skips and recycled waste materials could take place at the rear of the building furthest from the houses without causing harm to the amenities of local residents. The location and design of the outside storage of sorted waste and skips should be the subject of a planning condition.

The existing permission 05/08/0326 for the waste transfer operations contains a number of conditions relating to hours of operation, noise, dust and litter, and site operations.

In relation to hours of operation, it is proposed that the extended site be open 0730 to 1700 hours Monday to Saturday, and closed on Sundays and public/bank holidays. However, to ensure consistency and to accord with the existing waste transfer site, the hours of operation should be restricted to 0800 to 1800 hours Monday to Saturday, and closed on Sundays and public/bank holidays. A condition should require that all plant, equipment and other machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment.

The applicant proposes all sorted wastes (inert, wood, scrap metal and plastic) to be stockpiled outside in the yard area along the eastern boundary of the site adjacent to the Main Drain within moveable bays to be constructed of concrete 'lego' type blocks that can be covered to enclose any windblown material. The principle of the storage of sorted waste within moveable bays is considered acceptable. In the location along the eastern boundary, the use of the concrete blocks would provide some visual screening as requested by the Borough Council, and also prevent waste from falling outside of the site into the watercourse. The applicant has submitted a plan showing the design of the storage bays and this is considered acceptable subject to control over stockpile heights and sheeting to prevent windblown material.

Provided that conditions are imposed regarding hours of working, noise, dust, litter, floodlighting, control of external storage activities, and a restriction on the height of stored skips, the development is considered acceptable in terms of residential amenity and complies with Policy CS9 of the Core Strategy DPD, Policy DM2 of the LMWLP, and Policies EMP2, EMP4, EP16, EP23, EP26, EP27, EP28 and EP30 of the Fylde Borough Local Plan.

The site is easily accessed from the A584 Lytham Road via Boundary Road. No details have been provided as to the number of HGV's visiting the site each day. However, LCC Highways Development Control have no objection and are satisfied that the development should have a negligible impact on highway safety and capacity in the immediate vicinity of the site. A condition should be included to require that all vehicles transporting materials from the site shall be securely sheeted.

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 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 received by the County Planning Authority on 1st February 2016.
 - b) Submitted Plans and documents received by the County Planning Authority on 1st February 2016:

Drawing No. 6632/PL/02 - Change of Use to Existing Building - Planning Layout & Details

Drawing No. 6632/PL/03 Rev A - Layout of concrete block storage areas from stockpiles to be removed off site.
 - 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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM2 and WM1 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies SP1, EMP2, EMP4, EP16, EP23, EP26, EP27, EP28 and EP30 of the Fylde Borough Local Plan.

Hours of Working

2. No waste transfer or sorting operations shall take place outside the hours of:

0800 to 1800 hours, Mondays to Saturdays except public holidays.

No waste transfer or sorting operations shall take place on Sundays or public holidays.

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

Reason: To safeguard the amenity of local residents and adjacent properties, landowners and land-users, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies EP26, EP27 and EP28 of the Fylde Borough Local Plan.

Control of Noise

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy EP27 of the Fylde Borough Local Plan.

Dust and Litter

4. Measures shall be taken at all times during the development to ensure that no dust or wind blown material from the site is carried on to adjacent property and which shall include the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties, landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy EP26 of the Fylde Borough Local Plan.

5. All skips within the site containing light materials such as paper or plastics shall be netted at all times to ensure that there is no release of litter outside of the site.

Reason: In the interests of local amenity and to protect the adjacent Lytham Coastal Changes Site of Special Scientific Interest and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies EP16, EP23 and EP26 of the Fylde Borough Local Plan.

Site Operations

6. The areas for the external storage of sorted materials shall be laid out and constructed according to the dimensions shown on drawing 6632/PL/03 Rev A. Stockpiles of sorted materials within the bays shall not exceed 3.5 metres in height. The bays used for the storage of plastics and mixed wastes shall incorporate netting or other measures to prevent materials from leaving the site.

No sorted waste materials shall be stored other than within the bays shown on drawing 6632/PL/03 Rev A.

Reason: In the interests of local amenity and to protect the adjacent Lytham Coastal Changes Site of Special Scientific Interest and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies EP16, EP23, EP26 and EP30 of the Fylde Borough Local Plan.

7. No sorting of waste materials shall be carried out other than within the waste transfer building shown on the submitted Drawing No. 6632/PL/02 - Change of Use to Existing Building - Planning Layout & Details.

Reason: To protect the amenities of surrounding land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies EP26 and EP27 of the Fylde Borough Local Plan.

8. No waste materials or skips shall be stored on the ground in the area between the front (west facing elevation) of the building and Boundary Road as shown on the submitted Drawing No. 6632/PL/02 - Change of Use to Existing Building - Planning Layout & Details.

Reason: To protect the amenities of surrounding land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies EP26 and EP27 of the Fylde Borough Local Plan.

9. All pre-sorted waste stored outside of the building shall be contained within skips.

Reason: To safeguard the amenity of adjacent properties, landowners and land-users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

10. Empty skips shall not be stored to a height exceeding 4 metres.

Reason: To safeguard the amenity of adjacent properties, landowners and land-users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Highway Matters

11. All vehicles transporting 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Floodlighting

12. Any flood lighting to be used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill and only illuminated during the working hours specified in condition 2.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy EP28 of the Fylde Borough Local Plan.

Notes

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

The watercourse adjoining the site is designated a `Main River` and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Environment Agency for consideration.

The Environment Agency has a right of entry to Main Drain by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Pippa Hodgkins on 02030 251397 to discuss our access requirements.

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

Paper **Date** **Contact/Directorate/Ext**

LCC/2016/0014 01 February 2016 Rob Jones/534128

Reason for Inclusion in Part II, if appropriate

N/A

