

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

Electoral Division affected:  
Lytham

**Fylde Borough: Application number LCC/2016/0013**  
**Erection of a detached office building and an open sided extension to the existing waste transfer building to cover a conveyor belt and two outside storage bays. (Retrospective application). Land at Lidun Park Industrial Estate, Off Boundary Road, Lytham.**

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### **Executive Summary**

Application - Erection of a detached office building, and an open sided extension to the existing waste transfer building to cover a conveyor belt and two outside storage bays. (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.

### **Applicant's Proposal**

The proposal is for retrospective planning permission for the erection of a detached office building, and an open sided extension to the existing waste transfer building to cover a conveyor belt and two outside storage bays.

The office building measures 7.3 metres by 3.9 metres by 2.8 metres high with a flat felt roof and concrete blockwork walls. There are three windows and a door in the north elevation, and a window and a door in the east and west elevations, respectively, with all frames made from white uPVC.

The open sided extension to the existing waste transfer building is a metal framed structure partially enclosed by green profiled metal sheeting, except for its north and part east side where it is open. It measures 6.2m by 3m with a maximum height of 5.5m being located above the two smallest storage bays. The extension contains a conveyor belt from which sorted materials are deposited into storage bays below.

There are three outside open storage bays adjoining the existing waste transfer building; two are 3.1m wide and one is 4m wide and all bays have a length of 4.7m and light blue metal 2.8m high dividing walls.

## **Description and Location of Site**

The site is located on the northern edge of the Lidun Park Industrial Estate on the outer 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 measures approximately 42 metres by 36 metres (0.15 ha). It consists of a waste transfer building measuring 23 metres by 16.8 metres by 7.1 metres high that occupies the south-west quarter of the site. The office building is located close to the north side of the transfer building and the western boundary of the site. The storage bays are located against the east side of the transfer building and close to the southern boundary of the site. Above the two smallest bays are the conveyor belt within the open sided extension. The remainder of the site is a hard surfaced yard area 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 a part of the Lytham Coastal Changes Site of Special Scientific Interest (SSSI) beyond which are agricultural fields, to the south and west by existing units within the industrial estate, and to the north by the another part of the industrial estate that is used for waste transfer purposes and is currently the subject of planning application LCC/2016/0014, reported elsewhere on this agenda.

The nearest residential dwellings are on Cheviot Avenue that back onto a railway line that separates them from the industrial estate. The curtilage of the closest property is 75m to the west of the office building and 100m from the open sided extension and the associated sorting and screening equipment.

## **Background**

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).

Land adjacent to the site is subject to the following permission and current undetermined planning application that are relevant to the current application:

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 for the change of use of land and building as an extension to the existing adjacent waste transfer station and for the storage of skips (ref. LCC/2016/0014), is reported elsewhere on this agenda.

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 103 – 104, 109, 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, noise and light pollution.

National Planning Policy for Waste – section 7 is relevant with regards 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

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 a noise assessment be carried out in respect of the sorting and screening equipment to ensure nearby residents are not subjected to noise nuisance.

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 be of an unacceptable flood risk. This proposed development has an existing bespoke environmental permit authorising waste management activities with an annual throughput of 50,000 tonnes. The application suggests that annual quantities will increase and therefore a variation to the existing environmental permit to consider additional tonnages would be required for approval. As the site is

adjacent to a designated Main River, the applicant should be aware of '*Environmental Permitting – Flood Risk Activities*'. As of 6 April 2016, the Flood Defence Consent regime has moved into the Environmental Permitting Regulations. The watercourse, Main Drain, adjacent to the site is designated a Main River and the developer may need an Environmental Permit. 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.

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 objections have been received from local residents commenting that the existing site creates noise and vibration disturbance to nearby residential properties.

### **Advice**

Retrospective planning permission is sought for the erection of a detached office building, and an open sided extension to the existing waste transfer building so as to cover a conveyor belt and partially cover three outside open storage bays.

The office building enables the administrative duties associated with the skip and waste transfer operations to be undertaken in a separate building from the adjacent waste transfer building where as much enclosed space as possible is required for the sorting of waste materials. The open sided extension to the existing waste transfer building provides cover to a conveyor belt sorting line that is at the end of a trommel screening system (the drum is contained within the transfer building), and also covers two outside open storage bays into which materials sorted from the conveyor belt are deposited. The principle issues concern the visual impact and the potential of the development to cause nuisance or disturbance to more sensitive land-uses.

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, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies, 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 Lancashire Minerals and Waste Local Plan -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 provides better facilities on an existing waste management site 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 in terms of waste management strategy.

The site is located within Lidun Park Industrial Estate that 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 such as landscaping on the relevant boundaries and not permitting industrial development within a minimum distance of 30 metres from any existing dwelling.

The site already benefits from planning permission for the management of waste. The buildings and storage bays are ancillary to that use and are therefore acceptable in principle. Neither of the structures are large and are of a design and size appropriate for their purpose. They cannot be seen from outside the site and hence the visual impacts are acceptable.

Two letters of objection have been received from local residents concerned that the existing waste transfer site creates noise and vibration disturbance to nearby residential properties. Fylde Borough Council have not objected but request that a noise assessment be carried out in respect of the sorting and screening equipment to ensure nearby residents are not subjected to noise nuisance.

Notwithstanding, the comments of the Borough Council, it must be recognised that the application is only for the building structures, the conveyor and storage bays. The trommel screen used for the sorting of waste is internal to the building and was constructed when the waste transfer use was originally developed and is therefore outside the scope of this application. The buildings the subject of this application are only required to provide additional office space or to improve operational conditions and would not by themselves increase noise levels. Similarly, the conveyor does not give rise to significant levels of noise. It is therefore considered that there can be no objection to this application on the grounds of noise impact.

However, in response to the Borough Council's comments and the issues raised by local residents, the applicant has undertaken a noise assessment with the noise levels recorded at the railway line, as this is the point nearest to the houses on Cheviot Avenue. There are no conditions on the existing permission that contain specific limitations on noise levels and the only planning control relating to noise is a

general requirement that all plant be appropriately silenced. The results of the applicant's noise survey will be reported on the update sheet.

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. An advice note is to be included in relation to the Environment Agency's comments.

The existing permission 05/08/0326 for the waste transfer and sorting operations contains a number of conditions relating to hours of operation, noise, dust and litter, and site operations. These conditions would adequately control the use of any sorting equipment and buildings which are the subject of this application and hence there is no need to duplicate them. The development is therefore 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.

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 31st May 2016:

Drawing No. 6632/PL/01 - Retention of Existing Office Building & Trommel Extensions - Planning Layout & Details

*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 and DM2 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.*

## Notes

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

As the site is adjacent to a designated Main River, the applicant should be aware of 'Environmental Permitting – Flood Risk Activities'.

As of 6 April 2016, the Flood Defence Consent regime has moved into the Environmental Permitting Regulations.

The watercourse, Main Drain, adjacent to the site is designated a Main River and the developer may need an Environmental Permit. The applicant should contact Flood Risk Officer, Pippa Hodgkins, on 020 302 51397, to discuss the requirements of the Environment Agency if a permit or advice is required.

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.

## **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