

Application Number:	2013/0239	Application Type:	Full
Proposal:	LCC consultation for proposed extension to Waste Transfer Station and erection of screen wall	Location:	Land at Waterbarn Mill Newchurch Road, Stacksteads, Bacup, OL13 0NL
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 June 2013
Applicant:	Shadlock Skips	Determination Expiry Date:	NA as LCC application
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/>
Other (please state):	High level of public interest / objection in this application to be determined by LCC

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the Borough Council recommends permission is granted by Lancashire County Council subject to conditions pertaining to noise, dust and use as set out in Section 9.

2. **SITE**

The application submitted to Lancashire County Council relates to land accessed off Newchurch Road via a bridge across the river Irwell. The river bounds the existing site to the north. On the opposite side of the river to the unit known as Glen Top Works currently occupied by Curtain Care / Greens Tarpaulin.

To the south east of the site is a strip of trees and behind that the relatively modern houses on the Brandwood Park estate. The company owns a car park adjacent to Newchurch road close to the site entrance which is used by employees.

To the south west boundary of the site, runs a disused railway line which is designated as a Valley Way. It currently presents as a muddy path. A strategy is being developed for this route to become a multi-user link and a nearby section has recently received consent for improvements to become a multi user route.

The building currently used as a waste transfer station is of a portal frame construction with a concrete base, metal cladding above and a fibre-cement sheeting roof. Vehicles enter through a large door. To the front is a two storey office / storage area used for purposes ancillary to the waste transfer station. The building is served by a larger service yard and perimeter fencing. The yard is demarcated by heavy duty concrete blocks to allow separate access to the commercial vehicle customisation company – ‘Pick up systems’ beyond the Waste Transfer Station.

The applicant owns a significantly wider site than just the waste transfer station building and yard, and lets out the unit used by ‘Pick up Systems’ and the unit nearer the entrance into the site known as Tin Man.

The land is within the Urban Boundary, as designated by Policy 1 of the RBC Adopted Core Strategy DPD (2011).

3. **RELEVANT PLANNING HISTORY**

Lancashire County Application 14/93/484- Phased development of Industrial thermoplastic recycling plant, Waterbarn Mill, Newchurch Road. – Granted by LCC 14/12/1993.

This consent covers the proposed site and the wider area now including the employee parking area, Tin Man and Pick Up Systems. A copy of that decision is attached. HR plastics implemented this consent but vacated the site in 2004 upon which the site remained unused until the current owner implemented 14/10/0073 covering part of the site.

Lancashire County Application 14/95/0073 Extension to form offices, laboratory and canteen as part of phase 2 development of 14/93/384 – Granted by LCC

Lancashire County Application 14/10/0452 Change of use from Industrial Thermoplastic recycling plant to waste transfer station, Waterbarn Mill, Newchurch Road. – Granted by LCC 18/11/2010.

This latter consent covers just the main building at Waterbarn Mill. A copy of the decision notice is attached.

It is understood the operation also works under the requirements of a permit for waste transfer operations issued by the Environment Agency.

This application appears to arise as a response by the applicant to complaints which have been sent to Lancashire County Council that the operator is acting in breach of the conditions related to consent 14/10/0452, most particularly by work being undertaken outside of the building given consent in 2010, though complainants also contend other conditions are also being breached. It is understood that Lancashire County Council has served a planning contravention notice on the owner earlier this year as a result of the complaints and responses to this PCN remain outstanding to which the County Council is now acting on.

Separately, the Borough Council is also investigating complaints received in respect of other uses on the wider site and whether appropriate consents are in place.

4. **PROPOSAL**

In support of this application the applicant states that the current business implemented 14/10/0452 uses the site as a waste transfer station for the following types of waste:

- Soil, clay, natural sand and rock
- Glass, slate, concrete, brick, tarmac, and ceramics
- Cement, plaster and plasterboard
- Cardboard, paper and textiles/fibres-natural or man-made
- Solid fully polymerised plastics
- Non-hazardous metals
- Timber – treated/ untreated including foliage shavings sawdust
- Rubber

The applicant indicates the sorted materials are removed by specialist contractors and the hours of operation are Monday to Friday 0800-1800 and Saturday 08:00 to 14:00.

The applicant indicates they now wish to enclose part of the yard immediately outside the vehicular entrance into the main building. It would be of similar height and clad in similar materials to the Mill. They also propose to erect a wall which would run along the edge of the yard for the full length of the mill building and thereby screen activity in the yard from view. It would replace the existing line of concrete blocks that define the access to the separately occupied mill at the rear of the site. The wall would be 2.5m high and clad in a material to match the enclosed yard. The applicant indicates the proposal will improve flexibility and working conditions and would screen the Waste Transfer Station yard from view from Brandwood Park and contain noise from the activity associated with the arrival and loading and unloading of vehicles and the management of skips.

