

Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Padiham and Burnley West
--

Burnley Borough: application number LCC/2022/0029 Change of use to a waste transfer station for sorting and bulking of skip waste. Thorney Bank Industrial Estate, Burnley Road, Hapton

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - Change of use to a waste transfer station for sorting and bulking of skip waste. Thorney Bank Industrial Estate, Burnley Road, Hapton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, empty skip storage, highway matters, hours of working and control of sorting operations.

Applicant's Proposal

The application is for the change of use of an industrial unit to a waste transfer use for the sorting and recycling of skip waste. The skips would predominantly arise from small building sites and would mainly contain construction or site clearance wastes.

Skips would be imported into the building, emptied onto the floor and the contents sorted into a number of separate bays for wood, metal, paper and card, hardcore, soils and residual waste (such as plastics and textiles). When the bays are full the contents would be removed off site to other recycling companies or for reuse.

No mechanical processing of waste would be undertaken. An external yard area would be used for the storage of empty skips.

It is proposed that the business would use two skip vehicles which would allow a maximum throughput of 25,000 tonnes of waste per year. This would equate to an average of 11 vehicle movements per day.

The hours of operation would be from 07.00 – 18.00 Mondays to Fridays and 07.00 – 13.00 on Saturdays.

Description and Location of Site

The application site is on the Thorney Bank Industrial Estate located off Burnley Road (A679) approximately 500 metres south of Hapton village.

The industrial estate has two entrances from the A679 and is divided into a number of units used for a variety of business, storage and distribution purposes. At the eastern end of the industrial estate is a large area of concrete hardstanding used for storage of empty skips and shipping containers used for self-storage. The industrial unit subject to the application measures approximately 35 metres by 17 metres and the external yard covers a similar area. There is a roller shutter door to the eastern side of the unit. The adjacent units are used by companies that produce horticultural fertilizers and supply precision engineering parts.

The nearest residential properties are located on the northern side of Burnley Road approximately 80 metres from the application site. Further properties in Hapton village are located approximately 180 metres to the north east.

Background

The application site is on an existing industrial estate with a variety of light industrial, storage and distribution uses. The unit subject to the application is currently vacant.

Planning Policy

National Planning Policy Framework (NPPF)

The following paragraphs are particularly relevant: 11 (presumption in favour of sustainable development), 47 (determining applications), 81 – 82 (building a strong competitive economy), 111 (highway impacts), 185, 188 (development and pollution).

National Planning Policy for Waste

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

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 WM1 – Capacity of waste management operations

Policy WM3 – Local built waste management facilities

Burnley Local Plan

Policy SP1 – Achieving sustainable development

Policy SP4 – Development Strategy

Policy SP5 – Development Quality and Sustainability

Policy EMP3 – New and improved sites and premises
Policy NE5 – Environmental protection
Policy IC1 – Sustainable Travel

Consultations

Burnley Borough Council: The site is outside the settlement boundary in an area of open countryside where Policy SP4 applies. This requires that development be strictly controlled. However, the proposal appears to only utilise an existing building. There are some properties along Burnley Road with potential for noise impacts and an hours of working condition should be imposed.

Burnley Borough Council (Environmental Health): The building subject to this application was previously used for the sand blasting and respraying of waste skips. A complaint about odour and dust emissions from these operations affecting the health and safety of employees in the adjacent industrial units was received in April 2022. The Environmental Health Officer (EHO) found that the building had not been correctly adapted for this operation and that dust and odour from volatile organic compounds were accessing the adjacent units via the party walls. The Environmental Health Officer (EHO) therefore recommends that any planning permission be subject to a condition requiring a scheme of works to prevent the egress of dust and odour via the party wall to adjacent premises.

Hapton Parish Council: Object to the application as the site is too close to residential properties and will cause environmental nuisance to neighbours through noise and pests.

Coal Authority: The site lies within a high-risk coal mining area. However, as the development is for a change of use with no new building work, no mining risk assessment is required, and the Coal Authority do not object to the application.

Environment Agency: The development will require a permit under the Environmental Permitting Regulations 2016. Based on the information submitted there are no major permitting concerns and there is no objection to the planning application.

Lancashire County Council (LCC) Highways Development Control: No objection. Based on the size and nature of the proposals, the development should have a negligible impact on highway safety in the vicinity of the site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Two representations have been received which object to the application for the following reasons:

- Increase in heavy goods vehicle (HGV) traffic on Burnley Road. The road is very busy, and the proposal will create further dangers.
- There is no signage to Thorney Bank Industrial Estate.
- Increase in noise levels to residential areas.
- Hazards to health from contamination of the atmosphere from the waste material being handled.

- The fire risks to other adjacent businesses including the self-storage containers, pallet yard, Hapton Animal Feeds and the paint suppliers.
- Litter issues on the highway.
- The site closely abuts farm land with livestock and horses.
- The application has not been advertised on the site and insufficient residents have been informed.
- The proposal will be visually unattractive.

