

Electoral Division affected: Rossendale East

Rossendale Borough: application number. LCC/2021/0008
Erection of new building and formation of hardstanding area for use as a site for the sorting and recycling of skip waste. Height Side Farm, Todmorden Road, Bacup.

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Executive Summary

Application - Erection of new building and formation of hardstanding area for use as a site for the sorting and recycling of skip waste. Height Side Farm, Todmorden Road, Bacup.

Recommendation – Summary

That the application be **refused** for the following reasons:

1. The proposal is located outside of the urban boundary in a rural agricultural location. The applicant has not demonstrated a requirement for a rural location and the development by reason of its requirement for outside storage of HGVs and skips and difficulty in controlling litter would have a detrimental impact on the visual quality and amenities of the countryside contrary to Policies 1, 10 and 21 of the Rossendale Core Strategy and policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.
2. The access to the site is by way of an existing unsurfaced track which is shared with a public footpath. The proposal would increase the use of this track by HGVs which would have an unacceptable impact on the safety and amenity of footpath users contrary to paragraph 98 of the National Planning Policy Framework and Policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.

Applicant's Proposal

The application is for the erection of a new building to be used for the recycling of skip waste. The main building would measure 18.9 metres by 9.4 metres with a pitched roof with a ridge height of 7.4 metres. The lower parts of the elevations would have a pre-cast concrete wall with green cladding sheets for the upper walls and grey fibre cement roofing sheets.

Attached to the main building would be another lean-to building to be used as an office/welfare facility measuring 6 metres by 7.3 metres with a maximum height of around 2.5 metres. The external elevations of this building would be in green cladding sheets.

The main building would have a central waste sorting area with various areas around the perimeter to be used for storing recovered hardcore, inert materials, bins for other recycled materials and an area for non-recyclable waste.

The site would operate between 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays with no operations on Sundays. The applicant estimates that the development would give rise to an average of two HGV movements per day (maximum of six).

To the rear of the lean-to building would be an area for the parking of HGVs/skip waggons and storage of skips.

The development would require six employees.

Description and Location of Site

The application site is located at Height Side Farm, an existing farm complex located off the A681 Todmorden Road, 1.5 km north east of Bacup. The farm site is accessed from Todmorden Road via an unsurfaced track that is also a public footpath.

The proposed building would be attached to a recently constructed agricultural building located on the north western side of the farm complex. There are a number of other farm buildings and a residential dwelling located elsewhere on the complex. All of the land surrounding the farm complex is agricultural grazing land.

There are a large number of residential properties adjacent to Todmorden Road the nearest of which are 170 metres to the south east of the proposed building. Sharneyford Primary School is located 260 metres to the north east of the application site.

Background

History: The site is at an existing agricultural complex – there is no relevant planning history.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the NPPF are considered relevant to this proposal: 8–11 (definition of sustainable development), 83 (supporting the rural economy), 98 (impacts on public rights of way), 108–109 (highway impacts), 127 (design) and 180 (local amenity impacts).

National Planning Policy for Waste: sections 1 and 7 are particularly relevant.

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

Policy CS7 – Managing our waste as a resource.
Policy CS8 – Identifying capacity of managing our waste.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 – Management of waste and extraction of minerals.
Policy DM2 – Development Management.
Policy WM3 – Local Built Waste management facilities.

Rossendale Borough Core Strategy

Policy AVP2 – Strategy for Bacup, Stacksteads, Britannia and Weir.
Policy 1 - General Development Locations and Principles.
Policy 10 – Provision for Employment.
Policy 18 – Biodiversity, geodiversity and landscape conservation.
Policy 21 – Supporting the rural economy and its communities.
Policy 23 – Promoting high quality design and spaces.

Rossendale Borough Local Plan (Submission version)

Strategic Policy SS: Spatial Strategy.
Policy SD1: Presumption in favour of sustainable development.
Policy SD2: Urban boundary and green belt.
Strategic Policy EMP1: Provision for employment.
Policy EMP 4 – Development Criteria for employment generating development.
Policy EMP5 – Employment development in non-allocated employment areas.
Strategic Policy ENV1: High quality development in the Borough.
Policy ENV6 – Environmental protection.
Policy LT6 – Farm Diversification.
Policy TR2 – Footpaths, cycleways and bridleways.

Consultations

Rossendale Borough Council: Object to the application as the proposal is considered to conflict with Policies 1 and 21 of the Core Strategy which relate to the general development locations and protection of the countryside. Whilst the building is of an appropriate scale and design for this location and the proposal is far enough from properties, this is not sufficient to outweigh the harm to the policies of the Core Strategy relating to the location of development.

