

Development Control Committee

3 June 2020

Electoral Division affected: Padiham and Burnley West
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Burnley Borough: application number. LCC/2019/0069

Change of use of end of life vehicle building to use for the drying and pelletising of waste solid recovered fuel (SRF), construction of 2 x 20m high flues, construction of underground ducting to transfer warm air from boiler to the pelletising building, and the storage of baled SRF in the northern yard at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Hapton.

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Executive Summary

Application – Change of use of end of life vehicle building to use for the drying and pelletising of waste solid recovered fuel (SRF), construction of 2 x 20m high flues, construction of underground ducting to transfer warm air from boiler to the pelletising building, and the storage of baled SRF in the northern yard at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Hapton.

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement in relation to earthworks and landscaping, planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, hours of working, and highway matters.

Applicant's Proposal

This application is for the change of use of a building currently used for the dismantling of end of life vehicles to a use for the drying and pelletising of waste to produce solid recovered fuel, the construction of 2 stainless steel 20m high flues, construction of underground ducting to transfer warm air from the boiler to the pelletising building, and the storage of baled solid recovered fuel in the northern yard.

The building subject to the change of use measures approximately 30m x 30m x 11m high. The northern yard covers an area of 2830m².

A 1.5m diameter flue and an associated carbon abatement unit measuring 3m x 3m x 8m high (at ground level) would be installed on an existing waste transfer station

building that is 14.7m high at roof ridge. The other flue with a 1m diameter with associated filter unit would be installed on the current end of life vehicle building with a roof 11m high at the roof ridge. The flues and abatement units along with internally housed dust filters would extract dust, odour and moisture.

The overall aim of the proposal is to contribute to the drying and pelletising of solid recovered fuel inside the buildings and to dispel moisture and odours from the drying process.

Description and Location of Site

The former Hapton Valley Colliery site is located some 500 metres south of the A679 Accrington Road, 3km west of Burnley. To the west is the Network 65 Business Park and to the north is a small residential estate known as Valley Gardens, which runs parallel with, and at a lower level to, the access road to the application site. Burnley Cemetery is located some 100m to the east beyond the Green Brook Valley. The nearest properties on Valley Gardens are approximately 100 metres to the north of the application site.

Other waste transfer related operations (and which have the benefit of separate planning permissions) are located elsewhere on the former colliery site. All operations at the site share the access road to the A679.

Background

History

The application site is at the former Hapton Valley Colliery.

Planning permission for the development of a waste transfer station was granted in June 1997 (ref. 12/96/228).

Planning permission to vary conditions 2 and 13 of planning permission 12/96/228 to allow the redesign of the site layout and to allow skips containing sorted wastes to be stored outside the building was granted in June 1998 (ref. 12/97/479).

Planning permission for the erection of a structure for storage of materials from the nearby Waste Transfer Station to the east of the site was granted in July 2001 (ref. 12/01/0175). The area of this permission covers that subject of application LCC/2018/0004.

Planning permission for the establishment and operation of equipment for shredding of tyres, timber and green waste to the southwest of the site was granted in July 2003 (ref. 12/03/0208).

Planning permission for the erection of a building and hardstanding for end of life vehicle breaking to the southeast of the site was granted in April 2004 (ref. 12/04/0176).

Planning permission for the extension to existing waste transfer and treatment building and realignment of access road, proposed introduction of a concrete crushing operation and levelling of land for the parking of trailers was granted in April 2008 (ref. 12/07/1134).

Planning permission for a new building to house biomass boilers including 2 x 9m high flues was granted on 7 March 2018 (ref. LCC/2108/0004).

Planning Policy

National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

National Planning Policy for Waste (October 2014)

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

Policy CS7	Managing our 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 NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy DM3	Planning Obligations

Burnley Local Plan

Policy SP1	Achieving Sustainable Development
Policy SP5	Development Quality and Sustainability
Policy EMP3	Supporting Employment Development
Policy NE1	Biodiversity and Ecological Networks
Policy NE3	Landscape Character
Policy NE5	Environmental Protection
Policy CC5	Surface Water Management and Sustainable Drainage Systems

Consultations

Burnley Borough Council – No comments received.

