

Lancashire County Council

Development Control Committee

Wednesday, 16th June, 2021 at 10.30 am in Council Chamber, County Hall, Preston

Agenda

Part 1 (Open to Press and Public)

No. Item

1. **Apologies for absence**
2. **Appointment of Chair and Deputy Chair**
To note the appointment by the County Council on the 27 May 2021 of County Councillors Maxwell-Scott and P Rigby as Chair and Deputy Chair of the Committee, respectively, for 2021/22.
3. **Constitution, Membership and Terms of Reference of the Committee** (Pages 1 - 4)
4. **Disclosure of Pecuniary and Non-Pecuniary Interests**
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
5. **Minutes of the last meeting held on 21 April 2021** (Pages 5 - 10)
The committee are asked to agree that the Minutes of the last meeting held on 21 April 2021 be confirmed and signed by the Chair.
6. **Update Sheet**
The Update Sheet will be considered as part of each related agenda report.
7. **Rossendale Borough: application number LCC/2021/0008 Erection of new building and formation of hardstanding area for use as a site for the sorting and recycling of skip waste. Height Side Farm, Todmorden Road, Bacup** (Pages 11 - 26)

8. **Fylde Borough: application number LCC/2020/0043** (Pages 27 - 44)
Extension of timescales in condition 6 of permission LCC/2016/140 to allow grading and restoration of bund by 31 December 2021. Ream Hills Farm, Mythop Road, Weeton

9. **Pendle Borough: application number LCC/2020/0073** (Pages 45 - 74)
Planning application to vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson

10. **Ribble Valley Borough: application number LCC/2021/0004** (Pages 75 - 108)
Construction of a new waste water treatment works, access track, bridge, three culverts, new outfall, partial demolition of existing works and landscaping four kiosks and widening/modifications to access road. Land adjacent to Chipping Waste Water Treatment Works, Longridge Road, Chipping

11. **Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 109 - 110)

12. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

13. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday, 21 July 2021 at 10.30 a.m. in the Council Chamber, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 3

Development Control Committee

Meeting to be held on 16 June 2021

Electoral Division affected: N/A

Constitution, Membership and Terms of Reference of the Committee

(Appendix A refers)

Contact for further information:

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Executive Summary

The Constitution, Membership and Terms of Reference of the Development Control Committee.

Recommendation – Summary

That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

Background

The County Council at its meeting on the 27 May 2021 approved the constitution of the Development Control Committee as being 12 members on the basis of 7 from the Conservative Group 4 from the Labour Group, and 1 from the Liberal Democrat Group. The following members were appointed by their respective groups:

County Councillors

L Cox	G Mirfin
A Cullens	M Pattison
M Dad	E Pope
A Kay	J Potter
H Khan	P Rigby
M Maxwell-Scott	B Yates

The Committee's Terms of Reference are set out at Appendix 'A'.

Consultations

N/A

Advice

N/A

Alternative Options to be considered

N/A

Implications: e.g. Financial, Legal, Personnel, Human Rights, Crime and Disorder or Other

This item has the following implications: Nil

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

None

Development Control Committee

Composition and role

The Committee comprises twelve County Councillors who are not in the Cabinet and deals with applications for planning permission for waste disposal and mineral extraction developments, and for development proposed by the Council.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
 - (i) An objection to the application has been received;
 - (ii) The application is supported by an Environmental Statement;
 - (iii) A refusal is recommended by officers;
 - (iv) There is a conflict of interest with the functions of the Head of Service;
 - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.
6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).

7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

Lancashire County Council

Development Control Committee

Minutes of the Virtual Meeting held on Wednesday, 21st April, 2021 at 10.30 am

Present:

County Councillor Barrie Yates (Chair)

County Councillors

S Clarke	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton BEM	P Rigby
K Ellard	C Towneley
D Foxcroft	

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Clarke declared a non-pecuniary interest in Item 7 as a member of the NW Regional Flood and Coastal Committee.

County Councillor Yates also declared a non-pecuniary interest in Item 7 as the local Member for an area affected by the development.

3. Minutes of the last meeting held on 3 March 2021

Resolved: That the Minutes of the last meeting held on 3 March 2021 be confirmed as a correct record of the meeting.

4. Update Sheet

The Update Sheet was circulated prior to the meeting and attached as a supplementary agenda item.

**5. Ribble Valley Borough: application number. LCC/2020/0075
Construction of four no. kiosks and widening / modifications to
existing access road (in connection with other improvements to
existing waste water treatment works to be carried out under
permitted development rights).
Wilpshire Waste Water Treatment Works, Ribchester Road, Clayton
le Dale.**

A report was presented on an application for the construction of four kiosks and widening / modifications to the existing access road (in connection with other improvements to existing waste water treatment works to be carried out under permitted development rights) at Wilpshire Waste Water Treatment Works, Ribchester Road, Clayton le Dale.

The report included the views of Ribble Valley Borough Council, Clayton-le-Dale Parish Council, LCC Ecology Service, the Environment Agency, LCC Highways Development Control and details of six letters of representation received comprising four objections and two letters of support.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown an illustration of the proposed kiosks, the site layout plan, access arrangements and landscaping together with photographs of the site and access road. A plan was shown displaying the access works including temporary works that would be in place during the construction period which would be removed once completed leaving a new improved access to the site.

The officer drew attention to the Update Sheet which contained an additional representation from two local residents, a further comment from LCC Highways and details of an amendment to Condition 2b to include two amended drawings.

Mr Almond, a local resident addressed the committee. He informed the committee that he and other residents in the community, were not against improvements to the treatment works but were opposed to a contradictory proposal to build a permanent new road in order to allow construction vehicles temporary access to the treatment works.

Mr Almond challenged why given the small increase in vehicle movements to the site each week, United Utilities wished to build a new and permanent road, destroying established wildlife habitat and numerous trees including some that are subject to Tree Preservation Orders (TPOs). Mr Almond suggested that the two landowners who individually own the significant parcels of land to the east and west of the proposed new permanent road had an interest in the creation of a new and permanent road onto their land that might support potential future development opportunities. He therefore called on the committee to refuse the application as a new and permanent road was not required.

County Councillor Alan Schofield addressed the committee on behalf of a number of local residents. He urged the committee to refuse the application for the following summarised reasons:

- The application involves the unnecessary wanton, complete destruction (and would be non-restorable) of land with numerous mature trees etc among significant environmental habitat land known locally as 'The Croft'.
- There is an available, alternative non-destructive route for the temporary construction traffic i.e. via a short & wide public highway off Ribchester Rd
- The proposed development would impinge on the footpath and on the safety of the numerous walkers who use the Clayton-le-Dale FP46.

Following debate and in response to concerns raised by the Committee, the officer confirmed that any future TPOs with regard to the replacement trees would be a matter for the borough council to determine; that the development would be of a temporary nature; and that the land and temporary parts of the access route would be restored following the completion of construction.

Resolved: That subject to the amendment to condition 2b as outlined in the Update Sheet, planning permission be granted subject to the conditions set out in the report to the committee.

**6. Wyre Borough: application number. LCC/2020/0069
Hybrid planning application including full application for 3 storey, 45 bed space care home facility, widening and rerouting of access road, new car parking areas, summerhouse, energy centre, cycle and bin store and landscaping and outline planning application for development of 3 storey extra care facility consisting of 65 apartments following demolition of existing care home facility.
Bowgreave Rise, Garstang Road, Bowgreave, Garstang.**

A report was presented on an application for a hybrid planning application including a full application for a 3 storey, 45 bed space care home facility, the widening and rerouting of the access road, new car parking areas, summerhouse, energy centre, cycle and bin store and landscaping and outline planning application for development of 3 storey extra care facility consisting of 65 apartments following demolition of existing care home facility at Bowgreave Rise, Garstang Road, Bowgreave, Garstang.

