

Development Control Committee Update – 13th July 2016

Item 6 Application LCC/2015/0070 Recycling Lives.

Subsequent to the report the applicant has made a number of comments in relation to the list of recommended conditions appended to the report:

Condition 1 b) add the following text

Plans and drawings submitted on with application LCC/2015/0070

Drawing No. SP007 – Site Layout Plan

Drawing No. LP/001 – Lighting Plan

Drawing No. RE3937-02 Retaining Wall Positions

Drawing No. SG/01 – Revised wall elevations

Drawing No. RE-1E-SD0001A-R4-1 Fragmentiser Installation

Drawing No. PL-0-103-888-14 Pre shredder technical drawings

Drawing No. 216015-02 C1 Fragmentiser Cladding Details

Condition 2 (Hours of operation)

The applicant has requested permission to use the pre shredder between 07.30 – 20.30 hours Mondays to Fridays. However, no noise assessment has been undertaken of the pre shredder to demonstrate that the noise levels from this equipment would be acceptable. The applicant considers the pre shredder is covered by permitted development rights and has submitted an application for a Certificate of Lawful Development to demonstrate such. However, the County Council considers that the pre shredder is not covered by the permitted development rights in which case a separate planning application would be required for this equipment where the applicant could submit noise information to justify longer hours of operation for the pre shredder.

The applicant has also requested amendments to the final paragraph of condition 2:

*The requirements of this condition shall not apply to the depollution of end of life vehicles, to metal **and Waste Electrical and Electronic Equipment** inside the buildings and the delivery and unloading of waste from civic amenity sites and Household Waste Disposal Centres or the carrying out of essential repairs to plant and machinery used on the site.*

Condition 4 (Boundary Treatments and Landscaping): The applicant has submitted outline details for his proposals for the boundary walls. These proposals involve the boundary walls being raised by a further 1.5 metres. This will require a separate planning application and the matters listed in condition 4 can be addressed within that application. Therefore condition 4 is no longer required.

Condition 6 (Stockpiling) – Replace drawing 649/SK/05 Rev D with Drawing No.SP007 – Site Layout Plan.

Condition 10 (Environmental Improvements)

Add the following to the end of the condition:-

'Thereafter, the works shall be carried out in accordance with the timescale identified in the approved scheme and programme'.

Items 7 and 8 – Applications LCC/2016/0013 and LCC/2016/0014 – Land at Lidun Park Industrial Estate

In response to comments from the Borough Council EHO, the applicant has submitted an acoustic assessment to record the noise levels from the site. The assessment recorded noise from the existing permitted area of the site and the area subject to application LCC/2016/0014

Noise monitoring of background and site noise was undertaken on the 21st June between 06:00 and 09:00. The period between 06:00 and 07:00 monitored the background levels when there was no activity at the site, the period between 07:00 and 08:00 monitored the levels when skip wagons loaded with empty skips left the yard area of the site, and the period between 08:00 and 09:00 monitored the sound levels when the waste transfer and sorting operations were operating normally.

The assessment concludes that the sound levels produced by the activities are within the guidance set at national level, by the World Health Organisation and the emerging guidance from the Lancashire authorities, when measured at the edge of the gardens of the nearest residential properties.

The assessment also states that monitoring results indicate a general increase in background noise levels towards the end of the monitoring period and did not include mitigation measures that the applicant is/ will undertake to reduce the noise from any moving wagons to and from the site including the resurfacing of the access road to the site to fill in potholes, and the purchasing of covers for skip wagon chains that will prevent them from banging against the sides of skips during movement.

Consultations

Fylde Borough Council EHO – No objection from a noise perspective to the hours of waste transfer and sorting operations starting at 8am, and the driving of HGV's with empty skips from the site starting at 7am.

Representation – A further objection has been received from a local resident (whose comments were included in the 25 May Committee report) for planning application LCC/2016/0014:-

I disagree and am very disappointed with the report and the amendment of Condition 2 to the 13 July DC Committee that states that the movement of HGV's leaving the site with empty skips in the morning is not considered to be a waste transfer or sorting operation. This is a vital part at the start of the process and should be included in the scope of this control issue. The undertaking of such movements from

7am is not an acceptable practice as it causes a great deal of noise especially as the movement of HGV's over the disused weigh bridge causes a very loud clanking noise that significantly contributes to the disturbance and should be investigated as part of your evaluation of impact.

Three photos have been provided by the resident that show a pile of unsheeted, crushed dry material and a large industrial crushing machine and a large mechanical digger adjacent to the northern boundary of the application site. The resident considers that this indicates an active sorting/processing operation in place outside of the buildings on the site that will be in breach of the proposed Condition 8.

Advice

The noise levels associated with the activities at the application site have been addressed in both the text and proposed conditions as included in the report to this committee.

The Environmental Health Officer at Fylde Borough Council has advised that during the monitoring for the noise assessment, the activities taking place were outside vehicle movements and the use of the internal sorting machine as applied for in application LCC/2016/0013. The vehicles were the skip wagons leaving the premises and a large digger lifting waste into the conveyor machine. No crushing machinery was being used at the time.