Environment Agency: No objection. The operation would require an environmental permit.

Coal Authority: The site is in high risk area for shallow coal mine workings. The applicant should submit a Coal Mining Risk Assessment to support the application. As no information has been submitted the Coal Authority objects to the application.

LCC Highways Development Control: The development is relatively small in scale and therefore no objection is raised. However, it is considered that the operation should be limited to a maximum level of 6 two way HGV trips per day. There is also evidence of loose material being washed from the access track onto Todmorden Road and

therefore the first 10 metres of the track should be hard surfaced including suitable drainage measures.

United Utilities: No objection subject to conditions relating to surface water drainage and the draining of surface and foul water on separate systems.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

Twenty six representations have been received objecting to the application on the following summarised grounds:

- Impact on the local environment including pollution from waste and from vehicles bringing rubbish to the site.
- The development would affect the rural location and its tourism potential.
- The development would impact upon a public right of way.
- The proposal would give rise to excessive HGV traffic and create excessive CO2 and other air quality emissions.
- Disruption to nature.
- There are already large numbers of skips stored at the site.
- The movement of skip lorries creates noise impacts.
- The skips being brought to the site could include all sorts of the materials including those with a hazardous nature.
- The proposal would impact on the safety of pedestrians including children walking to Sharneyford Primary School and the additional HGVs would increase the risk of accidents on Todmorden Road.
- The proposed hours of operation are too early.
- There would be the possibility of litter and smells.
- The access track is only a single track road.
- The development is outside of the urban boundary and does not contribute to the improvement of the local rural environment. Existing industrial land or brown field sites would be a more suitable location.
- The waste sorting activity would be open to the weather.
- The drawings with the application are incorrect.
- There is no assessment of landscape impact and on views from footpaths.
- The proposal would have an impact on birds particularly species which are of conservation concern.
- What will happen to the wastes that cannot be recycled?
- There are already several skip waste recycling facilities in the local area.
- The site is located in the Green Belt which is not suitable for this activity.
- Approving the activity would be likely to result in its eventual expansion.

Two letters of support have been received raising the following issues:

- Farming is not as profitable as it once was.
- The Sharneyford area has been used for flytipping and illegal waste activities due to lack of suitable facilities.
- The proposed building cannot be seen from Todmorden Road and all the activities will be undertaken under cover within a building. The mitigation measures have been thought through.
- The proposal would help in meeting targets for recycling waste.

Advice

The proposal is for the construction of two new buildings on an existing agricultural site for use as waste recycling/waste transfer station. Skips would be brought to the site from building sites and household clearance locations and would be emptied onto the floor of the main building. The waste would then be sorted by hand and using existing agricultural equipment into bays or skips for different recyclable materials (such as wood, metal and hardcore) with non-recyclable elements being deposited into a separate bay for disposal elsewhere.

The waste recycling operations would be undertaken within a new building that would be open on its south facing elevation. The new building would be directly adjacent to another larger building that has recently been erected for agricultural operations.

The Waste Management Plan for England sets out Government policy to work towards a more sustainable and efficient approach to resource use and management. The National Planning Policy for Waste sets out that planning plays an important role in delivering these ambitions through delivery of modern waste infrastructure at the highest level in the waste hierarchy and helping to ensure the re-use, recovery or disposal of waste without endangering human health or harming the environment. At a local level, the Lancashire Minerals and Waste Core Strategy (Policy CS7) sets targets for recycling, composting and recovery for different types of waste including industrial and commercial waste and construction/demolition wastes.

The proposal would allow recyclable materials to be separated from skips originating from households, construction sites and industrial/commercial development thereby securing the management of such wastes at a higher level in the waste hierarchy. The proposal would therefore help to meet the objectives of planning policy for waste at a national and local level.

However, it is also important to assess the proposal against the national and local policies that relate to the location of industrial and commercial uses including waste development. Policies that relate to farm diversification and the rural economy are also relevant given the location of the site on part of an agricultural holding.

Policy WM3 of the Lancashire Minerals and Waste Local Plan sets out the requirement for and location of local built waste management facilities. In East Lancashire, Policy WM3 sets out that such development will be supported on sites at Whitewalls Industrial Estate, Pendle and at Heasandford Industrial Estate, Burnley. However, Policy WM3 does not necessarily prevent other sites from being supported provided they comply also with the other policies of the Development Plan including those set out in the Borough Local Plans.

