

Allerdale Borough Council

Planning Application FUL/2019/0187

Development Panel Report

Reference Number: FUL/2019/0187
Valid Date: 24/07/2019
Location: Energy Coast Laundry Joseph Noble Road
Workington
Applicant: Mr J Robinson
Proposal: Retrospective application for the change of use of former car sales site to industrial laundry with the retention of freestanding buildings for ancillary storage, employees mess room, boiler and compressor housing

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	The principle of a B2 - General Industrial use at this location is considered to be acceptable. The site is allocated for such purposes within an existing saved allocation under Policy S12 of the Allerdale Local Plan Part 1 and within the draft Allerdale Local Plan Part 2: Site Allocations. Industrial uses are the predominant land use and, therefore, a further B2 use at this location is considered to be compatible.
Pollution Control	The site is the subject of an Environmental Permit issued by the Environment Agency which regulates emissions from the site. Having regard to the technical advice from statutory and non-statutory consultees, no concerns have been raised in relation to any risks posed to environmental quality or human health. The proposal is therefore considered acceptable in this respect,

	having regard to relevant policies including S32, S35 and S36.
Sustainability	Lillyhall is allocated as a strategic employment site for B1, B2 and B8 uses within the settlement hierarchy. It is therefore established by the adopted Local Plan Part 1 that this is a 'sustainable' location for new business.

2.0 Proposal

2.1 Planning permission is sought retrospectively for the change of use of a former car sales site (Sui Generis Use Class) to an industrial laundry (B2 Use Class), with the retention of freestanding buildings for ancillary storage, employees' mess room, boiler and compressor housing.

2.2 The Plans for consideration are:-

DRW 01 Existing Plans & Elevations

Flood Map

Floor Plan

Location Plan

2.3 It is understood that the present laundry business takes and returns clothing for laundering only from the Sellafield Nuclear Site. However, planning permission relates to the general use class of any development proposed, in this case, a change from a *Sui Generis* Use (falling outside a use class) - car sales, to Use Class B2 – General Industry. Planning controls do not extend to a particular operator within that Use Class or their clients. This is similar to retail development, where planning permission is given for an A1 Use Class as opposed to any particular store such as Tesco or Lidl. As such, the planning process must determine the acceptability of an industrial laundry within the B2 Use Class at this location, and not the suitability of any individual operator or their client.

2.4 On a related matter, the operations undertaken at the site require an Environmental Permit from the Environment Agency. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution. An Environmental Permit is in place for the application site and this Permit regulates emissions. Once the Environment Agency has granted a permit, they monitor compliance and enforce conditions as necessary. They also review environmental permits from time to time to make sure they continue to protect people and the environment.

- 2.5 Guidance issued by the Environment Agency suggests that, when deciding a planning application that requires a Permit, planning authorities should:-
- a) Be confident the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land.
 - b) Not focus on controlling pollution where it can be controlled by other pollution regulations, such as EPR.
 - c) Take advice from other consenting bodies, such as the Environment Agency, in pre-application discussions about fundamental issues that could affect whether a development is acceptable.

3.0 Site

- 3.1 The proposal relates to an established premises within the Lillyhall Industrial Estate, accessed off Joseph Noble Road. The premises comprise of a medium sized industrial unit, with ancillary cabins and structures within the hardsurfaced forecourt. The site is secured by existing fencing with controlled access. A range of industrial units are located to the north, east, south and west of the site, with a small number of additional uses such as a café. Open land with some trees can be found directly to the south, with further industrial development to the south along Pitwood Road.

4.0 Relevant Planning History

- 4.1 2/2006/0488 - Change of use of building and yard area to motor vehicle sales and valeting with associated customer parking. Approved.