Should the operator wish to sort waste materials other than within the waste transfer building, then they will have to apply to vary the relevant condition (number 8 of application LCC/2016/0014). This will allow for an assessment of the noise impacts and it considered acceptable would provide a means for conditions to be imposed to regulate noise levels from such operations.

Item 9 Application LCC/2016/0022 Simonswood Industrial Estate

Consultations

Simonswood Parish Council: Whilst the Parish Council still have concerns about activities on the industrial estate as a whole, they have withdrawn their objection to the application.

Item 10 – Application LCC/2016/0035 – Lydiate Lane

Additional background

This application was first presented to the Development Control Committee on 25 May 2016 with a recommendation to visit the site before determination. The recommendation was accepted and a site visit took place on 8 July 2016.

Representations

One additional letter of representation was received late on Tuesday 20 July 2016. Further comments are made in view of the Committee report and the applicant's slope stability assessment.

Concerns are raised that the applicant has not submitted sufficient information and justification to confirm that the continued operations would not affect the structural integrity of the land beyond the quarry site. An independent review of the submitted geo-technical assessment has been undertaken, which in summary concludes that it is overly simplistic and does not form a robust assessment to form a basis for the positive determination of the application. The representation recommends that further assessment work should be carried out to provide the appropriate level of certainty through the imposition of conditions as follows:

(a) A topographical survey of the site shall be submitted annually the Mineral Planning Authority within one month of each anniversary of the date of this permission until the end of the aftercare period referred to in the conditions to this permission. The survey shall have been carried out within two months preceding the date of the anniversary of this permission and shall consist of a plan drawn to scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all of the land where mining operations have taken place/waste has been deposited. The topographical survey should also be accompanied by a slope stability assessment study and submitted to the Minerals Planning Authority for approval to demonstrate that the stability of site boundaries adjoining the Cuerden Strategic Site are not compromised by the adjoining mining/waste operations.

(b) No excavation shall take place closer than (insert distances) metres to the limit of the planning permission area as shown on drawing number (insert ref.) dated (insert date). [The angle of any final quarry face shall be (insert angle as defined by a geotechnical engineer)].

The representation suggests that should the committee be 'minded to approve' the application, they could delegate to the Head of Planning the final decision subject to agreeing the wording of the conditions with the agent for an adjoining landowner. Alternatively, the representation suggests that the determination of the planning application could be deferred until a full and detailed geo-technical assessment has been submitted by the applicant which categorically clearly demonstrates that the previously approved and currently proposed extraction boundaries (and slope gradients) would not lead to any slope failure and ground instability beyond the application boundary.

Advice

Slope stability

In view of the slope stability assessment submitted by the applicant and the evidence that can be seen in terms of the existing excavated quarry slopes at the site, some of which have been in place for a decade or more, there is no reason to suggest that slope failure would be likely subject to the site operator complying with the requirements of conditions that have already been recommended. Condition 2

requires the development to be undertaken in accordance with working plans, Condition 4 provides a depth restriction, and Condition 6 restricts the area of working.

It is considered that the conditions recommended in the representation would not necessarily provide any additional certainty of slope stability due to the lack of precision in terms of what standards of stability would be required or the methodology that should be applied.

There is sufficient evidence in place to indicate that no further assessment would be required to determine the application. Additionally, it should be appreciated that no planning permission is in place for built development on adjacent land and any planning application would have to address a number of issues including meeting the tests of the mineral safeguarding policy M2 of the Joint Lancashire Minerals and Waste Local Plan and ensuring substantial peripheral landscaping along the quarry boundary to avoid unacceptable impact on the surrounding Green Belt environment. The latter being set out in the approved Cuerden Strategic Site Masterplan Report, dated April 2015, which should ensure that a significant stand-off is maintained in addition to that within the quarry boundary.

Public Rights of Way

As part of the existing quarry operations, Public Footpath numbers 6, 7 and 9, Cuerden are temporarily diverted around the perimeter of the site for the life of the quarry operations. An extension of time for the footpath diversion will be required beyond the current permission to allow for restoration of existing workings and/or a continuation of quarrying and restoration works. An application will be required under S257 of the Town & Country Planning Act with details dictated by the outcome of the determination of planning application LCC/2016/0035. A continuation of the proposed diverted footpath route would not be likely to cause unacceptable inconvenience to footpath users.

Item 11 Application LCC/2016/0037 Buckshaw Trinity

In response to issues raised by Members at the site visit, the applicant has submitted a plan showing an indicative location and design of a drop off area for parents at the front of the school facing Brookwood Way.

Advice

The drawing is indicative of the type of drop off facility that could be provided. It is considered that a condition should be imposed required a plan to be submitted for approval showing the design of the drop off area:-

9. No development apart from ground contouring works necessary to provide a development platform shall take place until a scheme and programme showing the layout and design of a drop off area for parents has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall show the following:-

- a) The layout of the drop off / pick up area including number of spaces to be provided.
- b) Details of pedestrian access and segregation
- c) Details of the design of the vehicular access to and egress from the drop off / pick up area to / from Brookwood Way

The drop off / pick up area shall be constructed in accordance with the approved scheme and programme and made available for use prior to the school being brought into use.

Reason: In the interests of highway safety and to conform with Policy 3 of the Central Lancashire Core Strategy

Condition 6

Part a) of the condition can be deleted as it will be superseded by condition 9