

**Development Control Committee**  
Meeting to be held on 3<sup>rd</sup> March 2021

Electoral Division affected: Cleveleys South and Carleton
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**Wyre Borough: application number. LCC/2020/0051**  
**Change of use of agricultural land to site for recycling of inert wastes.**  
**Willow House Farm, Bispham Road, off Faraday Way, Thornton-Cleveleys.**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application – Change of use of agricultural land to site for recycling of inert wastes.  
Willow House Farm, Bispham Road, off Faraday Way, Thornton-Cleveleys.

### **Recommendation – Summary**

That the application be **refused** for the following reason(s)

1. The application site is located within the Green Belt. The development by reason of its nature and impacts does not preserve the openness of the Green Belt and is inappropriate development for which no very special circumstances have been demonstrated. The proposal is therefore contrary to paragraphs 143 and 146 of the National Planning Policy Framework and Policy SP3 of the Wyre Local Plan.
2. The applicant's Flood Risk Assessment has not demonstrated that the development would not increase to risk of flooding elsewhere. The location and design of the development also would not preserve access to the Royals Brook for the purpose of maintenance or prevent waste materials from entering the watercourse resulting in pollution or obstruction of the watercourse. The development is therefore contrary to paragraphs 155 and 163 of the National Planning Policy Framework and Policy CDMP2 of the Wyre Local Plan.
3. The application is not accompanied by any assessment of noise or dust impacts. The development is located close to residential properties and without any such assessment, it cannot be concluded that the development would not have any unacceptable impact on residential amenity or that any residual impacts could be mitigated to acceptable levels. The development is therefore contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

### **Applicant's Proposal**

The application is for the retention of an inert waste recycling activity which the applicant claims commenced in 2013. The site is used as a base for the applicants 'grab hire' business and inert wastes such as clay, sub soil, top soil and general

builders waste are collected from costumers and are brought to the site to be sorted and processed (including the crushing and screening of concrete, brick and stone) to produce a range of recycled aggregate materials and to separate other recyclable materials from the waste stream. An average of 100 tonnes of waste is processed per week with the crushing plant being used for between 8 – 10 hours per week. The hours of operation are 07.00 – 18.00 hours Monday to Friday and 07.00 – 12.00 on Saturdays.

## **Description and Location of Site**

The application site is an area of former agricultural land located off Bispham Road, a minor road linking Carleton with Norcross 1.8 km south west of Thornton. The site measures approximately 800m<sup>2</sup> in area. Immediately to the north of the application site is the applicant's property comprised of a dwelling house and number of outbuildings. To the south and east of the site are agricultural fields whilst to the west is Bispham Road and Faraday Way. A watercourse called the Royles Brook runs along the eastern boundary of the site.

The nearest residential properties to the site are located at a new residential estate off Champagne Avenue around 100 metres to the west of the site. There are also two properties at Primrose Bank Farm off Norcross Lane 200 metres north of the site.

The site is located within the Green Belt and part of the site is located within Flood Zone 3.

## **Background**

History; There is no relevant planning history.

## **Planning Policy**

National Planning Policy Framework : The following paragraphs are considered to be relevant :7 - 11 (presumption in favour of sustainable development, 82 – 83 (economy), 109 (highways), 143 -146 (Green Belt), 163 – 164 (flood risk), 180 (pollution impacts) and 204 (sustainable use of minerals).

National Planning Policy for Waste

Section 7 is relevant regarding the determination of applications

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)

Policy CS2 – Minimising the need for mineral extraction

Policy CS7 – Managing our waste as a resource

Policy CS8 – Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Policy WM4 – Inert waste recycling

Wyre Local Plan

Policy SP1 Development Strategy

Policy SP2 Sustainable Development

Policy SP3 Green Belt

Policy CDMP1 Environmental Protection

Policy CDMP2 Flood risk and surface water management

Policy CDMP3 Design

Policy CDMP4 Environmental Assets

## **Consultations**

Wyre Borough Council: Object to the development as it would be inappropriate development in the Green Belt, the site is in Flood Zone 3 and an inadequate flood risk assessment has been undertaken and there are ponds and trees in the vicinity of the site for which inadequate assessment has been undertaken. The Borough Council therefore consider that the proposal is contrary to polies SP3, CDMP2 and CMMP4 of their local plan.