5.0 Representations

Winscales Parish Council

- 5.1 Object strongly to the continued use of Energy Coast Laundry. Councillors feel that the company is flouting regulations in trying to get planning permission through the back door. Winscales Parish Council stringently implores that Allerdale Borough Council rejects this planning application as it requires open discussion and transparency, plus a duty of care to residents and people using the business park on a daily basis.
- 5.2 Winscales PC concerns are:
- a) It has only come to light to Winscales PC through 'Radiation Free Lakeland' that this company have been operating without planning permission on the Lillyhall Business Park since November of 2018.
 - b) Winscales PC was not consulted on the Nuclear Laundry being granted a radioactive substances permit by the Environment Agency following a brief one-month consultation period. The Environment Agency has not

been transparent as no consultation with local councils and members of the public took place.

- c) Daily Transportation of nuclear work items from Sellafield to the Lillyhall site, adding to the already increasing traffic in this area, risk of accidental radioactive contamination etc..
- d) Sellafield has its own dedicated on-site Laundry with its own water supply from Wastwater, the rivers Ehen and Calder and Beckerment mine, but moving the nuclear laundry to Workington means that the water to wash up to 7.75 tonnes of Sellafield laundry a day will come from the already stressed public water supply. The water from the nuclear laundry would go into the public drains at Lillyhall and come out at Parton.
- e) Lillyhall was set up as a business park to diversify away from the nuclear industry but it is increasingly becoming a nuclear dumping ground for nuclear waste.

- 5.3 Winscales Parish Council agrees with campaigners who are pressing for the nuclear laundry to be halted as a matter of urgency saying that it needs to go through rigorous planning scrutiny from the full County Council. This cannot be construed as a job increasing opportunity as this is just transferring from Sellafield to Lillyhall on minimum wage, thus a cost saving to Sellafield. Furthermore Winscales Parish Council feel that, in this case, Allerdale Borough Council has held them in contempt as they were not consulted on the change of use from a car showroom and workshop to a laundry. Allerdale Borough Council after months of denial have now made an informal recommendation to approve retrospective planning permission for the illegal nuclear laundry.

ABC Environmental Health

- 5.4 1st response – requested additional information relating to Environmental Permit and Inspection Reports.
- 5.5 2nd response – following the receipt of additional information, the Environmental Health Officer has confirmed no objections to the proposal and does not recommend any conditions as it is considered that the existing Permit adequately addresses this.

Cumbria County Highways

- 5.6 No objections on highway safety grounds. Disposal of surface water to Mains sewer will require consent and applicant should demonstrate that there are no other means of disposal. Oil interceptors will be required under Building Regulations.

Environment Agency

- 5.7 The Environment Agency has confirmed that an Environmental Permit has been issued for the site. No objections are raised to the application. They indicate that

this site has been set up to process laundry from 'clean' areas of nuclear sites. However, to be prudent, they have applied for an environmental permit under schedule 23 so that, should they receive items that are lightly contaminated, then they are permitted to manage them. As part of the permitting process we have assessed the radiological impact of this and we will periodically inspect against the conditions of their permit.

Health and Safety Executive

- 5.8 As this is not a planning matter relating to a Major Hazard site or pipeline then it is not then something that this team can help you with.

Office for Nuclear Regulation

- 5.9 This application falls outside of any GB nuclear consultation zone, therefore ONR has no comment to make.

County Minerals and Waste

- 5.10 No objection.

Fire Officer

- 5.11 No comments received.

United Utilities

- 5.12 No comments received to date.

Individual/Other representations

- 5.13 The application has been advertised by press advert, site notice and neighbour letter.
- 5.14 48 letters of representation have been received (up to 11th September 2019). The representations raise concerns summarised as follows:
- a) Concerns that the operation of the Energy Coast Laundry represents a novel and cumulative impact on air and water quality by a cocktail of radionuclides and chemicals.
 - b) The radioactive wastes from Energy Coast Laundry will go direct to the sewer system which culminates at the sewage works at Parton and is piped into the Solway Firth.
 - c) Increasingly, sludge from sewage works is now being put onto agricultural land. While pathogens in the sludge can (usually) be killed off by liming, the cumulative impact of radionuclides from the Energy Coast Laundry would impact human health and the wider environment.

