

Development Control Committee

Meeting to be held on 26th February 2014

Electoral Division affected: Fleetwood East
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Wyre Borough: Application No. 02/13/0786

Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds. Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

Contact for further information:

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Executive Summary

Application - Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds. Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

Recommendation – Summary

That subject to the applicant first entering into an amended Section 106 Agreement in relation to the landscaped ecological mitigation area, planning permission be **granted** subject to conditions controlling working programme, restriction on permitted development rights, noise, dust, hours of working, highway matters and protection of groundwater.

Applicant's Proposal

Planning permission is sought for the construction of above and below ground waste water infrastructure within the operational boundary of Fleetwood Waste Water Treatment Works. The above ground works would involve the erection of a motor control centre (MCC) kiosk, an odour control unit, access road, ground re-profiling works and a temporary construction access and compounds. The below ground works would involve the construction of an underground storage tank and an associated connecting shaft.

The MCC kiosk would be constructed from Glass Reinforced Plastic (GRP) and would measure 3.0m x 3.0m x 2.9m high. The odour control unit would be constructed from GRP and would measure 23.0m x 8.5m x 9.0m high. Both the kiosk and control unit would be coloured Holly Green BS 4800 (14-C-39).

The underground storage tank would have a diameter of approximately 41m and a depth of approximately 19m. The associated connecting shaft would have a diameter of approximately 9m.

The permanent internal access road would have a stone finish and vary in width between 4-6m wide. The temporary construction access would be 21m wide at the junction with Jameson Road and would lead to an access road approximately 230m by 5.5m wide with a stone finish. There would be two construction compounds measuring 70m x 50m and 85m x 20m.

The landscaped area on the adjoining operational land to the works would have its contours raised by a height of 0.5m using some of the spoil excavated as part of the construction works.

All of the construction works are expected to be completed by January 2015. Hours of operation would be between 0800 to 1800 hours, Mondays to Friday, and 0800 to 1300 hours on Saturdays, with no work on Sundays. For certain periods, works would be extended to between 0700 to 1900 hours.

The number of vehicles per week associated with the construction period is anticipated to be 90 HGV's, 55 vans and 100 cars.

Description and Location of Site

The application site is located on the south side of the Fleetwood WWTW but within the operational boundary of the site, which is located approximately 2 km south east of Fleetwood town centre. The site is accessed from Jameson Road, a minor road adjoining the B5268 near to the A585 roundabout, which serves the waste water treatment works, Jameson Road landfill site, a waste recycling operation and the Fleetwood Marsh Nature Park.

The WWTW consists of four large buildings and associated infrastructure surrounded on the northern and western sides by perimeter landscaping mounds. To the south is a raised landscaped area of land that is the subject of an Ecological Management Plan that lies within both the operational boundary of Fleetwood WWTW and land owned by Wyre Borough Council.

Immediately to the north of the existing treatment works is a waste transfer station, whilst to the east beyond Jameson Road is Jameson Road Landfill site and associated household waste recycling centre. To the south, beyond the landscaped area and Jameson Road, are areas of settlement lagoons forming part of a former chemical works and Cala Gran Caravan Park. The western boundary of the site is a disused railway line which is a designated Biological Heritage Site. The A585 is close to this boundary, beyond which are industrial and residential areas on the edge of Fleetwood. Broadwater Caravan Park is on the south west side of the boundary.

The infrastructure the subject of this application would be located on the south-east side of the WWTW adjacent to Jameson Road and on a part of the landscaped area of land that is the subject of an Ecological Management Plan. The temporary construction access and compounds would be further south off Jameson Road.

Background

Fleetwood WWTW was constructed in the mid 1990's to treat waste water arising from the urban areas of Wyre and Blackpool, and prevent disposal via outfall to sea. Planning permission for the use of the area of grassland and scrub to the south of the original area of Fleetwood WWTW for the disposal of material excavated during the construction of the works was granted in 1996 (ref. 2/96/108 and 2/96/603).

Planning permission for an extension to the waste water treatment works, erection of 13 buildings/tanks to enable the treatment of waste water, a temporary access and associated landscaping was granted in January 2009 subject to a legal agreement regarding vehicle routing, ecological mitigation and provision of a concessionary bridleway (ref. 02/08/0585).