The report included the views of Wyre Borough Council, Barnacre-with-Bonds Parish Council, LCC Ecology Service, LCC Highways Development Control, United Utilities, the Lead Local Flood Authority and details of two letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown illustrations of the proposed developments, site layout plan, access arrangements and landscaping together with photographs of the site and access road.

Following lengthy debate during which time several Members raised concerns about the external appearance of the proposed developments, it was Moved and Seconded that:

'Planning permission be granted subject to an amendment to condition 3a to require that the external elevations of the building shall include the use of natural stone or stone cladding materials for the lower ground floor elevation'.

Resolved:- That subject to the amendment to condition 3a above, planning permission be **Granted** subject to the conditions set out in the report to the Committee.

7. Preston City and South Ribble Boroughs: application number LCC/2021/0002
Works associated with areas 1 and 2 of the Preston and South Ribble flood risk management scheme consisting of new and replacement flood defences along the north and south banks of the River Ribble and other ancillary flood works, including: land re-profiling, landscaping and habitat creation, works to tie-in to the grade II listed Penwortham Old Bridge and railway viaduct over River Ribble, a temporary remote construction compound and temporary site access at Broadgate, Riverside and Riverside Road, Preston

A report was presented on an application for works associated with areas 1 and 2 of the Preston and South Ribble flood risk management scheme consisting of new and replacement flood defences along the north and south banks of the River Ribble and other ancillary flood works, including: land re-profiling, landscaping and habitat creation, works to tie-in to the grade II listed Penwortham Old Bridge and railway viaduct over River Ribble, a temporary remote construction compound and temporary site access at Broadgate, Riverside and Riverside Road, Preston.

It was noted that the application is part of a wide-ranging Preston and South Ribble Flood Risk Management Scheme consisting of new and improved flood defences to better manage flood risk along the River Ribble and River Darwen to provide greater flood protection to approximately 4,800 properties across Preston and South Ribble.

The report included the views of South Ribble Borough Council, Preston City Council, Penwortham Town Council, LCC Ecology Service, the Environment Agency, Natural England, Network Rail, Lancashire County Archaeology Service, Lancashire Landscape Service, Historic England, The Marine Management Organisation, Lancashire Gardens Trust, United Utilities, the Lead Local Flood Authority, Ribble Steam Railway, Sport England, National Grid Gas and Electricity and details of 14 letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site along the north and south banks of the River Ribble and an overview location plan. The Committee was also shown photographs of the various locations along the river bank and a visualisation of the concrete flood wall along Broadgate and the flood defence arrangement adjacent to Penwortham Methodist Church.

The legal officer read out a written statement on behalf of Mr Julian Edwards, Chair of the Penwortham Allotments and Gardens Association. Mr Edwards pointed out that although the Allotments were understandably low priority, they

were a valued community asset which merited protection where possible. Unlike others affected by the proposal it was felt that the allotments derived no benefit or protection from the proposed scheme. Fundamental to the Association's concerns was the issue of land drainage and the possibility that the scheme might exacerbate other drainage issues and flood risk to the Allotments. Although the Association accepted the risk of flooding to protect other properties, it was felt that the proposed scheme did not optimised the steps to ensure the site returns quickly after a flood event. This included ensuring that Fish House Brook is dredged and cleared to facilitate the rapid return of the usability of the site in the event of a flood. He called for realistic, not theoretic, consideration of the Association's concerns and appropriate mitigating steps.

Mr Jonathan Croft, FRM Senior Adviser, Environment Agency addressed the committee and spoke in support of the application. He advised that the Agency had taken on board the concerns raised by the Penwortham Allotments and Gardens Association with regard to Fish House Brook and would be looking to improve conveyance through their maintenance programme. In addition, the Agency had met separately with the Chair, Mr Edwards and the contractor to discuss the design and construction details and how the scheme would impact on the boundary between the church and the allotment site. Mr Croft went on to explain that the river system had been assessed locally using a state of the art model which had concluded that any increase in flood risk to the Penwortham Holme area would be down to climate change alone rather than the proposed flood risk management scheme. Mr Croft concluded by detailing the extensive consultation process that had taken place with over 3 thousand properties affected by the scheme. This included the Penwortham Allotments and Gardens Association.

The officer responded to questions raised by the Members in respect of the design and materials of the replacement flood wall. It was also queried whether any preventative measures could be taken to stop people walking along the top of such along Broadgate between Liverpool Road Bridge and Penwortham Old Bridge. It was noted that that the application did not extend to Avenham Park and its café, however, the committee was advised that the pavilion café was the subject of a bespoke improvement plan and that this was a separate matter.

Following further debate it was:

Resolved: That planning permission and Listed Building Consent be **granted** subject to conditions set out in the report to the committee.

8. Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

It was reported that since the last ordinary meeting of the Committee on 3 March 2021, three planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

9. Urgent Business

There were no items of urgent business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 16 June, 2021 at 10.30am.

L Sales
Head of Corporate Services

County Hall
Preston

Agenda Item 7

Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division affected: Rossendale East

Rossendale Borough: application number. LCC/2021/0008
Erection of new building and formation of hardstanding area for use as a site for the sorting and recycling of skip waste. Height Side Farm, Todmorden Road, Bacup.

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

Executive Summary

Application - Erection of new building and formation of hardstanding area for use as a site for the sorting and recycling of skip waste. Height Side Farm, Todmorden Road, Bacup.

Recommendation – Summary

That the application be **refused** for the following reasons:

1. The proposal is located outside of the urban boundary in a rural agricultural location. The applicant has not demonstrated a requirement for a rural location and the development by reason of its requirement for outside storage of HGVs and skips and difficulty in controlling litter would have a detrimental impact on the visual quality and amenities of the countryside contrary to Policies 1, 10 and 21 of the Rossendale Core Strategy and policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.
2. The access to the site is by way of an existing unsurfaced track which is shared with a public footpath. The proposal would increase the use of this track by HGVs which would have an unacceptable impact on the safety and amenity of footpath users contrary to paragraph 98 of the National Planning Policy Framework and Policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.

Applicant's Proposal

The application is for the erection of a new building to be used for the recycling of skip waste. The main building would measure 18.9 metres by 9.4 metres with a pitched roof with a ridge height of 7.4 metres. The lower parts of the elevations would have a pre-cast concrete wall with green cladding sheets for the upper walls and grey fibre cement roofing sheets.

Attached to the main building would be another lean-to building to be used as an office/welfare facility measuring 6 metres by 7.3 metres with a maximum height of around 2.5 metres. The external elevations of this building would be in green cladding sheets.

The main building would have a central waste sorting area with various areas around the perimeter to be used for storing recovered hardcore, inert materials, bins for other recycled materials and an area for non-recyclable waste.

The site would operate between 0730 to 1800 hours Monday to Friday and 0730 to 1300 hours on Saturdays with no operations on Sundays. The applicant estimates that the development would give rise to an average of two HGV movements per day (maximum of six).

To the rear of the lean-to building would be an area for the parking of HGVs/skip waggons and storage of skips.

The development would require six employees.

Description and Location of Site

The application site is located at Height Side Farm, an existing farm complex located off the A681 Todmorden Road, 1.5 km north east of Bacup. The farm site is accessed from Todmorden Road via an unsurfaced track that is also a public footpath.

The proposed building would be attached to a recently constructed agricultural building located on the north western side of the farm complex. There are a number of other farm buildings and a residential dwelling located elsewhere on the complex. All of the land surrounding the farm complex is agricultural grazing land.