- d) No matter how much water is used in the washing of the nuclear laundry the 'dilute and disperse' policy does not make radioactive isotopes disappear. The perception and the reality of continuing the illegal nuclear laundry means that Allerdale and Copeland residents would experience threat to both their amenity and their health.
- e) This would be contrary to a range of policies in the Allerdale Local Plan Part 1, including S29, S33, S35 and S36.
- f) Sellafield has its own laundry on site and dedicated water supply.
- g) The proposal is contrary to Minerals and Waste policies of the County Council that require proposals for minerals and waste developments to be located where they: "minimise operational "minerals and waste road miles" where practicable". Clearly Sellafield's outsourcing of its laundry 16 miles away increases road miles substantially. The laundry vans turn around up to 7.75 tons of laundry a day, every day. This equates to 64 miles per day for two vehicles, 23,360 unnecessary miles per year adding to global warming. It should be dealt with on site. Other policies relating to climate change and cumulative environmental impacts are also relevant.
- h) This is no ordinary laundry. It is using up to 50 cubic metres of water a day - the same as a small town. This is 18 250 cubic metres or 18 250 000 litres annually. This is coming from the public water supply and equates to approximately 250 persons' water for a year. This is set to grow with the ECL website stating that it caters for the nuclear industry as a whole, not 'just' Sellafield. This is not sustainable especially when Sellafield has its own dedicated water supplies from Wastwater, the Rivers Ehen and Calder and elsewhere.
- i) The Energy Coast Laundry should not be awarded retrospective planning permission to wash Sellafield's dirty clothes on the Lillyhall Business Park, a stone's throw from students, food outlets and play facilities for youngsters.
- j) Request that this matter be discussed at County Council level.
- k) Anything in contact with the nuclear process is highly dangerous and should be contained within the plant where it can be closely monitored. It should not be allowed to travel freely past residential areas.
- l) This undertaking negatively impacts on the visual landscape character, cultural heritage, and agricultural resources of the region.
- m) Given all the known nuclear energy "accidents" in the past decades there can be no justification to further imperil this land with a needless "laundry" when Sellafield has its own facilities.
- n) The range of radionuclides expected to be discharged from this facility is a complex mix including alpha-emitters, detectable only at very close

quarters. We need to know what sampling and monitoring arrangements are in place both at Sellafield and on-site and how these will ensure any items with concentrations of radionuclides, including alpha particles, are picked up and removed from the process before they are discharged. The estimated doses provided by the Environment Agency do not cover such occasional – and dangerous - concentrations since they are averaged.

- o) The release of radioactive material through the sewage system, with the potential for both build-up and dispersion, cannot be regarded as sustainable.

6.0 Environmental Impact Assessment

- 6.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the development does not fall within Schedule 1 nor 2 and, as such, is not EIA development.

7.0 Duties

- 7.1 None relevant.

8.0 Development Plan Policies

Allerdale Local Plan 1999

- 8.1 Lillyhall does not have Saved Settlement Limits but the site is within the Saved Employment Allocation WKEM6 - Local Employment allocations, Lillyhall Estate.

Allerdale Local Plan (Part 1)

- 8.2 The following policies are considered applicable:-

Policy S1 - Presumption in favour of sustainable development

Policy S2 - Sustainable development principles

Policy S3 - Spatial Strategy and Growth

Policy S4 - Design principles

Policy S5 - Development Principles

Policy S6 - Workington

Policy S12 – Land and Premises

Policy S13 – Energy Coast Innovation Zone

Policy S22 – Transport Principles

Policy S24 - Green infrastructure

Policy S29 - Flood Risk and Surface Water Drainage

Policy S30 - Reuse of Land

Policy S32 - Safeguarding amenity

Policy S33 - Landscape

Policy S35 - Protecting and enhancing biodiversity and geodiversity

Policy S36 - Air, water and soil quality
Policy DM3 - Protection of Employment Sites
Policy DM14 - Standards of Good Design
Policy DM17 - Trees, hedgerows and woodland

