

Development Control Committee
Meeting to be held on 13th July 2016

Electoral Division affected:
West Lancashire South

West Lancashire Borough: Application Number LCC/2016/0022
Change of use of land and buildings to a waste transfer station and for the storage of skips, the provision of three metal corrugated cabins for use as staff toilets and a kitchen, and 25 car parking spaces. Units 11 - 13 Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

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

Executive Summary

Application - Change of use of land and buildings to a waste transfer station and for the storage of skips, and the provision of three metal corrugated cabins for use as staff toilets and a kitchen, and 25 car parking spaces. Units 11 - 13 Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

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

Applicant's Proposal

The application is for the change of use of three industrial units from their existing use as container storage to a use for the recycling and transfer of inert and non-hazardous inert construction, demolition and excavation waste. The application also proposes the provision of three metal corrugated cabins for use as toilets and a kitchen, and the provision of 25 car parking spaces. The application site has an area 0.49 hectares.

Waste materials would be delivered to the site and sorted and stored within the units by a combination of machinery and by hand before removal from site for reuse or disposal. Empty skip containers would be stored outside. The site would handle approximately 40,000 tonnes of waste per year.

The three metal corrugated cabins would each measure 6.6m long by 2.4m wide by 2.6m high, with a blue roof and two windows and a door. The 25 car parking spaces would include 2 disabled spaces.

The proposed operating hours would be 0700 to 1900 hours Monday to Friday, 0730 to 1600 hours on Saturday, and 0800 to 1400 hours on Sundays.

The importation of waste is anticipated to generate a maximum of 11 x 10 tonne HGV movements, or 7 x 15 tonne HGV movements, plus a possible 1 x 20 tonne HGV movement, per day, from the import of waste to the site. Export of residual waste and reclaimed materials would generate similar levels of traffic.

Description and Location of Site

The site is located within Simonswood Industrial Estate to the south of Stopgate Lane approximately 300m from the northern edge of Kirkby. The site has an area of 0.49 hectares. The three Units 11 - 13 at the site are adjoined and located on the west side of the site. The remainder of the site is open with a tarmaced surface. The site is enclosed on all sides by 2.4m high palisade fencing, with vehicle access through gates on the south side of the internal road that runs through the industrial estate. To the north and east are hangar style buildings used for storing timber. Metal shipping containers are stored on land to the east and north-west with the land directly to the west being vacant. The Kirkby to Wigan railway line is separated from the southern boundary of the site by screen planting and a distance of 30m, with agricultural fields beyond.

The open tarmaced area is adjacent to the vehicular access gates to the site. It would be used as a vehicle turning/ manoeuvre area. The three cabins and the car parking spaces would be located around the edge of the turning area.

The nearest residential dwellings are at Woods Farm and Keeper's House approximately 440m and 410m away to the south-west and south of the application site beyond the railway line and at Siding Lane Cottages approximately 410m to the north-west of the site beyond the industrial estate.

Background

The site forms part of a large industrial estate. There is no relevant planning history for the site but the applicant has advised that it was previously used as a storage yard for containers.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 123 and 125 are relevant with regards to the requirement for sustainable development, core planning principles, building a strong competitive economy, the requirement for good design and noise and light pollution.

National Planning Policy for Waste

Section 7 is relevant in relation to the determination of planning applications.

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 WM2 Large Scale Built Waste Management Facilities
Policy WM3 Local Built Waste Management Facilities

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3 Criteria for Sustainable Development
Policy EC1 The Economy and Employment Land

Consultations

West Lancashire Borough Council – No objection.

Simonswood Parish Council – Object. The operations within the industrial estate do not work within their licence agreement. They work 7 days a week. The industrial estate has become a recycling waste storage site, not a transfer station. The surrounding roads are not suitable for the HGV's using them now. The proposed use would increase the number of HGV's that speed through Stopgate Lane to the Rainford bypass with no respect for the residents that live there.

LCC Highways Development Control – No objection subject to a condition that the vehicle turning/ manoeuvre area be kept clear at all times.

Environment Agency – No objection. This development requires an environmental permit.

Representations – The application has been advertised by press and site notice and local residents informed by individual letter. No representations have been received.

Advice

Planning permission is sought for the change of use of land including three industrial units for use as a waste transfer station and for the storage of skips. The applicant operates his own skip hire company and wishes to maximise the economic opportunities by reclaiming and recycling waste materials. 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 Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD).

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 Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource, while Policy CS8 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 facilities for the collection and recycling of inert and non-hazardous inert construction, demolition and excavation waste materials and complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy in terms of waste management strategy.