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.

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
Policy DM3	Planning Obligations

Wyre Borough Local Plan

Policy SP1	Urban Concentration of Development
Policy SP2	Strategic Location for Development
Policy SP14	Standards of Design and Amenity
Policy CIS1	Provision for Community Services

Consultations

Wyre Borough Council – No objection.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No objection but request that a condition be imposed to require the temporary construction access to be reinstated on completion of the works.

Environment Agency – No objection. To prevent contamination of groundwater during the construction phase, mitigation measures should be taken to avoid mixing groundwater with potential leachate from the waste deposited on site in the past.

Representations – The application has been advertised by site notice and press notice and neighbouring residents have been notified by letter. No representations have been received.

Advice

Planning permission is sought for the provision of above and below ground waste water infrastructure within the operational boundary of Fleetwood WWTW. The below ground works would normally be permitted development. However, the applicant's permitted development rights for the application site were withdrawn by a condition attached to planning permission 2/08/0585 in order to ensure that ecological mitigation measures required as part of that development would not be affected by later works undertaken under permitted development rights.

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 as the sewerage undertaker 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 underground storage tank would help to store the excess volumes that would normally overload the existing combined sewer system, typically 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 the number of unsatisfactory discharges from sewerage outfalls into the sea and so reduce pollution. The development would therefore have a number of ecological and general environmental benefits.

The storage tank would be connected by pipeline to a nearby existing underground detention tank. The new shaft is required to help in the construction of the connecting pipeline. The MCC kiosk would house the electrical control equipment for the storage tank. The odour control unit would help to reduce odours associated with the development. The internal permanent access road would provide access within the WWTW to the area around the underground storage tank and the two kiosks. The temporary construction access would serve two temporary construction compounds required for the duration of the works.

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) and the Wyre Borough Local Plan.

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. Policy SP14 of the Wyre Borough Local Plan has similar objectives in seeking to achieve high standards of design and amenity for all types of development. Policy CIS1 of the Wyre Borough Local Plan provides for development by a statutory undertaker to be supported where it can be shown that such works are essential to the maintenance or improvement of an existing service or undertaking.

The location of the proposed development is dictated by the layout of the existing sewerage infrastructure as the storage tank has to be close to the existing detention tanks in the southern part of the WWTW. The underground design of the tank would ensure that its visual impact is negligible. The above ground odour control unit would be a relatively large building but would still be significantly smaller than other buildings on the treatment works site. The visual impact of the building would be further mitigated as the adjacent boundary of the WWTW along Jameson Road would have mixed woodland planting. Subject to conditions relating to landscaping and the colour of the building, it is considered that the visual impacts of the development would be acceptable. 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. The temporary construction access should be required to be reinstated on completion of the works. In line with the recommendation of the EA and in order to prevent contamination of groundwater during the construction phase, a condition should require that mitigation measures should be taken to avoid mixing groundwater with potential leachate from the waste deposited on site in the past. Subject to such conditions, the proposal accords with Policies NPPF 1 and DM2 of the LMWLP and Policies SP1, SP2, SP14 and CIS1 of the Wyre Borough Local Plan.

The development would be located on the edge of the southern part of the Fleetwood WWTW that was allocated for ecological mitigation as part of an earlier proposal for a major extension of the treatment works (planning permission 2/08/0585). Parts of this area were raised by tipping of excavated spoil with the surface then being restored to meadow and scrub in order to provide replacement habitats for the areas that were lost to that development. However, the area of land within the treatment works was not sufficient to accommodate all the mitigation works required and therefore off site mitigation was also required. This was the subject of a section 106 agreement which also provided for the long term aftercare of the landscaping works, the construction of a footpath cycle way and funding of long term management.

The current proposal would affect part of the mitigation area as the tank would occupy its north eastern corner. The development would require some adjustments to mounding adjacent to Jameson Road and the raising of the main mound within the

UU site by a further 0.5m. However, the broad habitat types that would be restored would be broadly the same and the applicant has agreed that the surface of the underground tank can be restored to grassland which would ensure that the area available for mitigation will only be marginally reduced. Given the overall large size of the mitigation land, any loss would not be significant and would still enable the aims of the original Ecological Management Plan to be achieved.