9.0 Other material considerations

Allerdale Borough Local Plan (Part 2) Submission Draft

9.1 The site is within a Safeguarded Employment Site. The following policies are considered relevant:-

Policy SA35 – Safeguarding Employment Sites and Premises
Policy SA52 – Green Infrastructure

National Planning Policy Framework (NPPF) (2019)

9.2 Paragraph 80 states:-

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

9.2 Paragraph 180 states:-

“Planning policies and decisions should also 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.”

9.3 Paragraph 183 states:-

“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.”

Allerdale Borough Council Plan 2019-2023:

9.4 Economic Opportunity and Growth - We will work to support Allerdale businesses to thrive and grow, attract new businesses to the area and create quality jobs.

9.5 Stronger and Healthier Communities - We will work to make sure that our communities are healthy, safe, included and supported.

10.0 Policy weighting

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan 1999 saved settlement limits and the Allerdale Borough Local Plan (Part 1) 2014 policies have primacy.
- 10.2 A material consideration is the provisions of the revised NPPF. Paragraph 213 of the revised NPPF (2019) advises that the weight afforded to development plan policies can vary according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.3 The Allerdale Local Plan (Part 1) policies pre-date the revised NPPF and therefore full weight can only be afforded to those policies that are considered consistent with the revised NPPF.
- 10.4 Policies relevant to the determination of this application are considered to be up to date and consistent with the NPPF..
- 10.5 Paragraph 48 of the revised NPPF specifies that weight can be given to emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework.
- 10.6 A reasonable level of objection was raised to policies SA35 and SA52, which may require resolution, but the matters are not considered to be overly contentious. The policies are considered to be broadly in line with the National Planning Policy Framework. Therefore some weight (but not significant weight) can be accorded to them in decision making.

11.0 Assessment

Principle of development

- 11.1 The site was allocated in the 1999 Local Plan under Policy WKEM as an employment allocation, and this allocation is saved by virtue of Policy S12 of the Allerdale Local Plan Part 1. Existing employment sites and allocations are retained and safeguarded until these are reviewed through the site allocations process. Policy S12 specifies that the Council will support development, redevelopment and change of use proposals within employment sites as defined on the Proposals Map, providing that the proposal is included within the use class B1, B2, B8 or appropriate Sui generis (employment). The Allerdale Local Plan Part 2 Submission Draft Policy SA35 seeks to continue the safeguarding of this strategic site for the same employment uses.

- 11.2 As a B2 use, the proposed industrial laundry would be compliant with the retained allocation and the requirements of Policy S12 of the Allerdale Local Plan. Industry is the prevailing land use within the locality and therefore, in land use terms, the proposed B2 industrial use would be compatible with the surrounding area.
- 11.3 The proposal would also see the re-use of previously developed land, in accordance with Policy S30 of the Allerdale Local Plan Part 1.
- 11.4 As such, the principle of the development is considered to be acceptable.