Advice

The application is for the change of use of an existing industrial unit to a waste transfer station for the recycling of waste collected in skips. In 2020 the applicant applied for a site located at Heightside Farm near Bacup. This application was refused by the County Council and this decision was subsequently upheld on appeal. The purpose of the current application is to find an acceptable location for the applicant's business.

The main issues relate to the relationship with national and local planning policy and the local environmental impacts of the proposal.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and the Burnley Local Plan.

Paragraph 11 of the National Planning Policy Framework states that proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant policies or where the policies which are most important for determining the application are out of date, planning permission should be granted:

- Unless the policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusal.
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole.

The plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan is from 2001 until 2021. Certain of the policies in these documents (CS7, CS8, WM1 and WM3) provide for a quantum of waste processing capacity to be provided over the plan period. Whilst it may be considered that these policies are now out of date, they still accord with the general aim of government policy which is to ensure that waste is dealt with at the highest level of the waste hierarchy and to maximise the amounts of waste being reused or recycled. The proposal would allow mixed waste collected in skips to be sorted into different material types therefore allowing the recovery of resources and minimising the volumes of waste that are finally disposed of. The proposal is therefore considered to comply with the aims of

Government waste policy and the policies of the development plan which relate to these matters.

In terms of the use of this part of the Thorney Bank Industrial Estate for a waste transfer use, Policy WM3 of the Lancashire Minerals and Waste Local Plan supports local waste management facilities at the strategic sites listed in policy WM2 (Altham and Lomeshaye Industrial Estates) and at Whitewalls and Heasandford Industrial Estates. The application site is not on a site listed in either of the policies. However, it is considered that these policies do not prevent waste management operations in other industrial locations including on the Thorney Bank Industrial Estate provided that the impacts are acceptable.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for waste management operations will be supported 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.

Policy SP5 of the Burnley Local Plan relates to the quality and sustainability of development. It states that high standards of design, construction and sustainability will be sought in all types of development and that there should be no unacceptable adverse impacts on the amenity of neighbouring occupiers or land users.

The proposal is for the reuse of an existing industrial building. The proposed waste transfer use would not require any extensions to the building or other adaptations other than the installation of storage bays within the building for different types of materials. No mechanised waste sorting equipment would be employed within the building as all sorting operations would be by hand and no waste would be deposited outside of the building.

The nearest houses are located relatively close to the site. However, there are other industrial units and the A679 between the application site and the nearest houses. Given the relatively small scale of the proposal and the containment of the operations within the building, it is considered that the impacts on residential amenity would be acceptable. A permit from the Environment Agency would also be required which would contain conditions on matters such as noise and dust as well as a fire control plan. Conditions should be imposed on any planning permission in relation to hours of working, skip storage and undertaking all sorting operations within the building.

In relation to highways, the site is an existing industrial estate which has an access direct onto the A679. The visibility splays at the access are adequate and Lancashire County Council (LCC) Highways have raised no objection. The highway impacts from this development are likely to be very similar to those which could arise from another lawful use of this building.

Burnley Borough Council's Environmental Health Officer has raised concerns about the impacts on adjacent users of the industrial estate. The previous occupier of the building was involved with the repair of skips including sand blasting and spray painting. The impacts of these operations are likely to be considerably greater than those currently proposed where the potential for odour and dust would be much more limited. The applicant has commented that the fumes and dust issues were

investigated at the time and there was an old doorway between the units which have been inadequately bricked -up. The gap has now been filled with expanding foam. For these reasons, it is considered that the existing condition of the party walls is considered sufficient to prevent any harm to the amenity of the occupiers of the adjacent units.

Paragraph 188 of the National Planning Policy Framework states that the focus of planning decisions should be on whether the 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. In this case, the operation would require a permit from the Environment Agency which would contain conditions on matters such as noise, waste types and pollution controls.

Taking into account these issues, it is considered that the impact of the operations on local residents and the amenity of adjacent land users would be acceptable, and the proposal therefore complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy SP5 of the Burnley Local Plan.

In view of the nature, scale and location 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 in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 25 April 2022.

- b) Submitted Plans and documents:

Drawing no. 22977/05 - Location Plan

Drawing no. 22/977/06A - Existing and 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 policy DM2 of the of the Lancashire Minerals and Waste Local Plan.

3. All waste sorting and recycling operations shall take place within the building shown edged red on drawing no 22977/06A.

Reason: In the interests of local amenity and the conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. No mechanised waste sorting equipment shall be installed within the building.

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

5. Empty skips shall only be stored within the building or within the hatched area shown on drawing no 22977/06A. Where skips are stored within the hatched area, the maximum height of storage shall not exceed 3 metres above ground level.

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

Hours of Working

7. No waste sorting operations or importation or export of waste or recycled materials to and from the site shall take place outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

07.00 to 13.00 hours on Saturdays

No waste sorting operations or importation or export of waste or recycled materials to and from the site shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

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

Drainage

8. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank, these shall be removed from the site completely.

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 Lancashire Minerals and Waste Local Plan.

9. 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 drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the 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/Directorate/Ext
LCC/2022/0029	July 2022	Jonathan Haine Planning and Environment (01772) 534130

Reason for Inclusion in Part II, if appropriate

Not applicable.