There are a large number of residential properties adjacent to Todmorden Road the nearest of which are 170 metres to the south east of the proposed building. Sharneyford Primary School is located 260 metres to the north east of the application site.

Background

History: The site is at an existing agricultural complex – there is no relevant planning history.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the NPPF are considered relevant to this proposal: 8–11 (definition of sustainable development), 83 (supporting the rural economy), 98 (impacts on public rights of way), 108–109 (highway impacts), 127 (design) and 180 (local amenity impacts).

National Planning Policy for Waste: sections 1 and 7 are particularly relevant.

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

Policy CS7 – Managing our waste as a resource.
Policy CS8 – Identifying capacity of managing our waste.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 – Management of waste and extraction of minerals.
Policy DM2 – Development Management.
Policy WM3 – Local Built Waste management facilities.

Rossendale Borough Core Strategy

Policy AVP2 – Strategy for Bacup, Stacksteads, Britannia and Weir.
Policy 1 - General Development Locations and Principles.
Policy 10 – Provision for Employment.
Policy 18 – Biodiversity, geodiversity and landscape conservation.
Policy 21 – Supporting the rural economy and its communities.
Policy 23 – Promoting high quality design and spaces.

Rossendale Borough Local Plan (Submission version)

Strategic Policy SS: Spatial Strategy.
Policy SD1: Presumption in favour of sustainable development.
Policy SD2: Urban boundary and green belt.
Strategic Policy EMP1: Provision for employment.
Policy EMP 4 – Development Criteria for employment generating development.
Policy EMP5 – Employment development in non-allocated employment areas.
Strategic Policy ENV1: High quality development in the Borough.
Policy ENV6 – Environmental protection.
Policy LT6 – Farm Diversification.
Policy TR2 – Footpaths, cycleways and bridleways.

Consultations

Rossendale Borough Council: Object to the application as the proposal is considered to conflict with Policies 1 and 21 of the Core Strategy which relate to the general development locations and protection of the countryside. Whilst the building is of an appropriate scale and design for this location and the proposal is far enough from properties, this is not sufficient to outweigh the harm to the policies of the Core Strategy relating to the location of development.

Environment Agency: No objection. The operation would require an environmental permit.

Coal Authority: The site is in high risk area for shallow coal mine workings. The applicant should submit a Coal Mining Risk Assessment to support the application. As no information has been submitted the Coal Authority objects to the application.

LCC Highways Development Control: The development is relatively small in scale and therefore no objection is raised. However, it is considered that the operation should be limited to a maximum level of 6 two way HGV trips per day. There is also evidence of loose material being washed from the access track onto Todmorden Road and

therefore the first 10 metres of the track should be hard surfaced including suitable drainage measures.

United Utilities: No objection subject to conditions relating to surface water drainage and the draining of surface and foul water on separate systems.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

Twenty six representations have been received objecting to the application on the following summarised grounds:

- Impact on the local environment including pollution from waste and from vehicles bringing rubbish to the site.
- The development would affect the rural location and its tourism potential.
- The development would impact upon a public right of way.
- The proposal would give rise to excessive HGV traffic and create excessive CO₂ and other air quality emissions.
- Disruption to nature.
- There are already large numbers of skips stored at the site.
- The movement of skip lorries creates noise impacts.
- The skips being brought to the site could include all sorts of the materials including those with a hazardous nature.
- The proposal would impact on the safety of pedestrians including children walking to Sharneyford Primary School and the additional HGVs would increase the risk of accidents on Todmorden Road.
- The proposed hours of operation are too early.
- There would be the possibility of litter and smells.
- The access track is only a single track road.
- The development is outside of the urban boundary and does not contribute to the improvement of the local rural environment. Existing industrial land or brown field sites would be a more suitable location.
- The waste sorting activity would be open to the weather.
- The drawings with the application are incorrect.
- There is no assessment of landscape impact and on views from footpaths.
- The proposal would have an impact on birds particularly species which are of conservation concern.
- What will happen to the wastes that cannot be recycled?
- There are already several skip waste recycling facilities in the local area.
- The site is located in the Green Belt which is not suitable for this activity.
- Approving the activity would be likely to result in its eventual expansion.

Two letters of support have been received raising the following issues:

- Farming is not as profitable as it once was.
- The Sharneyford area has been used for flytipping and illegal waste activities due to lack of suitable facilities.
- The proposed building cannot be seen from Todmorden Road and all the activities will be undertaken under cover within a building. The mitigation measures have been thought through.
- The proposal would help in meeting targets for recycling waste.

Advice

The proposal is for the construction of two new buildings on an existing agricultural site for use as waste recycling/waste transfer station. Skips would be brought to the site from building sites and household clearance locations and would be emptied onto the floor of the main building. The waste would then be sorted by hand and using existing agricultural equipment into bays or skips for different recyclable materials (such as wood, metal and hardcore) with non-recyclable elements being deposited into a separate bay for disposal elsewhere.

The waste recycling operations would be undertaken within a new building that would be open on its south facing elevation. The new building would be directly adjacent to another larger building that has recently been erected for agricultural operations.

The Waste Management Plan for England sets out Government policy to work towards a more sustainable and efficient approach to resource use and management. The National Planning Policy for Waste sets out that planning plays an important role in delivering these ambitions through delivery of modern waste infrastructure at the highest level in the waste hierarchy and helping to ensure the re-use, recovery or disposal of waste without endangering human health or harming the environment. At a local level, the Lancashire Minerals and Waste Core Strategy (Policy CS7) sets targets for recycling, composting and recovery for different types of waste including industrial and commercial waste and construction/demolition wastes.

The proposal would allow recyclable materials to be separated from skips originating from households, construction sites and industrial/commercial development thereby securing the management of such wastes at a higher level in the waste hierarchy. The proposal would therefore help to meet the objectives of planning policy for waste at a national and local level.

However, it is also important to assess the proposal against the national and local policies that relate to the location of industrial and commercial uses including waste development. Policies that relate to farm diversification and the rural economy are also relevant given the location of the site on part of an agricultural holding.

Policy WM3 of the Lancashire Minerals and Waste Local Plan sets out the requirement for and location of local built waste management facilities. In East Lancashire, Policy WM3 sets out that such development will be supported on sites at Whitewalls Industrial Estate, Pendle and at Heasandford Industrial Estate, Burnley. However, Policy WM3 does not necessarily prevent other sites from being supported provided they comply also with the other policies of the Development Plan including those set out in the Borough Local Plans.

The Rossendale Core Strategy includes a number of policies of relevance to this proposal. Policy 1 states that the Council will seek to maintain Rossendale's distinctive environment through implementing a broad development strategy and states that development should take place within the defined urban boundary unless it has to be located in the countryside. In respect of Employment development, Policy 10 requires that new proposals should be primarily located within the defined urban boundary, maximise the use of previously developed land, meet energy standards and be accessible by modes other than the private car. In respect of landscape matters, policy

18 includes a requirement that proposals should safeguard and enhance landscape character. In respect of the rural economy, Policy 21 states that development outside of the existing rural settlements should demonstrate the social and economic benefits for the local area and that strict consideration will be given to the impact of rural development on the countryside. Policy AVP2 states that proposals for farm diversification which generate employment opportunities will be considered favourably.

Whilst the site is not in the Green Belt, it is located outside of the urban boundary as designated in the Borough Core Strategy. Therefore the policies of development restraint within such areas as set out in Policies 1 and 10 are particularly relevant. In particular, it is not considered that the development has to be located in the countryside, and that there are many sites within the existing nearby main urban areas that would be able to accommodate a small scale waste management development such as that proposed. The proposal is therefore considered to be contrary to Policies 1 and 10 of the Core Strategy.