The site is located within Simonswood Industrial Estate. Policy WM3 of the Joint Lancashire Minerals and Waste Local Plan supports local waste management facilities of a capacity of around 50,000 tonnes per year, 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. Simonswood Industrial Estate is one of the strategic sites listed in Policy WM2. The proposal therefore conforms to the general locational criteria in Policies WM2 and WM3 of the LMWLP.

Simonswood Industrial Estate is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed use would have an industrial character and hence conforms with Policy EC1. It should be noted that a number of other units located on the Simonswood Industrial Estate are also used for waste transfer uses and therefore the use of the application site for the proposed use would not be particularly different from those found on other nearby units. However, the impacts of the proposed use have to be assessed and found to be acceptable to fully comply with the policy.

The waste materials delivered to the site would be sorted and stored within the buildings by a combination of machinery and by hand, before removal from site for reuse or disposal. This would contain dust and the noise from the sorting machinery. Given the distance to the nearest residential dwellings and that all sorting and storage operations would be undertaken within the units, it is considered that the development would not have an unacceptable adverse impact on the amenities of the surrounding area and residents. To ensure this, conditions are proposed regarding hours of working, noise, control of external storage activities and floodlighting.

The applicant has requested permission to operate on Saturday afternoons and Sunday mornings. The site is relatively small and given its location at some distance from residential properties in the centre of an industrial estate, such hours of operation are considered acceptable.

The site is easily accessed from the southside of Stopgate Lane via the internal road that runs through the industrial estate. Details as to the number and type of HGV's expected to be associated with the use have been provided. Simonswood Parish Council have objected that the operations within the industrial estate do not work within their licence agreements, that the surrounding roads are not suitable for the HGV's using them now and that traffic from the use would increase the number of HGV's that speed through Stopgate Lane to the Rainford bypass with little consideration for residents.

The application site has a long history of previous industrial and storage and distribution uses and the levels of traffic arising from the proposed development would not be significantly different. In response to the Parish Council's concerns, the applicant has advised that they will not use this route because any HGV's associated with the proposed development would access the site in a westerly direction (to Liverpool, Kirby, Crosby, Maghull) at all times. In any case, there is a weight restriction that begins just to the east of the entrance to the industrial estate from Stopgate Lane which prevents any vehicle over 7.5 tonnes from traveling along the stretch of road referred to by Simonswood Parish Council. Any enforcement of the weight restriction would be the responsibility of the police. 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. In line with their suggestion, a condition should require that the vehicle turning/ manoeuvre area be kept clear at all times. A condition should also be included to require that all vehicles transporting materials from the site shall be securely sheeted.

With the conditions referred to above, the development complies with Policy CS9 of the Core Strategy, Policy DM2 of the LMWLP, and Policies GN3 and EC1 of the West Lancashire Local Plan. A note should also be attached at any permission to advise that the applicant is required to apply for an Environmental Permit for the proposed development from the Environment Agency under the Environmental Permitting Regulations 2010 (England and Wales).

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:

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 received by the County Planning Authority on 15th March 2016, and the emails received from the applicant on the 25th April 2016 and 12th May 2016.

b) Submitted Plans and documents received by the County Planning Authority on 15th March 2016:

Drawing No. 02 - Existing Elevations
Drawing No. 03 - Proposed Ground Floor
Drawing No. 04 - Proposed Elevations
Drawing No. 06 - Proposed Cabins Plan View

Submitted Plans and documents received by the County Planning Authority on 14th April 2016:

Drawing No. 03 - Existing Ground Floor

Submitted Plans and documents received by the County Planning Authority on 24th May 2016:

Drawing No. 05 - Proposed Block Plan

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, WM1, WM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Hours of Working

3. The site shall not be open for the receipt of waste or for the removal of waste / recyclable material, and no waste transfer or sorting operations shall take place, outside the hours of:-

0700 to 1900 hours, Mondays to Fridays

0730 to 1600 hours, Saturdays
0800 to 1400 hours, Sundays

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 the local 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 Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Control of Noise

4. 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 the local 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 Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Site Operations

5. There shall be no sorting and storage of waste other than within the buildings.

Reason: To safeguard the amenity of the local 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 Policies GN3 and EC1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Highway Matters

6. The vehicle turning/ manoeuvring area as shown on the approved Drawing No. 05 - Proposed Block Plan shall be kept clear of obstruction at all times to allow HGV's to turn within the site.

Reason: In the interests of highway safety 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 GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

7. All vehicles transporting materials from the site shall be securely sheeted.

Reason: In the interests of highway safety 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 GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Floodlighting

8. 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 3.

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 GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

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
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LCC/2016/0022	15 March 2016	Rob Jones/534128
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Reason for Inclusion in Part II, if appropriate

N/A