

Development Control Committee
Meeting to be held on 8th May 2019

Electoral Division affected:
Lytham

Fylde Borough: Application LCC/2019/0013
Erection of an extension to the existing waste transfer building. Land at Lidun Park Industrial Estate, Off Boundary Road, Lytham.

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Executive Summary

Application - Erection of an extension to the existing waste transfer building. Land at Lidun Park Industrial Estate, Off Boundary Road, Lytham.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour of building and floodlighting.

Applicant's Proposal

The proposal is for the erection of an extension to the existing waste transfer building for the handling of non-hazardous inert household, commercial and industrial waste.

The building would measure 17 metres by 9 metres and with a mono-pitched roof to measure 7.2 metres high and 4.9 metres high at their respective highest and lowest points. The building would be of steel framed construction with 2.2 metre high blockwork from ground level and profile coated metal cladding above. The building would be fully enclosed except on the eastern elevation that would be fully open to enable vehicle access to the interior during working hours but would be closed at other times by two roller shutter doors. The metal cladding and roller shutter doors would be coloured juniper green.

Description and Location of Site

The site is at an existing waste transfer station on the Lidun Park Industrial Estate approximately 2 km north-east of Lytham town centre. Access to the industrial estate is from Boundary Road that leads onto the A584 Lytham Road.

The site is a flat area of land with an area of 0.35 ha. Vehicular access is halfway along the western boundary of the site with a weighbridge on the road immediately in front of the access. An enclosed waste transfer building and an associated open sided extension that covers storage bays, a conveyor belt and a trommel screen, are

located along the southern boundary of the site. Movable concrete 'lego' type concrete bays are located along the south-east boundary of the site. A building used as an office and by site staff is located along the north-west boundary of the site by the access. A small area between the front of the building and Boundary Road is used for the parking of staff vehicles. The remainder of the site is a hard surfaced yard area used for the storage of skips and processing of waste. A 2.4 metre high metal fence and access gates are located along the western site boundary between the two existing site buildings.

The proposed extension would be located on the north side of the waste transfer building and along the western boundary of the site up to the vehicle access with the consequence that the site would be fully enclosed (except for the access) on the north, south and west sides.

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 there are flat and open fields in agricultural use. To the south, north and partially to the west are existing units within the industrial estate.

The site lies within Flood Zone 3.

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 proposed building.

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).

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 (retrospective application), was granted on 13 July 2016 (ref. LCC/2016/0013).

Planning permission for the change of use of land and building as an extension to the existing waste transfer station and for the storage of skips (retrospective application), was granted on 13 July 2016 (ref. LCC/2016/0014).

Land adjacent to the railway line is subject to a planning permission for the change of use of land for the storage of empty skips, granted on 07 May 2015 (ref. 15/0152) by Fylde Borough Council. The permission is temporary for a period of five years.

Planning Policy

National Planning Policy Framework

Paragraphs 7- 12, 47, 54 – 55, 80, 108, 127, 155 - 163, 180 and 183 are relevant with regard to achieving sustainable development - The presumption in favour of

sustainable development; Decision making - Determining applications and planning conditions; Building a strong, competitive economy; Promoting sustainable transport – Considering development proposals; Achieving well-designed places; Meeting the challenge of climate change, flooding and coastal change – Planning and flood risk; and Ground conditions and 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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Fylde Local Plan to 2032

Policy NP1 Presumption in favour of sustainable development
Policy GD1 Settlement Boundaries
Policy GD7 Achieving Good Design in Development
Policy EC1 Overall Provision of Employment Land and Existing Employment Sites
Policy CL1 Flood Alleviation, Water Quality and Water Efficiency
Policy CL2 Surface Water Run-Off and Sustainable Drainage

Consultations

Fylde Borough Council – No objection.

LCC Highways Development Control – No objection and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Environment Agency – No objection.

Ministry of Defence Lands – Safeguardings – No observations received.

Representations – The application has been advertised by press and site notice and local residents informed by individual letter. One objection has been received from a local resident commenting that the existing site creates noise disturbance to nearby residential properties. Three other representations have been received from local residents that do not specifically object to the application but refer to impacts of noise, dust and vibration from the existing site and from the loading/unloading of

skips adjacent to the railway line. The residents comment that noise and dust emissions should be monitored prior to the building being constructed and following its construction and that the results of the monitoring be made available to residents and that the operators should invite local residents to attend a board meeting to promote neighbour relations.

Advice

Planning permission is sought for an extension to a building at an existing waste transfer station. The new building would receive mixed skip waste as it arrives on site, allowing the existing building to be used just for the sorting process.

Currently, waste arriving onsite is tipped and sorted in the existing waste transfer building. However, this creates problems as tipped waste sometimes overlaps partially sorted and fully sorted loads with the result that material is sometimes sorted more than once. The applicant advises that the new building for receiving waste would improve both efficiency and the safety of the working environment as staff can sort in the current building without having to stop to allow incoming skip wagons to tip loads. The current workable tipping/sorting area is no more than 50 sq. metres of the existing building as the remainder must be kept clear for access to stockpiles of already segregated/post-trommelled waste and to allow staff movement through the building safely. The new building would provide approximately 130-140 sq. metres of tipping space with the potential for removing large bulky materials by machinery away from staff working by hand.