Given the location of the site on a farm holding, it should also be assessed in relation to the policies relating to rural diversification as there may be certain circumstances where the harm to policies 1 and 10 would be outweighed by other factors. However, whilst the proposal would give rise to certain economic benefits such as employment and support for the adjacent agricultural activities, policy 21 requires that strict consideration should be given to the impact of rural development on the countryside. Whilst the proposed building would ensure that all waste sorting and storage would take place under cover, storage of empty skips and parking of HGVs would take place adjacent to the building in the open air. These storage activities would be difficult to screen and would be visible from the footpath that runs through Height Side Farm and also the bridleway that follows Todmorden Old Road to the north west of the site. Although, the sorting activities would be within the building, it is inevitable that they would generate some noise impacts through the movement of vehicles and sorting of waste. It is also likely that there would be some spillage of waste from skips and from plant involved in the movement of waste and that it would be difficult to keep the site clean and litter-free due to the unsurfaced condition of the area around the building. Whilst it is considered that the noise impacts would not affect residential amenity due to the distance from the houses, noise and litter would compound with the visual impacts lending an industrial character to the site that would conflict with its rural location. It is therefore considered that the proposal does not comply with the requirements within policies 18 and 21 that such developments in the rural area respect the landscape character.

Height Side Farm is accessed off Todmorden Road via a narrow unsurfaced track. Whilst Lancashire County Council Highways have no objection to the proposal subject to the improvements set out in their response, the access is also shared with a footpath. Paragraph 98 of the National Planning Policy Framework (NPPF) states that planning decisions should protect and enhance public rights of way. Due to the narrow width of the access track, any increase in HGV movements to this site due to skip lorries or HGVs involved in the export of waste or recovered materials would have an impact on the amenity or safety of footpath users.

A number of other impacts have been raised in the representations including pollution impacts and effect on ecology. However, it is considered that the development would not have any impacts in that regard due to its design and location or could be satisfactorily controlled through planning conditions. In any event, the use would have to be the subject of a permit from the Environment Agency which would control any pollution impacts.

Conclusions

This proposal would assist in the recycling and recovery of waste materials as supported by national and local planning policy. However, this has to be balanced against the policies in the Development Plan that are concerned with the proper location of industrial development. It is considered that the applicant has not demonstrated that there is a particular locational need for a site outside of the urban boundary and that the character of the use would be detrimental to the amenities and visual character of the countryside. On balance it is therefore considered that the proposal is contrary to the policies of the Development Plan

Refusal of the application would affect the Convention Rights of the applicant as set out in the Human Rights Act 1998. The rights in Article 1 of the 1st Protocol and Article 8 are relevant with regards to enjoyment of possessions and respect for family and private life. The Human Rights Act requires that such rights shall only be interfered with if it is in the public interest and in order to protect the rights and freedoms of others. However, it is necessary to secure the proper location of development in order to secure compliance with the policies of the Development Plan. The interference in the rights of the applicant is therefore considered to be justified in the public interest.

Recommendation

That planning be Refused for the following reasons:

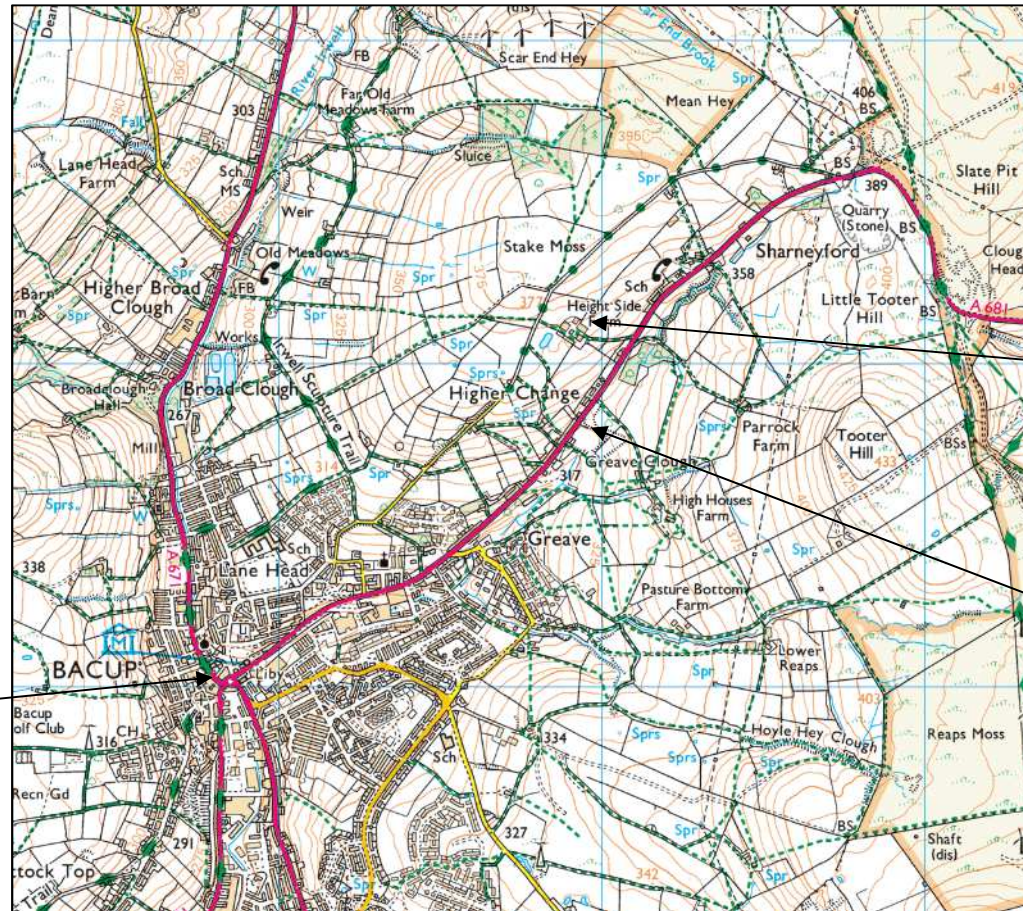
- 1 The proposal is located outside of the urban boundary in a rural agricultural location. The applicant has not demonstrated a requirement for a rural location and the development by reason of its requirement for outside storage of HGVs and skips and difficulty in controlling litter would have a detrimental impact on the visual quality and amenities of the countryside contrary to Policies 1, 10 and 21 of the Rossendale Core Strategy and policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.
2. The access to the site is by way of an existing unsurfaced track which is shared with a public footpath. The proposal would increase the use of this track by HGVs which would have an unacceptable impact on the safety and amenity of footpath users contrary to paragraph 98 of the National Planning Policy Framework and Policies WM3 and DM2 of the Lancashire Minerals and Waste Local Plan.

