

Development Control Committee
Meeting to be held on 8 December 2021

Electoral Division affected:
Pendle Rural

Pendle Borough: Application Number. LCC/2021/0003
Extension to the existing recycling building, EWR Skips, Eden Works
Industrial Estate, Colne Road, Kelbrook.

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Executive Summary

Application - Extension to the existing recycling building, EWR Skips, Eden Works Industrial Estate, Colne Road, Kelbrook.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, highway matters and drainage.

Applicant's Proposal

Planning permission is sought for the extension of the recycling building at EWR Skips located on the Eden Works Industrial Estate, Colne Road, Kelbrook. The extension would measure approximately 33m x 30m with a height of 11m. The building would cover a total area of 998m². The building would be constructed from metal sheet cladding sheets with a pitched roof constructed from plastic coated corrugated steel. This design would match the existing building which would be connected to the proposed development.

EWR Skips is a plant and skip hire business which has been established on this site since 2004. Skips from construction sites and site clearance works are imported to the site where materials such as hardcore, wood, plastic and metals are sorted from the waste stream. The applicant has confirmed the number of Heavy Goods Vehicles visiting the site on average per day is between 35 - 40 movements and the site processes approximately up to 50,000 tons of recyclables/waste per year.

Description and Location of Site

The site is located on the Eden Works Industrial Estate accessed from the A56, situated to the north of Kelbrook, a small settlement 3km to the southeast of Barnoldswick. The site is situated to the rear of the industrial estate and currently consists of a hardstanding area used for the storage of vehicles, skips and plant hire equipment. Other neighbouring units within the industrial estate includes vehicle storage depots, building suppliers yards and other industrial uses. The nearest residential properties are situated 150m to the north of the site located on Colne Road.

Background

History

Planning permission was granted in September 2004 for the change of use of land to a waste transfer station, erection of a building to house waste sorting operations and the construction of three external storage bays (Ref - 13/04/0321).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 7 - 11, 81 - 83, 110 - 113, 126 - 136, 159 - 169, 183 - 188 are particularly relevant with regards to achieving sustainable development, building a strong competitive economy, considering development proposals, achieving well designed places, planning and flood risk and ground conditions/pollution.

National Planning Policy for Waste (NPPW)

Section 7 is relevant with regards the determination of applications for waste development.

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

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

Policy NPPF1 Presumption in Favour of Sustainable Development

Policy DM1 Management of Waste and Extraction of Minerals

Policy DM2 - Development Management

Policy WM2 - Large Scale Built Waste Management Facilities

Policy WM3 - Local Built Waste Management Facilities

Pendle Local Plan

Policy SDP1 - Presumption in Favour of Sustainable Development
Policy ENV2 - Achieving Quality in Design and Conservation
Policy ENV6 - Waste Management

Consultations

Pendle Borough Council - The aforementioned scheme has been assessed against the above local plan policies and Pendle Borough Council. The Borough Council have no comments to make.

Kelbrook and Sough Parish Council - No observations received.

Environment Agency - The development shall be carried out in accordance with the submitted flood risk assessment. The following mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

- Finished floor levels shall be set no lower than 140.58 metres above Ordnance Datum (AOD).
- If required, services such as water, gas, electric, sockets etc shall be installed no lower than 600mm above the finished floor level which equates to a level of 141.18 metres above Ordnance Datum (AOD).

LCC Highways Development Control - Based on the information shown on drawing (EWR-15-12-20-BP amended 13.09.21) on-site parking is now considered to have been provided. Lancashire County Council (LCC) Highways recommend that a condition be added to any planning approval requiring the parking area to be provided in accordance with the approved plans and retained throughout the duration of the development.

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. One objection has been received from the landowner of adjacent areas of the industrial estate raising concerns that the operations at the site generate a considerable amount of vehicular traffic. The objector states that three companies operate a one way traffic system entering at the northern end of the site and exiting at the southern end as part of a safety first policy. This was introduced after EWR started trading and the number of vehicles entering and leaving the site increased dramatically and congestion at the north end of the site has become an increasing problem. One of the occupiers on the industrial estate has buildings on both sides of the access road and there are concerns for the safety of pedestrians moving between the buildings.

The proposed size of the extension appears to be double the size of the existing recycling building . The objector is concerned that the proposals will substantially increase the number and size of skips handled leading to at least a doubling of the vehicle movements through the northern entrance and increasing the risk to pedestrians on the other areas of industrial used by the applicant's traffic.

Advice

Planning permission was granted at the site in September 2004 for the change of use of land to a waste transfer station, erection of a building to house waste sorting operations and the construction of three external storage bays (Ref - 13/04/0321). The current application is for an extension to the existing building within the operational area of the site and is required to provide cover for external waste storage to improve the sorting process and to help to keep material dry from adverse weather conditions.

The majority of waste at the site is commercial and building waste such as hardcore materials, wood, plastic and metals. The remaining volume is derived from general household clearance and some garden waste. The applicant has confirmed the number of Heavy Goods Vehicles visiting the site on average is between 35 - 40 movements and the site processes approximately up to 50,000 tons of recyclables/waste per year. The majority of this material is immediately processed and then transported off site for recycling purposes. The applicant has stated only a very small amount of waste received at the site has to be sent to landfill due to the type of waste not being suitable for recycling.

