

Development Control Committee
Meeting to be held on 26 February 2014

Electoral Division affected:
Lancaster Central

Lancaster City: Application 01/13/1267
Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

Contact for further information:
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Executive Summary

Application - Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, noise, dust, hours of working, highway matters and landscaping.

Applicant's Proposal

Planning permission is sought for improvement works to the existing waste water infrastructure at Lancaster Waste Water Treatment Works (WWTW). The works would involve the erection of three kiosks, a transformer compound and landscaping associated with new below ground waste water infrastructure within the WWTW.

The three kiosks would have the following dimensions:

- The storm water relief screen and pumping station kiosk would measure 9.9m x 3.4m x 3.5m high.
- The two RMU kiosks would each measure 3.1m x 3.1m x 2.7m high.

The transformer compound would consist of 2.3m high metal palisade fencing to enclose a transformer with an area measuring 4.1m x 4.1m.

The kiosks and transformer compound would have double access doors and be coloured dark green (BS4800 14-C-39). The kiosks would be constructed from glass reinforced plastic (GRP).

Part of the existing landscape mound within the site would be raised in height by up to 2.0m using spoil excavated as part of the construction works. The landscaping

would include planting on the landscape mound to replace trees lost during construction of the underground infrastructure.

The overall construction works would take approximately one year and would be carried out between 0730 to 1800 Monday to Friday, and 0730 to 1300 hours on Saturdays with no work on Sundays. The construction works would generate around 20 HGV's per week. Construction and operational traffic would use the existing access and egress to the site

Description and Location of Site

Lancaster Waste Water Treatment Works (WWTW) is situated in an area of open countryside off Old Aldcliffe Lane, approximately 250m to the north- west of Stodday and 2.5km south of Lancaster City Centre. The WWTW is surrounded by agricultural fields on all sides except to the west where the River Lune Site of Special Scientific Interest (SSSI) and the Morecambe Bay Special Area of Conservation (SAC) and Special Protection Area (SPA) are located. Well-established woodland screen planting belts 20 - 30 metres wide are located along the site boundaries. The Lancashire Coastal Way cycle path is adjacent to the western site boundary. Vehicles access the site from the southeast from Snuff Mill Lane and egress the site from the north on to Old Aldcliffe Lane.

Two of the kiosks and the transformer compound would be located on the north side of the site and the remaining kiosk would be in the centre. The landscape mound to be raised is on the west side of the site. The replacement tree planting would be along the northern boundary adjacent to the site egress and the underground infrastructure works.

The southern and western boundaries of the site and a small area of the southern part of the site are located within Flood Zones 2 and 3.

Background

The application site is located at an established Wastewater Treatment Works.

A number of permissions for ancillary development at the site have been granted in recent years, the most recent being in 2012 for the erection of a belt press building, four kiosks, 2.4m high fencing around existing HV transformers, temporary construction compound and highway improvement works (ref. 01/12/0316).

Planning Policy

PPS10 Planning for Sustainable Waste Management

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66 and 109 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design and conserving and enhancing the natural environment.

Technical Guidance to the National Planning Policy Framework – Flood Risk and Minerals Policy.

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Lancaster District Local Plan /

Policy E4 The Countryside Area
Policy E11 Development affecting Floodplains

Lancaster District Core Strategy

Policy SC5 Achieving Quality in Design
Policy SC7 Development and the Risk of Flooding
Policy E1 Environmental Capital

Consultations

Lancaster City Council – No objection subject to the imposition of conditions to require the following:

- the protection of trees within or adjacent to the site,
- the undertaking of the development in accordance with the Tree Survey Report
- the maintenance of the proposed landscaping for a period of five years

LCC Developer Support (Highways) – No objection.

LCC Specialist advisor (Ecology) – No observations received.

LCC Specialist advisor (Landscaping) – No observations received.

Environment Agency – No objection.

National Grid Gas and Electricity - No objection.

Representations – The application has been advertised by site and press notice and the nearest residential properties have been notified by letter. One representation has been received from a local resident objecting to the application for the following reasons:

- A noise assessment has not been undertaken either for the construction or operational phases of the development. The application should not be considered until such assessment has been submitted.
- There has been no adequate assessment of traffic impact.

Advice

Planning permission is sought for the provision of additional waste water infrastructure within the operational boundary of Lancaster WWTW.

The development forms part of United Utilities (UU) Asset Management Plan 5 Programme which is a major programme of works to provide new assets, together with refurbishing and upgrading existing UU assets across the region, to be implemented between 2010 and 2015 and required by the water industry regulator OFWAT and the Environment Agency. UU are required to provide the appropriate facilities for the treatment of waste water, as required by the Water Resources Act 1991 and the Urban Wastewater Treatment Regulations 1994.

The storm water relief screen and pumping station kiosk, two RMU kiosks and transformer compound are required to provide the power and house the controls for a new underground storage tank and pumping equipment that are to be provided at the site. The storage tank would help to store the excess volumes that would normally overload the existing combined sewer system during periods of heavy or prolonged rain, and then release them back into the sewerage system at a controlled rate for treatment when there is spare capacity. This helps to reduce pollution as the number of unsatisfactory discharges from sewerage outfalls into the sea would reduce and it would also reduce the risk of flooding in nearby surrounding areas. The development would therefore have a number of ecological and general environmental benefits.

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. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Core Strategy and Site Allocation and Development Management Policies (LMWLP), the Lancaster District Local Plan and the Lancaster District Core Strategy.

