

Development Control Committee
Meeting to be held on 2 March 2022

Electoral Division affected: West Lancashire West
--

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:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

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, highway matters and drainage.

Background

A report was presented to Development Control Committee on 19 January 2022 in relation to an application for the retrospective change of use of part of a haulage yard/storage area to a waste recycling facility on land at 410 Southport Road, Scarisbrick (refer to appendix A).

The report included the views of the Environment Agency and Lancashire County Council Highways Development Control and details of an objection from Scarisbrick Parish Council. No observations had been received from West Lancashire Borough Council at the time of writing the report. 29 representations had been received comprising of 23 in support of the application and six objections.

At the meeting, members of the Committee were provided with an update sheet which included details of a further representation received from a local resident and two additional conditions proposed in view of concerns raised regarding wastewater issues and drainage at the site.

The Committee were also verbally informed that an objection had been received shortly before the meeting from the Environmental Protection and Community Safety Manager at West Lancashire Borough Council, the details of which were circulated to members of the Committee. It was reported to Committee that the main issues concerning noise and pollution control had already been covered in the report.

The Committee noted that the formal comments of West Lancashire Borough Council had not been received and that a full response from the Borough Council's planning team should be sought before the application was determined. Therefore, the Committee resolved to defer determination of the application until the formal views of West Lancashire Borough Council had been received.

Consultations

West Lancashire Borough Council – object to the development on the grounds that insufficient information has been submitted to fully assess the impact of noise upon surrounding residents. Notwithstanding the deficiencies with the noise assessment a noise operating level of +4dB over background has been demonstrated which will have an adverse impact on the residential properties directly adjoining the yard. As such the proposal conflicts with the National Planning Policy Framework and Policy GN3 of the West Lancashire Local Plan.

Additional comments have been provided by a West Lancashire Borough Council planning officer who expanded on the above comments by stating that they had read the assessment of the application in the County Council's committee report. He noted the comments of the Environmental Protection and Community Safety Manager and added that the site would appear to have a longstanding use for storage and distribution and that the level of activity generated by this activity needs to be balanced by what can be lawfully operated at the site.

Advice

A response to the Environmental Protection and Community Safety Manager's comments and the objection from West Lancashire Borough Council has been provided by the applicant's noise consultant. The consultant emphasized that they had carried out sound surveys in September 2021 of actual activity at the site with worst case averages applied rather than basing the assessment on source levels of individual plant and assumptions. Assessment was made in accordance with the appropriate British standard taking account of averaging calculation methods.

Sound levels associated with the operations at the closest receptors were found to be some +4dB above background levels although residual noise associated with traffic on Southport Road is significant. Nevertheless, consideration must be given to the context that the site has a lawful use for haulage/storage uses where some noise could be experienced, and this situation is noted by the West Lancashire Borough Council's planning officer. Moreover, in recognising the existing lawful use of the site, the borough council has made no comments on Green Belt.

As set out in the report to committee on 19 January 2022, the site operator also requires an Environmental Permit for the site, and this would require certain standards of operation and noise pollution control. Without an appropriate Environmental Permit the site operator will not be permitted to continue.

In view of the additional information and comments, it is recommended that planning permission be granted in accordance with the advice and conditions set out in the report presented to committee on 19 January 2022 along with the two additional conditions that were noted on the update sheet.

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 or 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.

8. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. All foul water drainage shall be discharged to a public sewer or else to a sealed watertight tank.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform 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.