

Development Control Committee

Meeting to be held on 11 September 2019

Electoral Division affected:
Great Harwood, Rishton And
Clayton Le Moors

Hyndburn Borough: application number LCC/2019/0018

Erection of new building over the existing plant, ancillary to the existing recycling use at Unit 12, Riverside Industrial Estate, Hermitage Street, Rishton.

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Executive Summary

Application – Erection of new building over the existing plant, ancillary to the existing recycling use at Unit 12, Riverside Industrial Estate, Hermitage Street, Rishton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement and working programme.

Applicant's Proposal

Planning permission is sought for the erection of a new building at an existing waste management facility to enable more operations to take place under cover. The building would measure 26m long x 10m wide x up to 7m high. The lower walls would be constructed with concrete panels and the roof and upper sections would be box profile metal sheets coloured juniper green.

Description and Location of Site

The application site is at an existing waste management facility located within the Riverside Industrial Estate approximately 1km to the east of Rishton town centre. There are a number of mixed industrial uses on the estate to the south and west. To the north is agriculture land and woodland. The eastern boundary of the site adjoins the Hyndburn Brook watercourse. The site is within Green Belt. There are no residential properties in close proximity to the site. Access to the site is from Hermitage Street (A678).

Background

History

The site has a long history associated with paper manufacturing, waste paper management and sorting of paper, cans and plastic.

Planning Policy

National Planning Policy Framework

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Hyndburn Borough Council – Core Strategy

Policy Env4- Sustainable Development & Climate Change

Policy Env7 - Environmental Amenity

Hyndburn Borough Council – Development Management DPD

Policy DM20 – Flood Risk Management and Water Resources

Policy DM26 - Design Quality and Materials

Policy DM29 - Environmental Amenity

Policy DM34 – Development in the Green Belt and Countryside Area

Consultations

Hyndburn Borough Council – No comments received.

Environment Agency – Object as it appears that it involves building within 8 metres of a Main River watercourse. As submitted, it is unlikely that the Environment Agency would grant a flood risk activity permit for this application. The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works. The proposed development is likely to adversely affect the stability of the riverbank, which will compromise its function. The building/structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion. To overcome this objection, the applicant should relocate the proposed building at least 4m from the top of the riverbank. If this cannot be achieved, an objection is likely to be maintained.

In response to amended drawings from the applicant, the Environment Agency confirm that their objection is now withdrawn. They comment that a permit will be required for any new surface water outfall structure and for the erection of any structures within 8 metres of the river.

LCC Highways Development Control – There are no significant additional vehicle movements associated with this proposal. The site access remains unchanged and there are no collisions recorded on Hermitage Street in the vicinity of the site access within the previous 5 years. There is no objection to the proposal and no conditions are considered necessary.

Lead Local Flood Authority - The applicant has stated that it is not intended that new drainage will be installed for this building as the surface water runoff from the building roof will be allowed to runoff onto the ground, mimicking the existing scenario. This is not an adequate response as it does not address the issues of climate change, provision of sustainable drainage and maintenance of water quality.

The objection can be overcome by submitting a drainage strategy which includes sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change), evidence that the surface water discharge is in accordance with the drainage hierarchy in the Planning Practice Guidance, details of the proposed sustainable drainage measures and details of water quality controls used to prevent pollutants from the roof of the proposed building discharging into Hyndburn Brook.

If this cannot be achieved there may be a need to maintain an objection to the application.

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

Advice

The site is an existing waste paper recycling facility. The applicant is applying to the Environment Agency for an additional process and therefore needs to amend their existing environmental permit. A requirement of the amended Environmental Permit for the site will be that the paper screening machine, used to remove foreign material from the waste paper, is housed within a building. The proposed building is therefore required to address the requirements of the permit requirements and would have a number of general environmental benefits including reducing wind-blown litter from the site..

The application site is an existing industrial site located within the Green Belt. Paragraph 145 of the NPPF sets out exceptions to the general principles of inappropriate development in Green Belt and provides for the redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the green belt than the existing development. The site has a long history of industrial use and includes many large buildings, and surfaced yard area with outside storage of materials. The size and nature of the proposed building would have no greater impact on the openness of the green belt and is therefore appropriate development.

The applicant initially proposed to position the building close to the site boundary but the Environment Agency raised objection as it was too close to Hyndburn Brook. The applicant subsequently moved the proposed location of the building to 5.8m away from the top of the river bank and therefore at a greater distance than the 4m required to overcome the Environment Agency's objection. The Environment Agency in a further response have confirmed that this amendment has resolved their objection.

Policy DM26 of the Hyndburn Local Plan Development Management DPD seeks to ensure suitable and appropriate design quality and materials while Policy DM29 seeks to protect, and where possible improve, the amenity of surrounding existing and future residents. In these respects, the size, nature and selection of building materials would be appropriate on the industrial site and the purpose of the building should assist the developer in complying with the requirements of the Environmental Permitting regime and general planning requirements to minimise pollution from the site. Furthermore, paragraph 183 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The site operates under an Environmental Permit and it should be assumed that the permitting regime operates effectively.

The County Council as Lead Local Flood Authority has objected to the proposed development on the grounds that the applicant has not satisfactorily addressed the issues of climate change, provision of sustainable drainage measures and maintenance of water quality. The applicant has stated that it is not intended that new drainage will be installed for this building as the surface water runoff from the building roof will be allowed to runoff onto the ground. As the site is currently hardstanding, the applicant therefore states that construction of the building will not increase run off above existing rates

The proposed development would sit on an existing large concrete yard area where waste management operations currently take place in the open air. The Environment Agency have specified that these operations need to be within a building to prevent pollution. The Environmental Permit would set specific controls to seek to ensure the quality of foul and surface run-off and it is not anticipated that there would be any pollutants associated with run-off from the roof of the building.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Although the proposed development is classed as 'major development' as it relates to waste operations, the proposal would have a relatively insignificant impact on surface water flows particularly as the site area is already hard surfaced and therefore it is considered unreasonable to require the applicant to provide specific measures to attenuate the rates of surface water drainage from the building.

In view of the scale, location and nature of the proposed development, and the requirement for the developer to comply with other statutory controls, it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected. The proposed development is considered to comply with the policies of the NPPF and the development plan.

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 in accordance with the following documents:
 - a) The planning application dated 22nd February 2019
 - b) Submitted Plans:

Location Plan - Rev A, dated 23 May 2019

Drawing no. ML/RWP/5808, Rev A, dated 23 May 2019 - Erection of building over waste paper screening machine

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 DM26 and DM29 of the Hyndburn Borough Council – Development Management DPD.

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

None

Reason for Inclusion in Part II, if appropriate

N/A