Planning Application LCC/2021/0008

**Erection of new building and formation of
hardstanding area for use as a site for the sorting
and recycling of skip waste.**

Height Side Farm, Todmorden Road, Bacup

Planning application LCC/2021/0008



Bacup town
centre

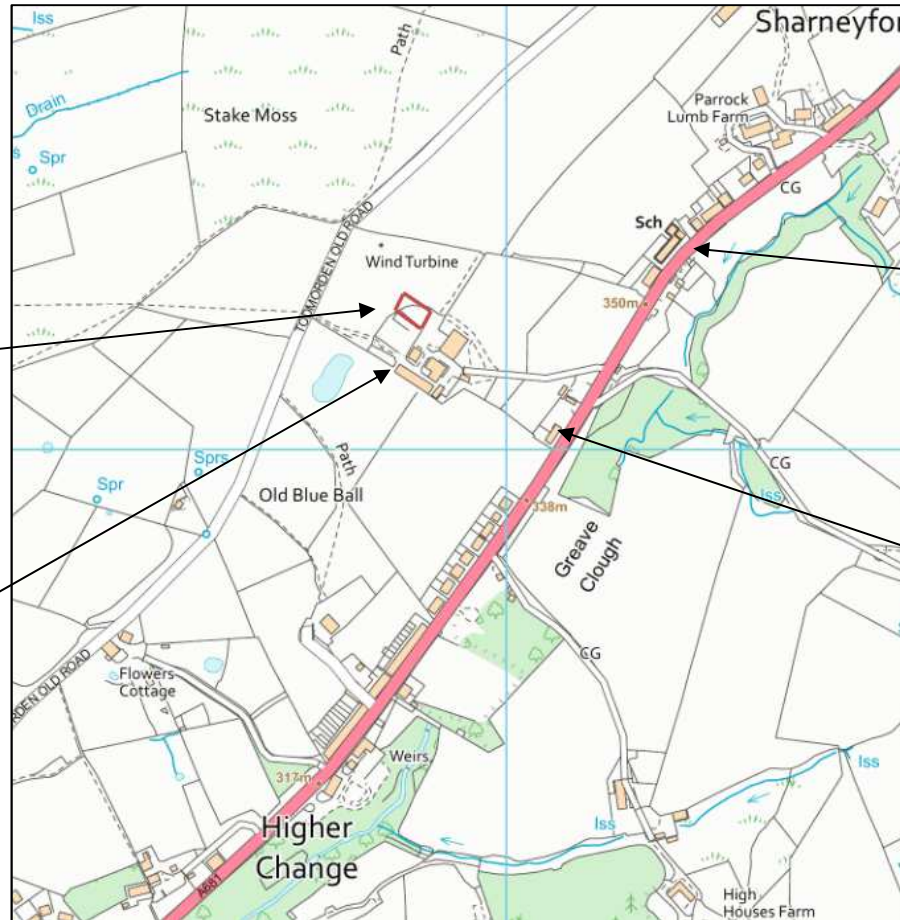
Height Side
Farm

A681

Planning application LCC/2021/0008

Application site

Height Side Farm



Sharneyford School

Nearest Properties off A681

Planning application LCC/2021/0008



Application site

Height Side Farm

Sharneyford School

Access road to site

Nearest Properties off A681

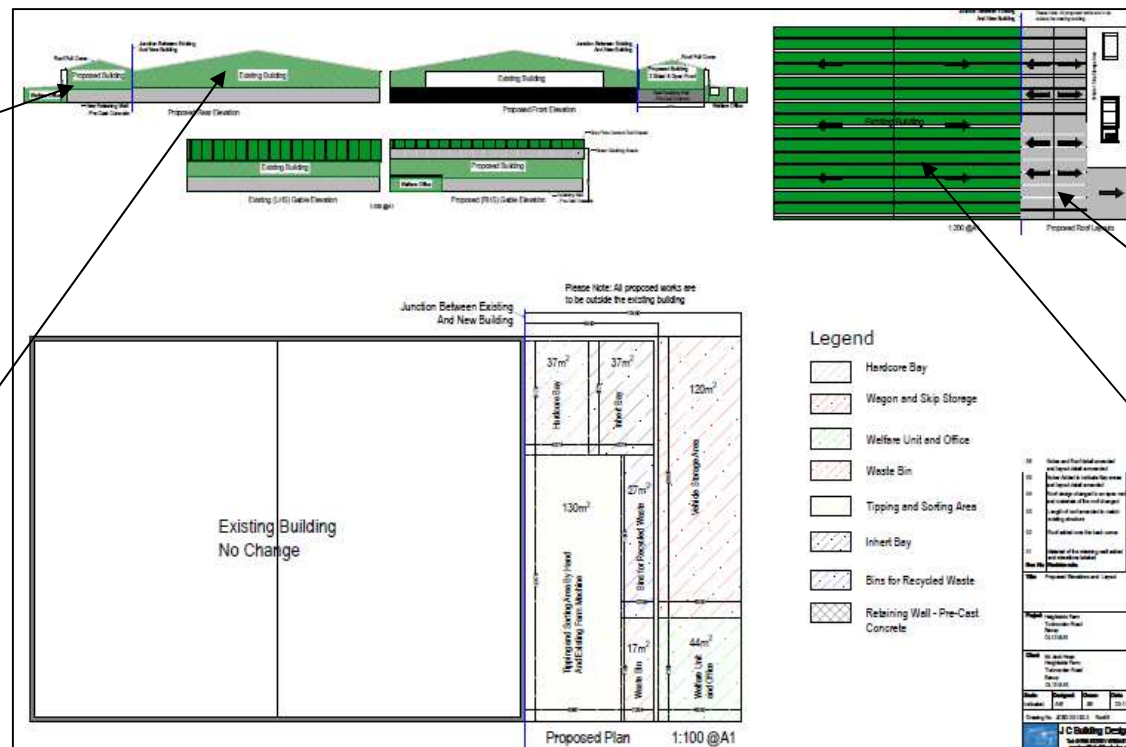
Planning application LCC/2021/0008 – Applicant’s Proposals

Proposed building

Existing farm building

Proposed building

Existing Farm building



Page 23

Planning application LCC/2021/0008 – view of application site



Existing farm building

Site for proposed building

Application LCC/2021/0008 – view of application site

Existing Farm building



Location of proposed building



Application LCC/2021/0008 – View of access from A681



A681

Access
to Height
Side Farm

Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division affected: Fylde West
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Fylde Borough: Application number LCC/2020/0043
Extension of timescales in condition 6 of permission LCC/2016/140 to allow grading and restoration of bund by 31 December 2021. Ream Hills Farm, Mythop Road, Weeton.

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

Executive Summary

Application - Extension of timescales in condition 6 of permission LCC/2016/140 to allow grading and restoration of bund by 31 December 2021. Ream Hills Farm, Mythop Road, Weeton.

Recommendation – Summary

That planning permission be **granted** subject to planning conditions controlling time limits, working programme, site operations, water courses, hours of operation, control of noise and dust, final restoration levels, landscaping and aftercare.

Applicant's Proposal

The application is made to provide additional time to allow the completion of grading and restoration operations on a bund feature that has been formed from imported inert wastes.

Condition 6 of planning permission LCC/2014/0160 requires that the bund construction operations shall cease not later than two years and three months from the date of their commencement as notified to the County Planning Authority and the site shall thereafter be finally restored within a further period of one year in accordance with the scheme and programme of restoration approved under the provisions of condition no. 5.

The bund construction operations should have ceased by mid-February 2020, but the bund has not yet been completed to its approved dimensions. The applicant therefore seeks to extend the end date for the completion of the bund construction operations until 31 December 2021.

Description and Location of Site

The application site is an area of agricultural land measuring 3.0 hectares in area at Ream Hills Farm, which is located approximately 1.4km west of Weeton and 200m north of the M55 motorway.

The approved bund is located adjacent to an existing field boundary with a hedge/ditch to the west of Ream Hills Farm. The ditch forms part of the Mythop Main Drain and is designated as a main watercourse by the Environment Agency. To the east/north-east of the application area is a lake and surrounding land that is used for leisure/tourism purposes as a camping/caravan site with a number of lodge type accommodation units. Wildings Hill Wood is located to the south west of the application site but would not be directly affected by the bund.

The application site and surrounding land is designated as a Countryside Area in the Fylde Borough Local Plan.