National Planning Policy for Waste requires that waste materials should be managed at the highest level possible within the waste hierarchy. The site operations assist in recycling wastes into useful products therefore moving the management of such wastes higher in the waste hierarchy. Policy CS7 of the Lancashire Minerals and Waste Core Strategy Development Plan Document (DPD) seeks to manage waste as a resource, while Policy CS8 of the Core Strategy Development Plan Document (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 National Planning Policy Framework and the Joint Minerals and Waste Local Plan recognises that waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise and dust. More specifically, Policy DM2 of the Joint Minerals and Waste Local Plan supports development for waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

Policy ENV6 of the Pendle Local Plan states the Council will support the provision of sufficient, well-located waste management facilities, as required by the Joint Lancashire Minerals and Waste Local Plan by:

- Safeguarding existing waste management facilities, transfer stations and any additional sites located in Pendle that are identified in the Joint Lancashire Minerals and Waste Local Plan (JLMWLP), unless compensatory site provision is made elsewhere.

- Supporting the more efficient use of existing waste management facilities and transfer stations.
- Exploring local opportunities for the co-location of complementary activities so that their outputs (e.g. heat/materials) can be harnessed to generate low carbon energy.
- Considering the sustainable transport of waste where it cannot be treated at source (e.g. via rail and water).

The policy requires that all new developments will be encouraged to follow the waste hierarchy and that sustainable waste management processes will be required that seek to reduce the generation of waste and prepare waste for reuse, recycling or other forms of recovery, only requiring disposal as a last resort.

The proposal would meet with the objectives of the waste hierarchy and other waste reduction policies by allowing greater volumes of waste to be removed from the waste stream and allowing greater recycling rates.

The building would be of a scale and appearance that is similar to the applicant's existing waste transfer station building and to other buildings elsewhere on the industrial estate. Enclosing areas of the site currently used for external storage would also improve the visual appearance of the site and to help to reduce litter issues. The design of the proposal is therefore considered acceptable in terms of Policy ENV 2 of the Borough Local Plan.

Paragraph 111 of the National Planning Policy Framework states that development should only be 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. The site is located within the Eden Works Industrial Estate which accommodates similar industrial operations. The access to the site is from the A56 which is a route carrying a significant number of vehicles.

One objection has been received raising concerns regarding impacts on pedestrian safety on the internal site roads between the site entrance and the A56. The applicant has confirmed the proposed development would not facilitate an increase in vehicle numbers as the purpose of the building is to provide a covered area for waste that is already imported to the site rather than allowing an increase in throughputs. The amount of waste that the applicant can accept is controlled through the existing Environment Agency permit which is not being varied as part of the proposed development. The distance between the site entrance and the junction with the A56 is only 83 metres and therefore there is limited scope for vehicles to attain a considerable speed on the internal site roads. There is also an existing speed bump over the access into this site which should reduce traffic speeds in this area. The landowner's comments about the one way system internal to the industrial estate are noted. However, to require the applicant to follow this circulatory system would necessitate his vehicles passing more occupiers on the estate than is currently the case and could increase traffic hazards. Given these factors, the impact on pedestrian safety is considered to be acceptable.

Lancashire County Council (LCC) Highways have been consulted on the application and have commented on the parking capacity at the site for staff. The applicant has confirmed there are currently eight parking spaces at the site, and they are proposing to increase this to 11 spaces. Lancashire County Council (LCC) Highways have stated the additional three parking spaces should be marked out prior to the development being brought into use. This matter can be controlled through condition.

The nearest residential properties are situated 150m to the north of the site located on Colne Road and it is considered that there would be no adverse impact on local or residential amenity. Paragraph 188 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. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. Enclosing greater areas of the process within a building is likely to reduce the impacts of the operation on local amenity.

Overall it is considered that the development is acceptable within the context and use of the existing site. It is unlikely that there would be any unacceptable impacts arising from the development. The site operations assist in the recovery and re-use of waste which reduces reliance on landfill and moves the management of waste up the waste hierarchy. Overall it is considered that the development accords with the requirements of the National Planning Policy Framework (NPPF) and the Development Plan.

In view of the scale, location and purpose of the development it is considered that no Convention Rights 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 13 August 2021.

b) Submitted plans received by the County Planning Authority:

Drawing No - EWR - 15 - 12 - 20 - D / Location Plan

Drawing No - EWR - 15 - 12 - 20 - A / Existing Site Plan

Drawing No - EWR - 15 - 12 - 20 - D / Proposed Building

Drawing No - EWR - 15 - 12 - 20 - BP / Proposed Site 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 policies NPPF1, DM1 of the Joint Lancashire Minerals and Waste Local Plan and policy ENV2 of the Pendle Local Plan.

Highway Matters

3. The development shall not be brought into use until the parking spaces have been marked out in the positions shown on Drawing No - EWR - 15 - 12 - 20 - BP / Proposed Site Plan . The additional parking spaces shall thereafter remain available for the parking of vehicles and not used for storing skips or plant.

Reason: In the interests of highway safety and visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Drainage

4. The development shall be carried out in accordance with the submitted flood risk assessment by T J Booth Associates (Doc ref: rep-tjba-blackburn skips-eden recycling centre-FRA-060421.docx).

The development should be carried out in accordance with the following :

- Finished floor levels shall be set no lower than 140.58 metres above Ordnance Datum (AOD)

- If required, services such as water, gas and electrical sockets etc shall be installed no lower than 600mm above the finished floor level which equates to a level of 141.18 metres above Ordnance Datum (AOD).

These measures shall be implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies SDP1 and ENV1 of the Pendle Local Plan.

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

Paper	Date	Contact / Ext
LCC/2021/0003	November 2021	Faiyaz Laly / 01772 538810

Reason for Inclusion in Part II, if appropriate

N/A