Hapton Parish Council – No comments received.

Environment Agency – No objection but make the following comments. In terms of flood risk the planning application is accompanied by a Supporting Statement that

incorporates an assessment of flood risk as the site is partly located in Flood Zone 3. The Environment Agency have reviewed the assessment and are satisfied that, based on the nature of the proposed development, it would be safe without exacerbating flood risk elsewhere. In terms of Environmental Permitting, a variation to Environmental Permit EPR/DB3303HQ for operations proposed by this application was issued on 4 December 2019.

LCC Highways Development Control – No objection. It is not envisaged that the change of use will substantially alter the traffic flow to and from the site.

Lancashire County Council Lead Local Flood Authority – No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations have been received objecting to the application for the following summarised reasons:

- Existing air quality, odour and dust/soot issues from the site day, night and weekends.
- Existing noise from the site is already a problem and reported to Environment Agency.
- The site adjoins ancient woodland with a significant bluebell population.
- Solid recovered fuel will add more pollutants.
- The applicant ignores the hours of operation, whilst the drying of 150,000 tonnes per annum of household waste has significant operating time issues.
- The drying of waste has resulted in numerous fires in the UK and a fire at the application site would be an environmental disaster, with fallout and water and chemical overflow into Green Brook (a river with trout flourishing) and the woods adjacent to the site.
- A site visit is essential to understand the risks posed by this proposed development.
- Impact on Cemetery Wood next to Valley Gardens, which is a 'History and Wildlife Trail'. It has been created using Forestry Commission Funds for people to enjoy a quiet countryside walk.
- Impact on wildlife.
- Increase in the volume of traffic on Accrington Road and on the access road where vehicles are visible, noisy and frequent.

Advice

The former colliery site is already used for a variety of waste management activities including materials sorting and solid recovered fuel production, tyre shredding, and aggregate production that operate with the benefit of planning permission. There is also a biomass boiler building that was granted permission in 2018.

In terms of the manufacture of solid recovered fuel, mixed non-hazardous waste including household waste is currently treated at the facility to separate recyclable fractions and to produce solid recovered fuel for use as a fuel in cement kilns. Waste is accepted at the transfer station, where it is sorted and screened. Oversized

waste is shredded before drying. This waste would be dried on conveyor belts in the transfer station or the pelletising building and then either baled or pelletised.

The applicant proposes various works which are necessary to further develop the drying and pelletising of solid recovered fuel material. A new air extraction system is proposed to dispel moisture and odours from the drying process. The solid recovered fuel processing currently takes place inside an existing waste management building and would be expanded into a building that was previously used for the management of end of life vehicles. The application also proposes an expansion of outdoor storage of baled waste material which would be wrapped in polythene. Both uses would be akin to a general industrial use and is therefore acceptable in principle.

The extraction system would be based on air exchange by drawing in air to the building and then extracting the air through large fans to the flues. The system would have an in-line dust filter within the building and a carbon abatement unit on the outside which would offer improvements over the existing systems in terms of dust and odour controls. The applicant has already undertaken noise and atmospheric dispersion modelling as part of the Environmental Permitting process and this determined the required capacity of the system and the height of the flues. The environmental permit also includes an odour management plan.

Paragraph 183 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The operations at this site are already subject to an Environmental Permit, which specifies acceptable waste types and seeks to control noise and air emissions. The proposed infrastructure should contribute to a reduction in the likelihood of nuisance complaints from residential properties with the nearest being at Valley Gardens some 100m from the existing waste transfer building and some 250m from the existing building that would be used for drying and pelletising waste material. The flues and abatement systems would be positioned at the rear of the buildings, which should provide an effective screening barrier. Neither Burnley Borough Council nor the Environment Agency have raised objection. Taking these issues into account, the proposal is considered acceptable in terms of local amenity and complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Paragraph 109 of the National Planning Policy Framework makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. There would be no significant change to the number of HGVs visiting the site as the proposal primarily relates to the management of existing operations rather than the creation of new waste management capacity. Lancashire County Council Highways Development Control raise no objection.

