

Development Control Committee
Meeting to be held on 19 January 2022

Electoral Division affected: West Lancashire West
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West Lancashire Borough: application number LCC/2021/0045
Retrospective change of use of haulage yard to waste recycling (skips) on land at 410 Southport Road, Scarisbrick

Contact for further information:
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Executive Summary

Application - Retrospective change of use of haulage yard to waste recycling (skips) on land at 410 Southport Road, Scarisbrick.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, site operations and highway matters.

Applicant's Proposal

Planning permission is sought for a change of use of land from a former haulage and storage yard to a yard for the sorting and separating of waste materials from skips to reception containers. Inert aggregate based materials would be stockpiled on the ground.

Description and Location of Site

The application site covers an area of approximately 0.15 hectares and sits within an established storage site and haulage yard located in Scarisbrick, West Lancashire. The site is currently being used for small scale waste management activities and includes skip and container storage areas. The wider site is still used for vehicle storage and includes a large building, which is not included in the application area. The surrounding area includes a mix of agricultural land and housing. An isolated property is located to the north west of the site and a row of houses is located to the east of the site along Southport Road, where the site is accessed from. The site is secured by shrubs, bushes and perimeter fencing at the north, west and south and a security gate and garages/sheds to the rear of Southport Road at the east. The nearest residential properties are located some 40m to the east of the site and approximately 70m to the north west. Although a previously developed site, it is located within the Green Belt.

Background

The site has historically been used as a storage area, haulage yard and car parking area.

Planning Policy

National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

Our Waste, Our Resources: A Strategy for England (December 2018)

Joint Lancashire Minerals and Waste Development Framework 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 – 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 WM1	Capacity of Waste Management Facilities

West Lancashire Local Plan

Policy SP1	A Sustainable Development Framework for West Lancashire
Policy GN3	Criteria for Sustainable Development

Consultations

West Lancashire Borough Council – No comments received.

Scarisbrick Parish Council - Object on the grounds of the effect on residential amenities due to the change in use of the site.

Environment Agency – No objection to the proposed development but comment that the development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

Lancashire County Council (LCC) Highways Development Control - The proposed development is within the established heavy goods vehicle (HGV) haulage yard and does not involve a new or altered access to the public highway. The size and nature of the proposals at this location should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and there is no objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 29 representations have been received of which 23 are in support of the application and six objects to the proposal.

The representations in support are on the following grounds:

- Great employment opportunity for use of an empty space.
- The use is similar to previous.
- Good skip business.
- Supports waste management.
- More recycling is needed.

The representations objecting to the application raise the following issues:

- Noise for machinery on site and the tipping of waste on the yard floor, and from traffic.
- Smells and litter from waste activity.
- Damage to neighbouring driveway from vehicle movements.
- Noise from dragging skips.
- Foul language of workers.
- Alleged asbestos in skips.
- Disturbance to wildlife.
- Close to residential properties.
- Vehicles blocking the road.
- The skip business should be on an industrial estate.
- Inappropriate in the Green Belt.
- Possible highway congestion.
- Application does not conform to the local plan.
- The site is unsightly.
- Fire and security risk.
- Site is already working 7 days a week.
- Potential impact on neighbouring watercourse.
- Possible increase in vermin.

Advice

This application is to regularise waste management activities at an existing developed site that has previously been used for a variety of storage and commercial activities. The waste sorting and transfer activities represent a material change of use and separate planning permission is required. The application is made under section 73A of the Town and Country Planning Act 1990, which provides for applications for the grant of planning permission for development that has already been carried out.

Waste materials are currently transferred from skips to reception containers for metal, wood waste, green waste and general waste. Inert aggregate based materials are stockpiled on the ground. The applicant has stated that they have three small skip wagons, which deliver and return the skips on a daily basis. Operating hours would be limited to 0830 to 1730 Monday to Friday.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

The National Planning Policy for Waste refers to the Waste Management Plan for England in which the Government supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities. The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy SP1 of the West Lancashire Local Plan refers to a sustainable development framework for West Lancashire. It advises that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Green Belt

The site is located in the Green Belt but has historically been used as a storage area, haulage yard and car parking area.