Background

A planning application for the construction of a bund was refused by the County Council in October 2014 (ref. LCC/2014/0105).

A planning application for the construction of a bund on the existing site (and on a similar site to the refused planning application LCC/2014/0105) was refused by the County Council in January 2015 (ref. LCC/2014/0160) for the following reason:

1. The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

An appeal against the refusal of planning application LCC/2014/0160 was allowed by the Planning Inspectorate on 16 October 2015 and hence planning permission LCC/2014/0160 was granted (Appeal ref. APP/Q2371/W/15/3064083).

The Ream Hills Farm site also benefits from a number of planning permissions granted by Fylde Borough Council for the use of parts of the farm for leisure / tourism uses.

Planning Policy

National Planning Policy Framework

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 83 - 84, 127,170, 175, 180 and 183 are relevant with regard to the following: Introduction; Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

Policy CS7 Managing Waste as a resource

Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

Policy NPPF 1 Presumption in favour of sustainable development

Policy DM2 Development Management

Fylde Local Plan to 2032

Policy DLF1 Development Locations for Fylde

Policy GD4 Development in the Countryside

Policy GD7 Achieving Good Design in Development

Policy ENV1 Landscape

Policy ENV2 Biodiversity

Consultations

Fylde Borough Council – No objection but advise that the Borough Council have occasionally received complaints regarding the condition of the road surface and breaches of condition 15 relating to hours of operation.

Weeton-with-Preese Parish Council – No objection.

Staining Parish Council: strongly object and recommend refusal. The Parish Council and residents of Staining have noted an enormous and unacceptable increase in HGV traffic on the newly repaired Mythop Road. This is a rural access road that is not designed for traffic of this ilk. Approving another retrospective application will result in the highway requiring resurfacing once again. There are serious concerns as to the degree to which the owner of the property submits retrospective applications for planning matters. The Parish Council ask how many times someone is allowed to submit retrospective planning applications, and if there is a point at which planning authorities can deny the submission of such applications.

Lancashire County Council Highways Development Control – There have been numerous complaints about mud being tracked out of the site and a car left skidded off the road in summer 2020. There is also a large concrete block situated next to the access which prevents waggons from entering and exiting the site without causing damage to the verge and edge of the carriageway. LCC Highways therefore request that all operations on the site cease until these issues are addressed. Several

conditions relating to wheel cleaning and layout of the access are requested should permission be granted for a continuation of operations.

Environment Agency (EA) – No objection. The EA state that they have received declarations from the site operator relating to the movement of waste soils into the site under the procedures that exist for the management of waste outside of the formal permitting process. These declarations show that the site received 119,000m³ of material between March 2019 and July 2020. This contrasts with the bund volumes in the original planning application which were stated as 45,000m³. The EA therefore recommend that it would be beneficial to require information from the operator as to how much material has been accepted and how much is still required to complete the bund

Natural England - No objection.

Lancashire County Council Specialist Advisor (Ecology) – No objection.

Lead Local Flood Authority – Awaiting observations.

Representations – The application has been advertised by site notice, press notice and neighbours have been notified by letter. Three representations have been received as follows:

- Councillor John Singleton objects to the planning application as the development is ruining the local lives of residents of Staining and Weeton, mainly retired and who seek some peace, due to dozens of large HGVs using Mythop Road every day from the early hours in the morning until late afternoon. It is making a very busy road that is used by residents of Staining and Weeton even more so. Cllr Singleton is aware that the use of HGVs on a country road is not a valid reason to refuse an application but if the committee grant this application he strongly advises that a stipulation is made that no vehicles should operate before 10.00am and no later than 4.00pm. Furthermore, no vehicles should use Staining Village for access to the Reams Hill Site.
- The other two representations raise the following issues:
 - HGVs to this site start at 7.00am and continue until 7.30pm causing noise and disruption in Weeton village.
 - Mythop Road has recently been resurfaced but is already showing signs of wear and subsidence which is a road safety risk.
 - There are too many HGVs visiting this site which makes Mythop Road into an industrial road rather than a country lane.
 - Mythop Lane is left in a dirty condition and the road sweeper that is employed is not very effective.
- A cyclostyle letter signed by eight residents of Mythop Road has also been received. The residents strongly object to the application on the grounds that there have been continual HGV movements along Mythop Road for three years resulting from the use of Ream Hills Farm as an HGV depot and then the construction of the mound. These activities subjected residents to noise from

4.30am to 7.30pm on most weekdays and most of the day on Saturdays resulting in noise and vibration impacts, damage to the road surface and spreading of debris on the highway. The works continued after the permitted completion date of February 2020. Some HGVs also pass through Weeton village and have to reverse into the site which is very dangerous. The conditions set down in the appeal decision have not been complied with.

Advice

Planning permission LCC/2014/0160 was granted on appeal by the Planning Inspectorate on land forming part of Ream Hills Farm for the construction of screening bund measuring between 2 and 2.5 metres high, approximately 30 metres wide and 500 metres long.

Condition 6 of planning permission LCC/2014/0160 requires that the bund construction operations shall cease not later than two years and three months from the date of commencement. Work to construct the bund commenced in mid-November 2017, and hence the bund construction operations should have ceased by mid-February 2020.

Following concerns received from a local resident regarding the activities continuing beyond the authorised date, a site visit was undertaken which confirmed that bund construction operations were still ongoing. The applicant therefore submitted this application which initially proposed to continue the importation of fill materials until 30 June 2021 with a further time period for grading and restoration 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 Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and the Fylde Local Plan to 2032.

At the time of the planning application, importation of waste had taken place over approximately one half on the total length of the proposed bund. Following a site inspection by officers, it appeared that certain areas of the mound considerably exceeded the levels permitted by planning permission LCC/2014/0160. The site operator was therefore asked cease any further operations and to undertake a survey in order to assess the volumes of waste that had already been imported against those that were required to construct the mound to its permitted dimensions. The survey confirmed that approximately 34,000m³ of material had already been imported which was sufficient to construct the mound to its approved dimensions with heights of between 2 and 2.5 metres. On that basis the operator does not now intend to import any further waste materials but still requires more time to complete

the regrading of the mound to reach the approved contours, to restore the mound using topsoil and undertake landscaping works including tree planting. The applicant estimates that these works can be completed by 31 December 2021.

It will be noted that the Environment Agency have commented on the volumes of materials that have been imported to the site. Having received the survey, the Environment Agency state that they are reassured that the developer has not exceeded the volume that they have planning permission for. However, the EA do have concerns that their protocols related to the movement of waste outside of the permitting system have not been followed correctly. This is a matter for the EA to address and has no planning implications.

It will be noted that a number of comments have been received from Staining Parish Council and local residents in relation to HGV movements and issues of mud and debris being deposited on Mythop Road. Lancashire County Council Highways have also raised similar issues. However, as the importation of material to the site has now been completed, these issues should not occur in future. A condition can be attached to any planning permission requiring that no further material shall be imported.

The site is not particularly visible in the local landscape and it is considered that a short extension of time beyond the previously considered restoration timescale would not have any unacceptable visual impacts. The site is distant from the nearest residential properties and therefore any operations required to grade the mound would not have an impact on local amenity. Conditions should be attached to any further permission requiring the deposited waste materials to be graded to the approved contours by 30 September 2021 and for all landscaping / tree planting works to be completed by 31 December 2021. On that basis, the visual and local amenity impacts are considered acceptable and comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Planning conditions were also attached to permission LCC/2014/0160 to ensure that the development would be carried out in accordance with the submitted plans, hours of operation, control of noise and dust, final restoration levels and landscaping / aftercare. Provided that these planning conditions are updated and attached to any new permission, it is considered that the extension of time would accord with Policy CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GD7 of the Fylde Local Plan.