Control of pollution

- 11.5 A number of policies within the Allerdale Local Plan Part 1 seek to ensure that new development does not have an adverse impact on environmental quality and human health, including policies S32, S35 and S36 in particular. Policy S32 clarifies that proposals will not be supported where they would result in pollution or hazards which prejudice the health and safety of communities and their environments, including nature conservation interests and the water environment which cannot be overcome by appropriate mitigation measures.
- 11.6 It is acknowledged that a number of representations raise concerns with the potential for the proposal to increase risks to human health and environmental quality through the dispersal of potentially contaminated/radioactive materials beyond the Sellafield site. The reasoning given in the concerns is based upon the transportation of materials and through the discharge of materials to air or water during the laundry process.
- 11.7 Members are reminded that consideration of the proposal, in planning terms, relates to the appropriateness of the land use - an industrial laundry under a B2 use class. Such a laundry, could process garments from a range of different sources across a range of sectors and locations. Existing industrial laundries could accept garments from Sellafield without any recourse to planning, provided they obtained the appropriate Permit.
- 11.8 However, it is clear from the submission that the proposed laundry will process garments arising from the Sellafield Ltd, and additional information has been sought relating to the level of checking provided on site at Sellafield before products leave the site, in order to clarify matters for Members of the Development Panel.
- 11.9 Laundry is monitored at several separate points at Sellafield to confirm activity levels are within normal/expected parameters prior to being released off-site to the laundry. The submission details that:
- a) The laundry processes dirty basic workwear from the Sellafield site, including towels, socks, trousers, pants, vests and shirts, dealing only with non-active items.

- b) All areas at Sellafield are controlled by local rules which govern how an area is entered and exited and the equipment worn.
- c) Once an operative exits an area they attend a frisk probe with which they must examine their whole outer body to look for potential contamination.
- d) Once the operative has then washed their hands, they enter an IPM which is a whole-body Contamination Monitor, this checks the clothing and the body front and back.
- e) Operatives will then take off the basic workwear, which is put into respective bins for shirts, trousers, socks etc.
- f) These are then monitored by a Health Physics Monitor using approved scanning equipment to ensure there is no activity present.
- g) Finally, the vehicle passing out through the gates is scanned by fissile material detectors which would activate in the event there was any reading detected.

11.10 The applicant has also clarified that the Sellafield site did have its own non-active laundry, but that this has now closed, due to the moving of their existing active laundry which has had to be repositioned in the area of the old one. As such, there is now no facility on site for the washing of non-active laundry.

11.11 As part of the consideration of the application, technical advice has been sought from a range of statutory and non-statutory consultees. Both the Health and Safety Executive and the Office for Nuclear Regulation have confirmed that they do not wish to comment on the proposal.

11.12 The Environment Agency has confirmed that an Environmental Permit is in place for the processes undertaken on site and, as part of the permitting process, they have assessed the radiological impact of this and will periodically inspect again the conditions of the permit. The Permit requires procedures to be in place that cover general management and competencies, operations, monitoring to air (gaseous discharges) and water (aqueous discharges) and sets 'limits' for discharges of contaminants to water and air that must not be exceeded at the facility. To ensure compliance, the operator is required to undertake regular sampling, with testing/analysis undertaken by competent persons outside the organisation. The Environment Agency has raised no objections to the proposal.

11.13 Allerdale's Environmental Health, having reviewed the Permit and additional inspection data, have advised no objections to the proposal and do not recommend any conditions on the basis that pollution prevention measures by best practicable means are being secured by the Permit already in place.

11.14 Whilst the concerns of the public are understandable, given that the laundry materials are subject to monitoring before their release, that an Environmental Permit is in place, and that the technical advice provided by the Permitting Authority (Environment Agency) and Environmental Health has not raised any

concerns with the proposal, then a refusal in respect to relevant policies that seek to protect human health and environmental quality, is not considered to be justified in this instance. No conditions are recommended relating to the monitoring or mitigation of pollution, as this is secured through the Environmental Permit.