Environment Agency: The EA have considered the applicants Flood Risk Assessment but consider that it does not address the requirements set out in paragraphs 30 to 32 of the Planning Practice Guidance. The assessment fails to demonstrate that the development does not increase flood risk elsewhere. The applicant has also not submitted any information in relation to the concerns raised about impacts on the adjacent main river (Royals Brook) and the applicant should demonstrate that the activities will be a sufficient distance from the river bank to allow maintenance access and prevent flood risk and pollution impacts from waste materials entering the river.

LCC Highways Development Control: No objection. The development will not have a significant impact on highway safety, capacity or amenity in the vicinity of the site.

SUDS: No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Nine representations have been received objecting to the application raising the following issues:-

- The noise from the crushing activities and movement of skips are impacting on residential amenity. There are also dust impacts, fires and litter.
- The development should be carried out in a location where there are no neighbours and is not appropriate for a rural location.
- Enforcement of reasonable working times would not be possible.
- Bispham Road and the junction with Faraday Way is unsuitable for continuous use by HGVs. The junction has already been the scene of accidents and Bispham Lane has become busier since road closures on Norcross Lane.
- The development has been growing steadily over the last three years and is now an unsightly mess. Plant and piles of waste are often visible above the level of the perimeter fence.

- The operations will cause pollution of Royals Brook.
- The area is susceptible to flooding. Royals Brook has overflowed many times and has silted up.
- The land is in the green belt and the development should be sited on an industrial complex away from residential areas.
- HGVs from the site will give rise to noise and pollution.
- The development will have a negative effect on views and the beauty of the local area.
- Much of the green space in this area has been developed and this development would further reduce the area of undeveloped land. The remaining green space should be protected.
- The development would be harmful to wildlife.
- The surface of Bispham Road has been replaced many times due to wear and tear by HGVs. Bispham road is not suitable for use by HGVs.
- Concern that the site will become another unusable blot on the landscape.
- Negative impact on property values.

### **Advice**

The application is for the retention of an inert waste recycling operation which the applicant maintains has taken place on this site since 2013. The applicant operates a grab hire business which collects inert waste from ground works and other construction and demolition operations. The wastes are taken to the application site where they are processed using mobile crushing and screening plant to produce recycled aggregate and soil materials for resale. Any other recycled materials (metals, wood or plastic) or residual waste are removed from the site for sale or disposal as appropriate.

Paragraph 204 of the National Planning Policy Framework and Policy CS2 of the Lancashire Minerals and Waste Core Strategy aim to maximise the recovery of waste from construction works to contribute towards the supply of building materials. The National Planning Policy for Waste aims to drive waste management up the waste hierarchy. This aim is also the subject of Policy CS7 of the Core Strategy which includes targets for recovering value from construction and demolition wastes. The proposal is supported by the above national and local policies as it would allow waste to be managed at a higher level in the waste hierarchy and would reduce reliance on the use of primary quarried materials.

However, it is also necessary to ensure that the location of such developments complies with the general development strategy for the area and is acceptable in relation to the usual range of environmental considerations.

Policy WM4 of the Lancashire Minerals and Waste Local Plan deals with the location of inert waste recycling developments and states that such development will be supported at operational quarries and landfill sites and on certain named industrial estates. Although policy WM4 does not necessarily exclude other sites outside those named in the policy, this site is located within the Green Belt. Paragraph 146 of the National Planning Policy Framework states that certain other forms of development (which would include most waste processing developments) are not inappropriate in

the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it. For this application, the key purposes are to check the unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The extent of the Green Belt in this area is relatively narrow and occupies an area of agricultural fields between the eastern edge of Blackpool and Poulton le Fylde. Whilst the development only occupies a relatively small area, its location introduces an industrial activity into the Green Belt which is harmful to the purposes identified above. The development would therefore impact upon the openness of the Green Belt and is inappropriate development. No very special circumstances to justify the location of the development in the Green Belt have been put forward by the applicant and it is not considered that any exist. The development is therefore inappropriate development in the Green Belt contrary to paragraph 143 of the NPPF and Policy SP3 of the Wyre Local Plan.