However, as the area of the current application overlaps the area of permission 2/08/0585, a revised section 106 agreement will need to be entered into so that the mitigation land continues to be subject to the long term aftercare provisions that formed part of the original section 106 agreement. Subject to the applicant entering into a revised agreement and subject to the imposition of conditions requiring the site to be land raised to the amended contours and subsequently restored to ecological habitats, the development is considered acceptable in terms of ecology.

As part of the previous planning permission the applicant's permitted development rights were withdrawn to ensure that ecological mitigation measures required as part of that development would not be affected by later works undertaken under permitted development rights. The situation remains the same and a condition is proposed withdrawing those 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 would be affected.

Recommendation

That subject to the applicant first entering into an amended Section 106 Agreement in relation to the landscaped ecological mitigation area 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 14 October 2013 and emails received from United Utilities on 11 November 2013, 20 November 2013, 19 December 2013 and 08 January 2014.
 - b) Submitted Plans and documents received by the County Planning Authority on 14 October 2013:

Drawing No. 9128/80031173/00/97/1004 Rev. A -
Proposed Site Location
Drawing No. 9128/80031173/00/97/1001 Rev. C -
Proposed New Site Layout
Drawing No. 9128/80031173/00/97/1002 Rev. A - Control
Kiosk
Drawing No. 9128/80031173/00/97/1003 Rev. A -
Passive OCU
Drawing no. 9128/80031173/00/97/9400 Rev B -
Landscape Proposals Plan.

- 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 and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1, DM2 and DM3 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies and Policies SP1, SP2, SP14 and CIS1 of the Wyre Borough Local Plan.

Withdrawal of permitted development rights

3. The provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the ecological value of the site and to conform with Policy ENV5 of the Wyre Borough Local Plan.

Control of Noise

4. All plant, equipment and machinery used in connection with the operation and maintenance of the site 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 times during the construction phase of the development to minimise the generation of dust.

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, delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours Monday to Friday (except Public Holidays),
0800 to 1300 hours on Saturday.

No construction development, delivery or removal of materials 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 of 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 to ensure that no dust, mud or other deleterious material is deposited on Jameson Road by heavy goods vehicles leaving the site.

Reason: In the interests of highway safety and 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.

8. No tipping of excavated materials shall take place above the contours shown on drawing 9128/80031173/00/97/9400 Rev B.

Reason : In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

9. Within six months of the completion of construction works, the construction access, contractor's compounds and ecological mitigation area shown by the shaded areas on drawing 9128/80031173/00/97/9400 Rev A shall be restored.

The restoration works shall be undertaken in accordance with the ground preparation, seeding and planting details shown on drawing 9128/80031173/00/97/9400 Rev A.

The restored areas shall thereafter be maintained and managed in accordance with the Ecological Mitigation and Landscape Management Plan approved on 24th October 2013.

Reason: In the interest of highway safety and 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.

Safeguarding of Watercourses and Drainage

10. No excavation of the underground tank shall take place until a method statement detailing how the tank will be constructed to prevent the downward migration of contaminated water into groundwater has been submitted to and approved in writing by the County Planning Authority.

The tank construction works shall be undertaken in accordance with the approved method statement.

Reason: To prevent contamination of groundwater during the construction phase and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies.

11. Within one year of the completion of construction works, the areas shaded green on drawing 9128/80031173/00/97/9400 Rev B shall be restored in accordance with the schedule of works shown on that plan.

The tree and shrub planting works shall be maintained for a period of five years including weed control replacement of failures and maintenance of protection measures.

Reason ; In order to ensure the proper restoration of the site in the interests of visual amenity and ecology and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Definitions

The Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- Treated materials can be transferred between sites as part of a hub and cluster project; and
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers refer to the following EA information:

- Position statement on the Definition of Waste: Development Industry Code of Practice; and
- Website at www.environment-agency.gov.uk for further guidance.

The Environment Agency is principally concerned that the reuse of asbestos contaminated soils within this landscaping mound at or near to the surface of the mound is not acceptable, and that the planning permission will specifically need to allow the extra materials to be deposited in order to allow the repeated use of CL:AIRE.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
02/13/0786	14th October 2013	Rob Jones/Environment/ 534128

Reason for Inclusion in Part II, if appropriate

N/A