Sustainability

- 11.15 Policies S2 and S22 of the ALP (Part 1) seek to ensure that new development is located in areas that help to reduce journey times, have safe and convenient access to public transport, improve travel choice and reduce the need to travel by private motor vehicles. These policies accord with Paragraph 32 of the NPPF which seek to ensure sustainable transport modes are maximised and development is safe and accessible.
- 11.16 The application site forms part of a larger, strategic employment allocation that has been saved from the 1999 Local Plan and is being taken forward as part of the Allerdale Local Plan Part 2, Site Allocations. As part of this ongoing allocation, the Lillyhall Estate has been assessed and determined to be a sustainable location for existing and future employment uses. The site is strategically located between both Workington and Whitehaven and is served by regular public transport. As such, Lillyhall, as a location for new employment uses, is sustainable.
- 11.17 However, representations from the public specifically question the sustainability of removing laundry facilities for non-active workwear from the Sellafield site itself and re-locating this to Lillyhall, on the basis that this will generate four vehicle movements a day over 16 miles. Again, this is a specific issue relating to the operator/client base of this particular business, rather than a general issue arising from the proposed land use.
- 11.18 Any industrial laundry is likely to generate some level of traffic movement because the moving of the laundry itself is unlikely to be achievable by modes other than private vehicles. By locating within a strategic employment allocation, then this B2 use and other employment uses falling within B1, B2 and B8 conform to the spatial hierarchy within Policy S3 of the Allerdale Local Plan Part 1, which directs new development in accordance with the settlement hierarchy, in order to achieve sustainable development.
- 11.19 Specifically, with regards to the relocation of the laundry from Sellafield, whilst it would give rise to four vehicle movements a day to transport the laundry garments over 16 miles, it is also likely to result in differing travel patterns for staff. The journey times for the 12 full time staff at the laundry could increase or decrease as a result of the re-location, depending on their places of residence. As noted above, regular public transport would be available to Lillyhall and the re-location would potentially alleviate some of the congestion issues known to be experienced at the Sellafield site. As such, it is not possible to conclude that the proposal would only result in less sustainable transport movements as indicated by objectors and, given that new employment uses are directed to the strategic site at Lillyhall as part of the overall settlement hierarchy, the

development can be concluded to be sustainable in relation to policies S1, S2 and S22.

- 11.20 The Highways Authority has raised no concerns in relation to the access/egress provision and parking for the proposed use.

Visual Amenity

- 11.21 Policies S4 and S32 of the Allerdale Local Plan Part 1 seek to ensure that new development does not have an adverse impact on the visual amenities of the locality.
- 11.22 The proposal has resulted in the introduction of some external structures, such as containers to house laundry liquids. The main building already has the benefit of permission and the additional structures are subservient to this building and typical of an industrial process and what can be seen elsewhere in Lillyhall. The site is also relatively visually contained and the views of the new structures are limited, especially from receptors beyond the industrial estate. As such the proposal is considered to accord with policies S4 and S32 insofar as they relate to visual amenity and landscape considerations.

Green Infrastructure

- 11.23 Land to the southern boundary of the site is undeveloped and is noted as green infrastructure in the Allerdale Local Plan Part 2 Submission Draft. The proposal will have no impact on this area.

Local Financial Considerations

- 11.24 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have financial implications arising from Business Rates Revenue. This is considered to have very limited weight in the determination of the application.

12.0 Conclusions

- 12.1 The development is considered to be acceptable in principle. The industrial laundry is considered to fall under Use Class B2 – General Industrial, and the site is allocated for B1, B2 and B8 uses as a saved allocation within the Allerdale Local Plan Part 1 and following the review of employment land allocations as part of the draft Allerdale Local Plan Part 2: Site Allocations. As an allocated employment site, it is considered to be a sustainable location for this development, having regard to the settlement hierarchy and spatial strategy for the Borough.
- 12.2 Whilst the concerns of those making representations are noted, the technical advice of consultees has been sought and no concerns have been raised. An Environmental Permit is in place to control and monitor operations at the site through separate regulatory controls.

12.3 The proposal is considered to be acceptable, having regard to relevant policies of the Local Plan and advice contained within the NPPF.