The site is located immediately adjacent to a small stream called the Royles Brook and is located with Flood Risk Zone 3 (area at highest risk of flooding). The National Planning Policy Framework (NPPF) requires that all planning applications located within zones 2 and 3 are accompanied by a site-specific flood risk assessment. Whilst the applicant has provided a flood risk assessment, the Environment Agency consider that the assessment is inadequate as it does not demonstrate that the development would not increase flood risk off site and is not based upon topographical information that would allow the ground levels to be compared to the flood levels. There is also no information in relation to the maintenance of access to the riverbanks, impacts on bank stability and increased flood risk and pollution impact from waste materials entering the watercourse. The flood risk assessment is therefore considered inadequate and is contrary to paragraph 163 of the NPPF and policy CDMP2 of the Wyre Local Plan.

The crushing and screening activities have the potential to generate noise and dust impacts. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for waste management development will be supported where all environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. The nearest properties are located on an estate road approximately 100 metres to the west of the site and at another property 200 metres north of the site. A number of the representations have raised issues in relation to noise and dust impacts. Whilst the representations do not necessarily indicate that impacts are of a level that would be unacceptable, the application does not include any information on noise impacts without which it is not possible to make any assessment of impacts on local amenity. The site is within 100 metres of a number of dwelling houses and therefore it is possible that the use of crushing and screening plant would give rise to noise and dust impacts at these properties. Whilst there is a wooden fence around the side of the site that faces the nearest houses, it is unlikely that this would be sufficient to fully address the noise and dust impacts of the development. For these reasons it is considered that that the applicant has not demonstrated that the impacts on local amenity could be controlled to acceptable levels contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan.

Whilst the side of the site facing the public highway is screened by wooden fencing, the crushing and screening plant are still visible and it is likely that stockpiles of waste

would also be visible at certain times. It is considered that the visual impacts of the development would be incongruous and intrusive in this area contrary to Policy DM2 of the Lancashire Minerals and waste Local Plan.

A number of representations have been received in relation to highway impacts. However, the development is relatively small scale and the numbers of HGVs associated with the development are unlikely to be significant. LCC Highways have not raised objection to the application and therefore the highways impacts are considered acceptable. Impact on trees and hedges and wildlife has also been raised by the Borough Council and in a number of representations from local residents. However, due to the location of the site directly adjacent to the applicant's property and the relatively small scale of the activity, it is not considered that the impact on trees or ecology would be unacceptable.

In conclusion, whilst this development would meet the objectives of national and local policy for the recycling of construction wastes, it represents inappropriate development in the Green Belt for which no very special circumstances exist. The applicant has also not demonstrated that the impacts of the development on flooding and local amenity can be addressed satisfactorily. The development is therefore contrary to the policies of the development plan and planning permission should therefore be refused.

The proposed development is already being undertaken. If following refusal of the application, the development continues to operate, the County Council would have to use its powers of enforcement to require the cessation of the use.

Refusal of planning permission would affect the Convention Rights of the applicant as set out in the Human Rights Act 1998. These rights include those relating to the freedom to use land and possessions without interference. However, these rights have to be balanced against the rights and freedoms of others to enjoy and reasonable standard of amenity and to ensure that the use of land is properly controlled. The interference in the rights of the applicant is therefore considered to be in the public interest and to secure compliance with the policies of the Development Plan.

## **Recommendation**

That planning permission be **refused** for the following reasons:

1. The application site is located within the Green Belt. The development by reason of its nature and impacts does not preserve the openness of the Green Belt and is inappropriate development for which no very special circumstances have been demonstrated. The proposal is therefore contrary to paragraphs 143 and 146 of the National Planning Policy Framework and Policy SP3 of the Wyre Local Plan.
2. The applicant's Flood Risk Assessment has not demonstrated that the development would not increase to risk of flooding elsewhere. The location and design of the development also would not preserve access to the Royals Brook for the purpose of maintenance or prevent waste materials from entering the watercourse resulting in pollution or obstruction of the watercourse. The development is therefore contrary to paragraphs 155 and 163 of the National Planning Policy Framework and Policy CDMP2 of the Wyre Local Plan.

3. The application is not accompanied by any assessment of noise or dust impacts. The development is located close to residential properties and without any such assessment, it cannot be concluded that the development would not have any unacceptable impact on residential amenity or that any residual impacts could be mitigated to acceptable levels. The development is therefore contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

None

Reason for Inclusion in Part II, if appropriate

N/A