

Development Control Committee
Meeting to be held on 13 July 2016

Electoral Division affected: Lytham

Fylde Borough: Application No. 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.
(Appendix A refers)

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Executive Summary

Application - 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.

Background

A report on this application was presented to the meeting of the Development Control Committee on the 25th May 2016. 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 25th May Committee is appended at Appendix A.

Advice

At the 25th May meeting, a presentation was made by a member of the public opposing the application on the grounds that the continued development and operations at the site caused severe detriment to the amenity of residents. A recording of the noise levels emanating from the site, as taken from the speaker's rear garden, was played at the meeting to demonstrate this point. It was maintained that the breaches of the conditions designed to mitigate noise and dust levels contained within previous permissions had failed to safeguard residential amenity.

In response to the issues raised in the resident's presentation, it is important to distinguish between the impacts of the activity proposed in this planning application and complaints about breaches of the existing permission. Many of the issues raised

by the resident relate to activities in the existing waste transfer station or to the applicant's skip storage area closest to the houses, permission for which was granted by the Borough Council. The current application must be determined on its own merits and the complaints raised by the resident investigated as separate matters.

Whilst the activities proposed will inevitably generate some noise issues, the applicant proposes to undertake all waste sorting operations within the building which should adequately contain noise. It should be recognised that this site is located on an existing industrial estate where some noise, including from HGV's should reasonably be expected. With the conditions that are appended to this report, it is considered that the noise impacts of the proposal would be acceptable. An additional condition is recommended relating to reversing alarms for mobile plant.

Further information was submitted by the applicant following preparation of the report to the 25th May 2016 committee. This information was reported on the update sheet and primarily related to the wording of conditions 6 and 8 in terms of the use of an area at the front of the building for skip storage and the heights of the external storage bays.

In terms of Condition 6, the use of 5m, instead of 3.6m high retaining walls for outside storage would be acceptable in the proposed location along the eastern boundary of the site. It is considered that Condition 6 should be amended as follows:-

6. The areas for the external storage of sorted materials shall be laid out according to drawing 6632/PL/03 Rev A. The height of the retaining walls shall not exceed 5 metres.

Stockpiles of sorted materials within the bays shall not exceed 5 metres. The bays used for the storage of plastics and mixed wastes shall incorporate netting or other measures to prevent stored materials from leaving the site.

Condition 8: The applicant's comments regarding his use of the area at the front of the building for storage of empty skips are noted. The area concerned is small and could only accommodate a small number of skips. It is therefore considered that the wording of the condition should be amended to allow the storage of empty skips in this area.

8. No skips containing waste materials 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 and details.

In terms of the complaints about the existing site, the following information is provided:-

Complaints were first received by LCC in March 2015 that the applicant was operating outside of their permitted hours of operation, as stipulated by permission 05/08/0326, by starting at 7am instead of the permitted 8am, and working on Sundays when they are not permitted to do so. It was also reported that land adjacent to the railway line was being used by the applicant for the storage of skips.

Subsequently, a number of 'out of hours' site visits have been undertaken to ascertain any breach of planning permission 05/08/0326. The observations are as follows:

Sunday 14th June 2015 09:50 – 10:00: No activity.

Monday 15th June 2015 07:30 – 08:00: No activity. Site gates opened at 8:00am to workers/staff.

Thursday 01st October 2015: At 07:15, some of the skips stored on the land adjacent to the railway line were moved. As noted above, the planning permission for this activity was granted by Fylde Borough Council. The permission includes a condition restricting the movement of skips to between the hours of 0800 to 1800 on weekdays, and 0800 and 1300 hours on Saturdays, with no movement of skips at all on Sundays, Bank and Public Holidays.

Between 07:30-08:00 the empty skips by the railway line were being loaded onto the back of HGV's. No waste transfer or sorting operations were taking place in the permitted waste transfer site.

The complainant was advised as to the observations of the above site visit at the time, and that it had been brought to the attention of Fylde BC. In response to the subsequent complaint investigation by the Borough Council, the operator stated that he was aware of the issue and has changed working practices by loading empty skips stored within the yard area of the waste transfer station onto the back of HGV's either at the end of the working day or in the morning. The HGV's then drive out of the yard area to deliver skips to customers.

Saturday 11th June 2016 07:40 – 08:00: – Site gates were open but no activity could be seen within the building and no noise was being created.

Monday 20th June 2016 07:10 – 08:00: The site was viewed from within the industrial estate. Empty skips stored within the yard area of the waste transfer station were loaded onto the back of HGV's which were then driven out of the site. This activity is not considered to be a waste transfer or sorting operation and is therefore permitted under the existing permission. The skip storage area next to the railway line was not being used in any way.

The doors of the waste transfer building were open but no waste transfer or sorting operations were taking place either within the building or yard area. The only noise that was created was from HGV's leaving the site.

In relation to noise, there are no conditions on the existing permission that restrict noise to a specific level other than a requirement that all plant be appropriately silenced or attenuated. As a result of the visits that have been made to the site, it is considered that the planning conditions relating to the existing site in relation to noise impacts and hours of operation are not being breached.

In conclusion, providing that conditions are imposed regarding hours of working, noise, dust, litter, control of external storage activities, control of waste sorting activities, sheeting of vehicles and floodlighting, the development is considered acceptable in terms of residential amenity and complies with the policies of the Development Plan.

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.

The above hours of operation shall not apply to the movement of HGV's leaving the site with empty skips which shall be able to undertake such

movements from 07.00 Mondays to Saturdays. No such movements 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.

4. Within two months of the date of this permission, a scheme and programme detailing the types of reversing alarms to be fitted to mobile plant and machinery used on the site shall be submitted to the County Planning Authority for approval in writing.

The approved reversing alarms shall be fitted to all mobile plant used on the site within two months of the date of approval of the scheme and programme and shall remain fitted to plant and operational at all times thereafter.

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

Dust and Litter

5. 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.

6. 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

7. The areas for the external storage of sorted materials shall be laid out according to drawing 6632/PL/03 Rev A. The height of the retaining walls shall not exceed 5 metres.

Stockpiles of sorted materials within the bays shall not exceed 5 metres. The bays used for the storage of plastics and mixed wastes shall incorporate netting or other measures to prevent stored materials from leaving 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, EP26 and EP30 of the Fylde Borough Local Plan.

8. 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.

9. No skips containing waste materials 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 and 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.

10. 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.

11. 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

12. 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

13. 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 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