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS

Annex 1

CONDITIONS

- 1. The development hereby permitted shall be carried out solely in accordance with the following plans:**

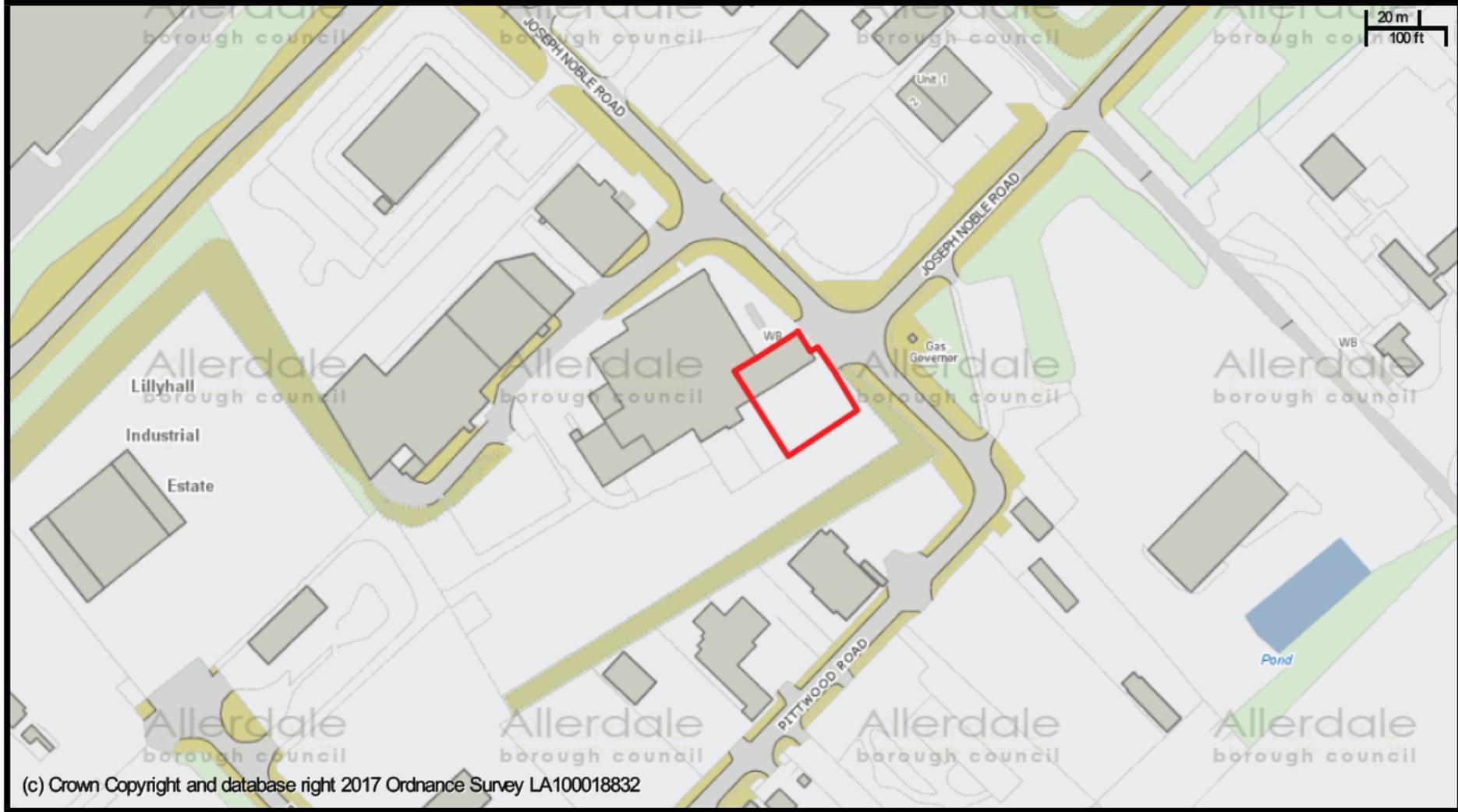
**DRW 01 Existing Plans & Elevations
Floor Plan
Location Plan**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Advisory Note

None





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