The applicant indicates the extension would increase floor area by 260 sqm and would measure approximately 13m x 20m x 7m to ridge height and represents an increase of approximately 25%, the number of employees increased from 6 to 9. The applicant indicates they consider a large external yard area would remain with an acoustic barrier to attenuate noise.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

Section 1 Building a strong competitive economy

Section 4 Promoting Sustainable Transport

Section 7 Requiring Good Design

Rosendale Core Strategy DPD (2011)

AVP 2: Strategy for Bacup, Stacksteads, Britannia and Weir

6. **CONSULTATION RESPONSES**

NA

7. **NOTIFICATION RESPONSES**

NA

8. **ASSESSMENT**

The main considerations of the application are:

1) Principle 2) Visual Amenity 3) Neighbour Amenity & 4) Highway Safety

Principle

The application relates to an area of land within the Urban Boundary and in an existing employment area. The site falls within an area which has previously received consent for an Industrial thermoplastic recycling centre. The proposal is therefore considered acceptable in principle.

Whilst the growth of a business and employment numbers is welcomed and should be supported where the business can grow without unacceptable detrimental impacts on surrounding uses. Officers do query why the proposal would increase employment numbers given it is understood the proposal is to address an existing breach in conditions. The Borough Council would wish the County Council to ascertain clarification on this point.

Visual Amenity

The site cannot be viewed from Newchurch Road due to its position at the rear of existing buildings and is largely self-contained without overlooking. It is possible to see glimpses of the site through the tree buffer from Brandwood Park which backs on to the site. Currently, due to the size of the building in relation to the waste volumes it has been receiving some of the business operations have been observed taking place outside the building at certain times in breach of the conditions attached to the 2010 consent.

It is acknowledged that the siting of the proposed extension will bring the nearest point of the extended building closer to Brandwood Park. However, the extension still falls well within the boundaries of the overall employment area and will still be screened by the existing buffer of trees (largely deciduous) from Brandwood Park and a proposed new screen. It is also considered that the proposed enclosure of some of the operations that from time to time appear to have been taking place outside and the provision of a screen would improve the appearance of the site. It is considered that the facing materials proposed, which are to match the existing building are appropriate in visual amenity terms. Given the siting of the proposal it is also not considered to impact unacceptably in visual amenity terms from the Valley Way.

Neighbour Amenity

The location of housing in relatively close proximity to employment use is not uncommon in Rossendale and reflects its industrial heritage and geography. Following a period of activity under the thermo recycling consent for the wider site, this use ceased in 2004. More recently consent was given for waste transfer use for part of the site. The permission was subject to a number of conditions along with criteria requirements in relation to the permit provided from the Environment Agency.

In respect of noise, it is understood that the County Council will be undertaking a benchmark noise monitoring assessment as part of the consideration of this application. However, whilst this work is being undertaken, it would appear the main source of complaint is from operations taking place from time to time outside of the building given consent. Accordingly, Officers' are of the view that a proposal which seeks to enclose the operations which currently appear to be the main source of complaint should be supported in principle.

However, Officers do think that the County Council as determining authority should be satisfied that there is consistency between the recommendations of the Acoustic Assessment Report submitted with the application and the proposals in the Design and Access Statement and that any recommendations to mitigate noise impacts are carried out. The County Council should also satisfy itself that the proposal can accommodate the operations currently being undertaken outside and will not lead to further activities taking place outside after the extension is built. Furthermore, I consider this Council recommends that a condition which requires the scheme to be implemented quickly so as to ensure that the noise issues related to the current breach are addressed promptly.

In relation to other issues of concern which have been expressed by residents relating to lighting, dust and flies such issues it is considered can be controlled by condition. In respect of potential vibration from business operations, the County Council may wish to give consideration to this issue in their own assessment of the application as the determining authority.

Highway Safety

The determining authority will take account of any comments it receives from LCC highways in respect of the proposal.

9. RECOMMENDATION

That for the reasons outlined in the report, the Borough Council writes to Lancashire County Council giving its support for the proposal, whilst highlighting the need for due diligence in ensuring there is consistency between the proposed solutions for noise attenuation and the details submitted with the proposals in terms of design and materials.

That conditions pertaining to lighting, noise, dust and use of the site are attached to the consent and wishes to highlight that where appropriate subsequent monitoring and compliance is enforced.