In determining planning applications paragraph 127 of the National Planning Policy Framework requires the decision maker to ensure that developments are

sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change. Developments should function well and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The applicant has submitted a landscape and visual impact assessment, which identifies that the site is located within a highly developed, industrialised and complex landscape. Views would be limited because of other vertical structures, local topography and existing vegetation. Valley Gardens and surrounding farmsteads would have limited, and for the latter, largely distant views. Overall, the report concludes that there would be minimal landscape impacts but additional landscaping would enhance screening. The conclusions of the report are accepted and it is also considered that additional landscaping would mitigate against the cumulative impact associated with the expansion of the site over many years. Conditions are also recommended to limit the height of the outside storage of baled waste and also to prohibit the storage of loose waste anywhere other than within buildings.

Planning permission was granted in 2008 for the extension to the existing waste transfer and treatment building and realignment of the access road, the introduction of a concrete crushing operation and levelling of land for the parking of trailers (ref. 12/07/1134). The permission was implemented in terms of the introduction of concrete crushing and aggregate recycling activities and earth works have been ongoing for many years to provide a platform for realignment of the access road and trailer parking. As is typical for most planning permissions relating to built development, there is no date for when the development must be completed. However, progress to finish the earth works has been slow and tree planting and landscaping which was to take place has not been provided on the valley sides adjacent to the waste transfer building. Furthermore, landscaping has also not yet been provided beyond the aggregate recycling area to the south, which is disappointing. This has added to the generally poor appearance of the site and has hindered opportunities for wildlife.

As this application relates to further expansion of the site into a yard area that currently has no permission for outside waste storage, and would include additional vertical features with the flues, it is considered that these visual impacts could be mitigated by ensuring that landscaping works approved under the provisions of permission 12/07/1134 are provided within a stipulated timeframe. As this relates to land outside the control of the applicant but within the control of the landowner of the wider site, the applicant and the landowner would be required to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990. The landowner has given outline agreement to this and at the time of discussions a period of 12 months was considered acceptable. Notwithstanding the determination of this application, the landowner has been advised to move forward with the landscaping work as soon as possible and therefore a time limit to April 2021 seems reasonable which would allow the planting works to take place in next available planting season between October and March.

Overall, it is considered that, subject to the section 106 agreement and recommended conditions, many of which reflect the existing waste management

permissions at the site, the development accords with the policies of the National Planning Policy Framework and the Development Plan.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individuals' peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The conditions together with additional landscaping to enhance screening would protect the rights of local residents and would not have a disproportionate impact on the rights of the applicant.

Recommendation

That subject to the applicant first entering into a Section 106 Agreement in relation to earthworks and landscaping, 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) Submitted Plans:

Drawing no. 11575/44A - Site Location Plan

Drawing no. 11575/45A - Existing and Proposed Site Layout Plan

Drawing no. 11575/46B - Elevations Plan

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 policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policy SP5 of the Burnley Local Plan.

3. No operations shall take place at the site outside the hours of 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturday (excluding

Public Holidays). No operations shall take place on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

4. Notwithstanding condition 3 above, waste may also be imported to the site between the hours of 1300 and 1600 on Saturdays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

5. The site access road, and all manoeuvring and circulation areas within the site shall be kept metalled, free from potholes, drained and clear of debris at all times through the duration of the development.

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

6. No more than 50 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive. No more than 25 heavy goods vehicles shall leave the site between 0730 hours and 1300 hours on Saturdays and no more than 5 heavy goods vehicles shall leave the site between 1300 hours and 1600 hours on Saturdays.

No heavy goods vehicles shall leave the site on Sundays or public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

7. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records for each movement shall be retained at the site for a period of at least 12 months.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

8. Only baled wrapped waste or waste stored in closed containers shall be stored in the baled waste storage area shown on drawing number 11575/45A and the total height of any baled waste or containers shall not exceed 3m.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

9. There shall be no storage of loose waste outside any building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

10. All vehicles transporting materials from the site shall be securely sheeted or alternatively waste shall be securely contained.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Notes

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

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A