The principle issues associated with the application concern visual impact and the potential for the development to cause nuisance or disturbance to the nearest residents.

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, and the Fylde Local Plan to 2032.

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 helps businesses to invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. 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 result in the provision of better facilities on an existing waste management site for the collection and recycling of inert and non-hazardous 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 that is subject to Policy EC1 of the Fylde Local Plan. The policy seeks to retain land and premises within the existing industrial estate for B1 (a –c), B2 and B8 use classes. The site already benefits from planning permission for the management of waste. The building would be ancillary to that use and is therefore acceptable in principle. The structure would not be overly large and is of a design and size necessary for its purpose. The building would be coloured juniper green to match the existing building that it would adjoin. Subject to the imposition of a condition to require that the building is constructed from the proposed materials, it is considered that the visual impacts would be acceptable.

One objection and three other representations have been received from local residents who comment that the existing site creates noise, dust and vibration disturbance to nearby residential properties, and that the proposed building would exacerbate these impacts.

In relation to these comments, the building would not enclose any mechanised sorting machinery and therefore noise emissions from the site would not be any greater than they are at present. The extension would not have an open side facing the nearest houses and effect of the building would be to more fully enclose the yard areas leaving only the access open. The applicant states that this would result in improvements to both visual and acoustic screening of the site and so reduce the transmission of noise from the sorting activities beyond the boundary. It would also reduce the wind speed across the yard and hence reduce the potential for dust emissions both internally and beyond the boundary. The applicant has also very recently replaced all 'bleeping' reversing alarms on plant and machinery on the site with quieter 'white noise' reversing alarms. The applicant has also previously fitted sleeves to the skip lifting chains of HGV's to reduce noise arising from this source.

It is considered that the proposal would help to address any issues of noise and dust that may be associated with the site by providing better enclosure of the processing activities and hence has the potential to improve environmental impacts. It must also be remembered that noise and dust are matters that are the subject of the Environmental Permit issued by the Environment Agency.

In relation to the loading/unloading of skips adjacent to the railway line, planning permission for the change of use of land adjacent to the railway line to the west of the application site 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. Any issue relating to this would be a matter for Fylde Borough Council.

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.

The site is located within Flood Zone 3. However, it is already hard surfaced and the development would not increase flood risk or the run-off rate from the site to the surrounding area including to the Main Drain along the eastern site boundary. 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 that are the subject of this application and hence there is no need to duplicate them. A condition is considered appropriate, however, to minimise light spill from any floodlighting that may be attached to or used in association with buildings and equipment approved by this permission. The development is therefore considered acceptable in terms of residential amenity and complies with Policy CS9 of the 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 NP1, GD1, GD7, EC1, CL1 and CL2 of the Fylde Local Plan to 2032.

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 1998 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 27th February 2019, and the email received from the applicant on 28 March 2019.
 - b) Submitted Plans and documents received by the County Planning Authority on 27th February 2019:

Drawing No. 7672/PL/01 - Proposed Waste Processing Building Extension

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 NP1, GD1, GD7, EC1, CL1 and CL2 of the Fylde Local Plan to 2032.

Building Materials

3. The external faces of the metal profile sheeting used for the elevations and roof of the extension shall be coloured juniper green and these materials shall be retained throughout the lifespan of the development.

Reason: In the interests of the visual amenities 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 GD7 of the Fylde Local Plan to 2032.

Floodlighting

- 4 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 authorised working hours of the site.

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 GD7 of the Fylde Local Plan to 2032.

Notes

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

The Environment Agency also include the following advice:-

Flood risk management – advice to applicant

It is recommended that the applicant review any flood warning and evacuation plan procedures. By getting an advanced warning it will allow protection measures to be implemented as well as evacuating people off site. However, registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. To sign up to for flood warnings please visit the GOV.UK website:

<https://www.gov.uk/sign-up-for-flood-warnings>.

Environmental permitting (flood risk activities) – advice to applicant

Main Drain, the watercourse adjacent to the application site, is designated a main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03702 422549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and should consult the Environment Agency at the earliest opportunity.

It is recommended the applicant considers the following guidance on the rights and responsibilities of riverside ownership:

<https://www.gov.uk/government/publications/riverside-ownership-rights-andresponsibilities>

Pollution prevention – advice to applicant: To prevent pollution, run-off waters containing silt generated during the construction stage should be prevented from entering the adjacent watercourse.

It is recommended the applicant refers to the following pollution prevention advice which is available on the GOV.UK website at: <https://www.gov.uk/guidance/pollution-preventionfor-businesses>.

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

Paper	Date	Contact/Directorate/Ext
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None

Reason for Inclusion in Part II, if appropriate - N/A