Policy NPPF 1 of the LMWLP supports the presumption in favour of sustainable development and developments that accord with the policies in the Local Plan should be approved without delay unless material considerations indicate otherwise.

Policy DM2 of the LMWLP supports proposals for 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.

The site is located within the Countryside Area as defined by Policy E4 of the Lancaster District Local Plan which seeks to only permit development in Countryside Areas providing the following criteria are met; it is in scale and keeping with the character and natural beauty of the landscape, it is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, it

would not result in a significant adverse effect on nature conservation or geological interests and, it makes satisfactory arrangements for access, servicing, cycle and car parking.

The location of the proposed development is dictated by the layout of the existing sewerage infrastructure at the WWTW. The proposed kiosks and transformer compound are relatively small in scale, as they are only required to house control and power equipment and, with the proposed materials and finish would therefore only have very minor visual impact. The proposed landscaping would be to replace the trees that would be lost along the northern boundary of the WWTW to facilitate the construction of underground infrastructure and also to provide new landscaping of the mounding that would be raised using spoil from the development works. The number of HGV'S per week associated with the construction period would be around 20 but the LCC Developer Support (Highways) has not objected. The proposed development is located within in a flood risk area but the Environment Agency has raised no objection.

In relation to impacts generated during the construction period, conditions should be imposed to minimise the generation of noise and dust, restrict the hours of working and require measures to prevent the tracking out of material onto the highway. In line with the suggestion of Lancaster City Council, conditions should also require to the protection of trees within or adjacent to the site, the undertaking of the development in accordance with the Tree Survey Report and the maintenance of the proposed landscaping for a period of five years. Subject to such conditions, the proposal would accords with the policies of the Development Plan.

One representation has been received in relation to the noise and traffic impacts of the development. There would be an increase in traffic and possibly noise as a result of the construction phase of the proposed works. However, these impacts will chiefly arise from the construction of the below ground works which are permitted development and therefore do not require planning permission. Conditions can be imposed to control the noise and traffic impacts of those parts of the development to be undertaken under permitted development rights but it must be recognised that the applicant could undertake these works without applying for planning permission. The objections of the resident are therefore not supported but it is considered that conditions should be imposed to control noise from the site and to ensure the cleaning of vehicle wheels as part of the works to be undertaken with the benefit of permitted development rights.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as 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, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 11 December 2013.
- b) Submitted Plans and documents received by the County Planning Authority on 11 December 2013:

Drawing No. 0375/80030648/00/97/2001 Rev. A -
Proposed Site Layout

Drawing No. 0375/80030648/00/97/2002 Rev. A -
Proposed Storm Water P.S. MCC Kiosk

Drawing No. 0375/80030648/00/97/2003 Rev. A - Storm
Relief Transformer & RMU Compound

Drawing No. 0375/80030648/00/97/2004 Rev. A -
Proposed RMU Kiosk

Drawing No. 0375/80030648/00/97/9203 Rev. B - Tree
Retention, Removal and Protection Plan

Drawing No. 0375/80030648/00/97/9401 Rev. A -
Landscape Proposals

Drawing No. 0375/80019728/00/97/9400 Rev. B -
Landscape Proposal

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development, to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policies E4 and E11 of the Lancaster District Local Plan and Policies SC5, SC7 and E1 of the Lancaster District Core Strategy.

Building Materials

3. The proposed kiosk buildings and the palisade fencing for the transformer compound shall be coloured dark green BS colour code 4800 14 C 39 within one month of their construction and thereafter maintained in the approved colour.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policy SC5 of the Lancaster District Core Strategy.

Control of Noise

4. All plant, equipment and machinery used in connection with the construction, operation and maintenance of the site including that associated with any works undertaken under permitted development rights shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

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 - Site Allocation and Development Management Policies.

Dust

5. Measures shall be taken at all times during the construction phase of the development, including those works undertaken under permitted development rights, to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Hours of Working

6. No construction development or delivery or removal of materials, including that associated with permitted development works, shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)
0730 to 1300 hours, Saturdays (except Public Holidays)

No construction development or delivery or removal of materials, including that associated with permitted development works, shall take place at any time on Sundays or Public Holidays.

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

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 - Site Allocation and Development Management Policies.

Highway Matters

7. Measures shall be taken at all times during the construction phase of the development including those works to be carried out with the benefit of permitted development rights to prevent the tracking out of the site onto the public highway of mud, dust or other deleterious matter by construction vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

Landscaping

8. All landscaping works including the planting of trees and hedgerows as shown on Drawing No. 0375/80030648/00/97/9401 Rev. A - Landscape Proposals and Drawing No. 0375/80019728/00/97/9400 Rev. B - Landscape Proposal, shall be implemented within the first planting season, as defined in this permission, following the completion of the development and shall thereafter be maintained for a period of five years including replacement of dead and dying species, weed control and maintenance of protection measures.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

9. All hedges and trees forming part of the site boundaries or to be retained within the site shall be protected from any damage and maintained throughout the development including those works to be carried out with the benefit of permitted development rights in accordance with the details as shown on Drawing No. 0375/80030648/00/97/9203 Rev. B - Tree Retention, Removal and Protection Plan and in the Tree Survey Report

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

10. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, including those works to be carried out with the benefit of permitted development rights, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policy E4 of the Lancaster District Local Plan and Policy E1 of the Lancaster District Core Strategy.

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

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
01/13/1267	11 December 2013	Rob Jones/Environment/34128

Reason for Inclusion in Part II, if appropriate

N/A