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 operations to regrade the site to its approved contours as shown on drawing RH/04342/09 Rev B shall cease by 30 September 2021 and the site shall thereafter be finally restored in accordance with condition 13 to this permission by no later than 31 December 2021.

Reason: To provide for the completion and final restoration of the site within the approved timescale in the interest of the amenities of the area and to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GD7 of the Fylde Local Plan.

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) Submitted Plans and documents accompanying planning permission LCC/2014/0160:

Drawing no. RH/04342/007 rev B - Proposed landscaping plan

Drawing no. RH/04342/003 rev B - Development area plan

Drawing no. RH/04342/09 rev B - Bund level plan

Drawing no. RH/04342/004 rev C - Site layout plan

Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact 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 and Policies DLF1, GD4, GD7, ENV1 and ENV2 of the Fylde Local Plan.

Site Operations

3. No further waste materials or soils shall be imported to the site for the purposes of mound creation or restoration. All such works shall only utilise the materials that have already been imported to the site.

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

4. All available topsoil shall be stripped from any part of the site before that part is traversed by heavy vehicles, plant or machinery and before the bund or any access roads are constructed on it. All stripped topsoil shall be stored in mounds for use in the restoration of the site.

Reason: To secure the proper and satisfactory restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

5. The storage of stripped top-soils shall be carried out in accordance with the scheme and programme submitted on 20 November 2015 in accordance with the requirements of condition 9 of planning permission LCC/2014/0160.

Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GD7 of the Fylde Local Plan.

Safeguarding of Watercourses and Drainage

6. No operations including bund construction and temporary storage of topsoil shall take place within 8 metres of the bank of the Mythop Main Drain.

Reason: To allow access to and safeguard Mythop Main Drain and its associated ecology and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

Highway Matters

7. The sole vehicular access point to and egress point from the site shall be from Mythop Road as shown on drawing no. RH/04342/010.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

8. The wheel-cleaning facilities described in the scheme and programme submitted under the requirements of condition 12 of planning permission ref LCC/2014/0160 and shown on drawing RH/04342/015 shall be used by all HGVs leaving the site during the regrading and restoration operations to ensure that no mud, dust or other deleterious material is deposited on the public highway by vehicles leaving the site.

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 and Policy GD7 of the Fylde Local Plan.

9. The access to the site shall be maintained in a hard surfaced condition in accordance with the details described in the scheme and programme and drawing RH/04342/015 submitted under the requirements of condition 13 of planning permission LCC/2014/0160.

The hard surfaced access shall be maintained in a clean condition until removed as part of the final restoration scheme required by condition no. 14 below.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

Dust

10. Dust suppression measures shall be undertaken as necessary throughout the full period of bund construction and restoration operations. The measures shall include watering of all haul roads during dry weather conditions and suspension of operations when the dust control measures cease to become effective.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

Hours of Working

11. No bund grading or restoration operations shall take place outside of the hours of: 07:30 to 16:30 hrs Mondays to Fridays (excluding Public Holidays); and, 07:30 to 13:30 hrs on Saturdays. No bund grading or restoration operations shall take place at any time on Sundays or Public Holidays.

This condition shall not prohibit 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

Control of Noise

12. All plant, equipment and machinery used on site shall be equipped with effective silencing or sound proofing equipment to the standard of design set out in the manufacturer's specification which shall be maintained in accordance with that specification at all times.

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 – Part One, and Policy GD7 of the Fylde Local Plan.

Restoration

13. The site shall be restored in accordance with the scheme and programme of restoration works that was submitted on the 20 November 2015 under the requirements of planning permission LCC/2014/0160.

The restoration works shall include the removal of the access road, wheel cleaning area and reinstatement of the hedgerow alongside Mythop Road.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and Policy GD7 of the Fylde Local Plan.

Aftercare

14. Following certification in writing by the County Planning Authority of the completion of restoration of the site in accordance with the requirements of condition no. 13 above, the aftercare works shall be carried out for a period of five years in accordance with the following:

- a) control of invasive weeds
- b) maintenance of tree and shrub planting including replacement of dead and dying species, weed control around planting and maintenance of protection measures.
- c) reseeded works to ensure a complete grass sward over the full extent of the mound.

Reason: To secure the proper and satisfactory aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies , and Policy GD7 of the Fylde 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/2020/0043	13 July 2020	Jonathan Haine/534130

Reason for Inclusion in Part II, if appropriate

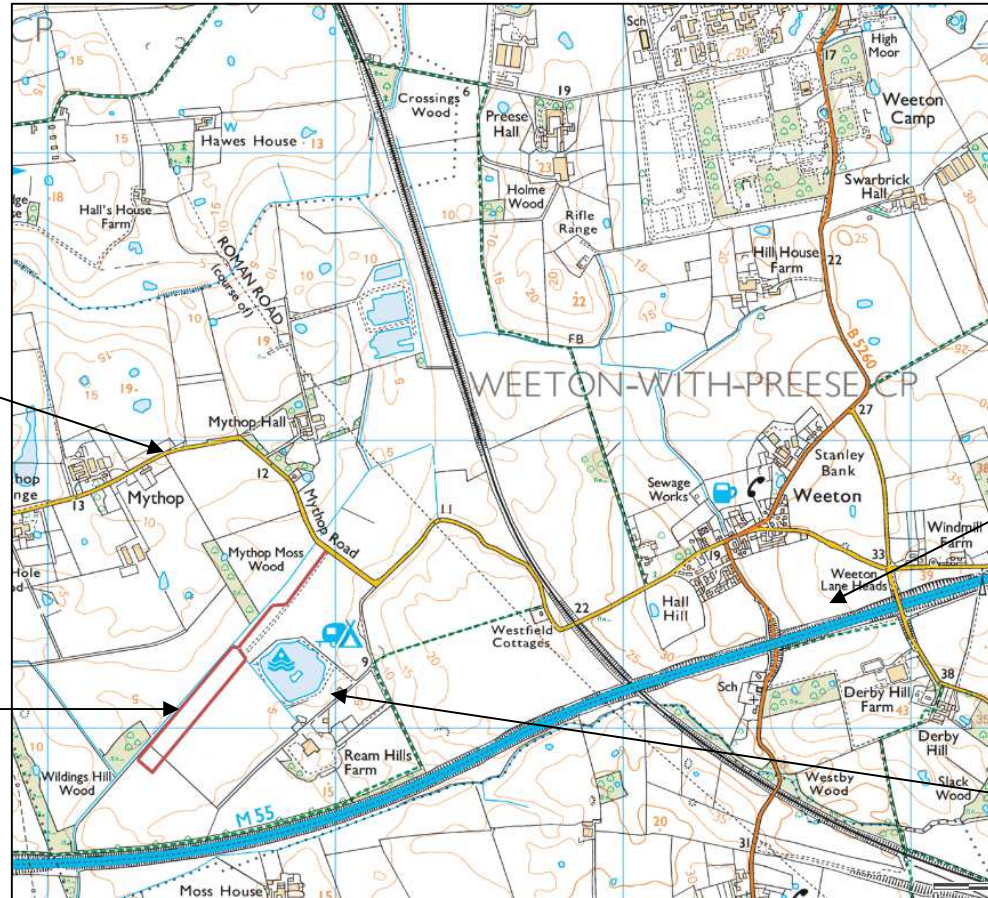
N/A

Planning Application LCC/2020/0043

**Extension of timescales in condition 6 of
permission LCC/2016/140 to allow grading and
restoration of bund by 31st December 2021.**

Ream Hills Farm, Mythop Road, Weeton

Planning application LCC/2020/0043



Mythop Road

Application site

M55

Ream Hills Farm Leisure complex

Planning application LCC/2020/0043



Application Site
(bund location)

Site access
from Mythop
Road

Ream Hills
Leisure comple.