Paragraph 137 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 147 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the National Planning Policy Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the National Planning Policy Framework advises that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land. The application is for a change of use of a previously developed site that has historically included a range of stored plant, containers, equipment and vehicles. There is no significant change in the visual impact of the activities compared with that which has occurred under the previous uses, and no significant impact on openness of Green Belt or the purposes of including land in the Green Belt. On this basis the development is acceptable in Green Belt policy terms and in terms of visual impact.

Traffic

Paragraph 111 of the National Planning Policy Framework states 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. The site has been a storage area/haulage yard and more recently is in part being used for a skip and waste management business. The current use does not involve a new or altered access to the public highway and has a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. LCC Highways Development Control raise no objection. Nevertheless, as a means of ensuring that disturbance to local residents from vehicle movements does not escalate over time, it is recommended that a vehicle number restriction of no more than 10 vehicles per day be placed on the site, which would also serve to control the intensity of waste management activity at the site. The applicant is amenable to this condition. It is also recommended that conditions be imposed for the sheeting and containment of vehicle waste loads and for a requirement to keep the highway free from debris.

Impact on local amenity

Paragraph 185 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy 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. The Environment Agency has raised no objection to the proposed development but has stated that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The applicant and Environment Agency have been reviewing the permitting requirements as part of ongoing activities at the site.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or 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.

On the basis that the waste management operations at the site will require an Environmental Permit from the Environment Agency and will be subject to further scrutiny, assessment and appropriate pollution controls as part of that process, it is considered unnecessary to seek to impose specific pollution controls through the planning process. The applicant has submitted a noise assessment to demonstrate that noise levels are and can be controlled to acceptable levels at the nearest sensitive receptors and therefore it would be unreasonable to refuse permission on this basis. Nevertheless, as a means of seeking to ensure that general intermittent disturbance is minimised, a condition is recommended to control the hours of working to those proposed by the applicant, which are 0830 to 1730 hours Monday to Friday only (excluding public holidays). Controls on vehicle movements referred to above and a condition for stockpile height limits would also reduce the likelihood of disturbance to neighbouring residents while also allowing a business opportunity to take place at a site that has a history of employment use.

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 Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with the law and as is proportionate.

This application, if it were to be approved, would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be controlled by conditions or through an Environmental Permit should one be granted.

Conclusion

This application is to regularise waste management activities at an existing developed site that has been used for a variety of storage and commercial activities. Subject to recommended conditions it is considered that there should be no unacceptable adverse impact on the environment, visual impact, the Green Belt, local highways or the amenity of local residents. Further scrutiny would be required through an application for an Environmental Permit and should a permit be refused waste management activities as currently undertaken would have to cease. The proposal is considered to be acceptable in terms of the policies of the National Planning Policy Framework and the policies of the Development Plan.

Recommendation

That planning permission be Granted subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

Submitted Plans:

Location plan dated 21/12/2021

Drawing no ML/DB/6121 dated 21/12/2021

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.

Site Operations

2. No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place outside the hours of:

0830 to 1730 hours, Mondays to Fridays (except Public Holidays)

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place at any time on Saturdays, 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.

3. Depositing, sorting, segregation, processing and loading of waste shall only be undertaken within skips or containers with the exception of inert soil, bricks and aggregates.

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

4. No soil/hardcore/aggregate stockpiles shall exceed 3 metres in height.

Reason: To safeguard the visual and residential amenity of adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. No more than 10 skip/container carrying vehicles shall enter, or leave the site per day, Monday to Friday.

Reason: To reduce the potential conflict within the site between the different uses and to maintain optimum operational conditions for the various uses and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. All vehicles transporting waste materials or recycled waste products into the site or from the site shall be securely sheeted or 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 comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. Measures shall be taken during the duration of the development to minimise the deposit of mud, dust or other deleterious material on the public highway by vehicles leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste 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/2021/0045	Jan 2022	R Hope, Planning and Environment, 01772 534159

Reason for Inclusion in Part II, if appropriate

Not applicable