The Rossendale Core Strategy includes a number of policies of relevance to this proposal. Policy 1 states that the Council will seek to maintain Rossendale's distinctive environment through implementing a broad development strategy and states that development should take place within the defined urban boundary unless it has to be located in the countryside. In respect of Employment development, Policy 10 requires that new proposals should be primarily located within the defined urban boundary, maximise the use of previously developed land, meet energy standards and be accessible by modes other than the private car. In respect of landscape matters, policy

18 includes a requirement that proposals should safeguard and enhance landscape character. In respect of the rural economy, Policy 21 states that development outside of the existing rural settlements should demonstrate the social and economic benefits for the local area and that strict consideration will be given to the impact of rural development on the countryside. Policy AVP2 states that proposals for farm diversification which generate employment opportunities will be considered favourably.

Whilst the site is not in the Green Belt, it is located outside of the urban boundary as designated in the Borough Core Strategy. Therefore the policies of development restraint within such areas as set out in Policies 1 and 10 are particularly relevant. In particular, it is not considered that the development has to be located in the countryside, and that there are many sites within the existing nearby main urban areas that would be able to accommodate a small scale waste management development such as that proposed. The proposal is therefore considered to be contrary to Policies 1 and 10 of the Core Strategy.

Given the location of the site on a farm holding, it should also be assessed in relation to the policies relating to rural diversification as there may be certain circumstances where the harm to policies 1 and 10 would be outweighed by other factors. However, whilst the proposal would give rise to certain economic benefits such as employment and support for the adjacent agricultural activities, policy 21 requires that strict consideration should be given to the impact of rural development on the countryside. Whilst the proposed building would ensure that all waste sorting and storage would take place under cover, storage of empty skips and parking of HGVs would take place adjacent to the building in the open air. These storage activities would be difficult to screen and would be visible from the footpath that runs through Height Side Farm and also the bridleway that follows Todmorden Old Road to the north west of the site. Although, the sorting activities would be within the building, it is inevitable that they would generate some noise impacts through the movement of vehicles and sorting of waste. It is also likely that there would be some spillage of waste from skips and from plant involved in the movement of waste and that it would be difficult to keep the site clean and litter-free due to the unsurfaced condition of the area around the building. Whilst it is considered that the noise impacts would not affect residential amenity due to the distance from the houses, noise and litter would compound with the visual impacts lending an industrial character to the site that would conflict with its rural location. It is therefore considered that the proposal does not comply with the requirements within policies 18 and 21 that such developments in the rural area respect the landscape character.

Height Side Farm is accessed off Todmorden Road via a narrow unsurfaced track. Whilst Lancashire County Council Highways have no objection to the proposal subject to the improvements set out in their response, the access is also shared with a footpath. Paragraph 98 of the National Planning Policy Framework (NPPF) states that planning decisions should protect and enhance public rights of way. Due to the narrow width of the access track, any increase in HGV movements to this site due to skip lorries or HGVs involved in the export of waste or recovered materials would have an impact on the amenity or safety of footpath users.

A number of other impacts have been raised in the representations including pollution impacts and effect on ecology. However, it is considered that the development would not have any impacts in that regard due to its design and location or could be satisfactorily controlled through planning conditions. In any event, the use would have to be the subject of a permit from the Environment Agency which would control any pollution impacts.

Conclusions

This proposal would assist in the recycling and recovery of waste materials as supported by national and local planning policy. However, this has to be balanced against the policies in the Development Plan that are concerned with the proper location of industrial development. It is considered that the applicant has not demonstrated that there is a particular locational need for a site outside of the urban boundary and that the character of the use would be detrimental to the amenities and visual character of the countryside. On balance it is therefore considered that the proposal is contrary to the policies of the Development Plan

Refusal of the application would affect the Convention Rights of the applicant as set out in the Human Rights Act 1998. The rights in Article 1 of the 1st Protocol and Article 8 are relevant with regards to enjoyment of possessions and respect for family and private life. The Human Rights Act requires that such rights shall only be interfered with if it is in the public interest and in order to protect the rights and freedoms of others. However, it is necessary to secure the proper location of development in order to secure compliance with the policies of the Development Plan. The interference in the rights of the applicant is therefore considered to be justified in the public interest.

Recommendation

That planning be Refused for the following reasons:

- 1 The proposal is located outside of the urban boundary in a rural agricultural location. The applicant has not demonstrated a requirement for a rural location and the development by reason of its requirement for outside storage of HGVs and skips and difficulty in controlling litter would have a detrimental impact on the visual quality and amenities of the countryside contrary to Policies 1, 10 and 21 of the Rossendale Core Strategy and policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.
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