Planning application LCC/2020/0043 – Photograph of bund looking north east



Planning application LCC/2020/0043 – Photograph of bund under construction looking south west



Application LCC/2020/0043 – View of bund looking south west

Bund constructed using imported materials



Agenda Item 9

Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division affected: Nelson East

Pendle Borough: application number. LCC/2020/0073
Planning application to vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application - To vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, restoration and aftercare.

Applicant's Proposal

Planning permission is sought for a change to condition 1 of planning permission 13/12/0585 to allow the period of time to process stone and restore the site to be extended from 31 December 2020 to 31 December 2028.

Description and Location of Site

Catlow East Quarry, the subject of this planning application covers an area of approximately 1.8ha. The site is currently used for stone processing activities and includes a number of buildings, plant and machinery. Mineral working no longer takes place in Catlow East and areas of the site have been partially restored through the importation of soil materials and colonised by vegetation.

To the west is Catlow West, an adjoining quarry area that covers an area of approximately 1.2 hectares. The active quarries are also surrounded by historical quarrying and landfill areas. The site is located off Crawshaw Lane in Catlow approximately 3km east of Nelson. Crawshaw Lane is also a Byway Open to All Traffic (BOAT) No. 16. The nearest residential properties are located approximately 300m west of the quarry on Crawshaw Lane. The quarry is located within the 'Southfield' Conservation Area, which also includes properties in Catlow. The

surrounding land is characterised by undulating features of previously worked quarrying hollows, overburden mounds, tipping areas, and access tracks that have become naturally recolonised by grasses, shrubs and immature trees.

Background

Planning history

There is a long history of stone extraction and working at Catlow Quarries. Most recently planning permission was granted for an extension of stone working into the historically worked area of Catlow West followed by restoration through the deposit of quarry waste and imported soils and subsoils until 2028 (ref. LCC/2015/0055). Prior to that, planning permission had been granted for a change to an existing permission at Catlow East to allow working and restoration to continue until the end of 2020 along with the importation of up to 100 tonnes of stone per week from a neighbouring quarry for stone cutting purposes (ref 13/12/0585).

Planning Policy

National Planning Policy Framework

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demands for New Minerals
- Policy CS5 Achieving Sustainable Mineral Production
- Policy CS7 Managing our Waste as a Resource
- Policy CS8 Identifying Capacity for Managing our Waste
- Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

- Policy NPPF1 Presumption in Favour of Sustainable Development
- Policy DM1 Management of Waste and Extraction of Minerals
- Policy DM2 Development Management
- Policy M1 Managing Mineral Production

Pendle Local Plan Core Strategy

- Policy SDP1 Presumption in Favour of Sustainable Development
- Policy ENV1 Protecting and Enhancing Our Natural and Historic Environments

Consultations

Pendle Borough Council – No comments received.

Nelson Town Council – No comments received.

Environment Agency - No objection but advise the applicant that in relation to the proposed importation of fill material for the restoration of the site, the works will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies.

Lancashire County Council Highways Development Control – No objection.

Representations – The application has been advertised in the local newspaper and neighbouring residents have been informed by individual letter. Three representations have been received, which object to the proposed development on the grounds of increasing HGV traffic and speeding on narrow local roads and non-compliance with existing planning conditions. The latter includes working on Saturday afternoon and Sundays, exceeding daily HGV number limits, using crushing plant in Catlow West, allowing mud and dust to be tracked onto the public highway, and suggestions that unsuitable restoration material may be being imported to the site.

Advice

This application is for an extension of time to allow for continued stone processing and restoration operations at Catlow East Quarry to 31 December 2028. This would match the planning permission that is already in place for Catlow West quarry.

The applicant states that there is Catlow stone to process from Catlow West until January 2026 and it is impractical to relocate all the stone processing equipment into the west side quarry when the saws, cropper, lagoon and electric supply and water storage are all established in Catlow East. There is still a large stockpile of Catlow stone and a resource of stone to be quarried in the west side that can be used for dry stone walling, crazy paving and landscaping. The blocks are cut into slabs for monumental stone such as sawn pavors, lintels, jambs, cills and steps.

The stone reserve in Catlow East has now been worked out and the stone is being brought over from Catlow West to be processed and dressed in Catlow East. This would continue until all the wider site is restored through the importation of soils and subsoils.

The principle of mineral and restoration operations at Catlow East and West has already been established. It is therefore necessary to assess the acceptability of extending the timescale of the permission at Catlow East to reflect that at Catlow West. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

When determining planning applications Paragraph 205 of the National Planning Policy Framework is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. Commentary to Policy M1 of the Joint Lancashire Minerals and Waste Local Plan advises that proposals for the extraction of locally sourced building stone will be supported.

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. More specifically, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or 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. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The current application would not increase the overall footprint of the existing working area and would have no negative impact on the local landscape or conservation area. Operations at the quarry would continue to be relatively small scale and would be well screened by the surrounding land levels. The current working and restoration scheme could be carried forward to a new permission, should permission be granted.

Catlow East is now primarily used as a stone processing facility utilising stone from the western quarry site and locally imported stone to create bespoke architectural heritage products. Stone with different characteristics and waste stone cuttings are used for other building products including walling stone. The proposed time extension would allow for the efficient management of the wider site and also continue to provide good separation between quarry operations and local residents. Objections/complaints have been raised in relation to recent alleged breaches of planning control including working on Saturday afternoon and Sundays, exceeding daily HGV number limits, using crushing plant in Catlow West, allowing mud and dust to be tracked onto the public highway, and suggestions of unsuitable restoration material being imported to the site. The operator has been made aware of these issues and has advised that the matters will be resolved.

The site had not previously been a regular source of complaint and it should be noted that a breach of planning control by a site operator is not a material consideration when determining a planning application. Planning permissions generally apply to the land rather than an individual or company carrying out the development. Should enforcement action be considered necessary for failure to comply with the requirements of a planning permission, then separate steps can be taken if expedient to do so in the public interest.

The importation of waste to the site is subject to Environment Agency controls and discussions are currently taking place in relation to Environmental Permitting requirements and restoration works. The Environmental Permit would control the specific waste types suitable for restoration works and measures to prevent pollution. Nevertheless, the planning permission currently only permits soils, subsoils and overburden to be used in restoration works. The majority of soil importation activity would be restricted to Catlow West as there is limited scope for further soil importation at Catlow East due to the ground profiling that has already been achieved.

Access to the site is via Crawshaw Lane, an unmade farm track and definitive right of way. The access is not suitable for large numbers of HGV movements and consequently the existing quarry site operates with a restriction of eight HGV movements per day Monday – Friday with four HGVs leaving the site on Saturday and also a restriction of stone imported to the site at 100 tonnes per week. It is considered that a continuation of this condition would be appropriate and should control HGV numbers to acceptable levels. Lancashire County Council Highways has raised no objection.

Human Rights

In view of the location, scale and nature of the proposed development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Conclusion

The proposed time extension for Catlow East quarry would allow for the continuation of stone working and give time for the completion of restoration works in tandem with the planning permission that is already in place at Catlow West quarry.

The time extension would be unlikely to generate any unacceptable impacts on neighbouring land uses, local residents, the highway network, the character of the Conservation Area or the environment in general subject to compliance with previously accepted conditions. The development accords with the policies of the National Planning Policy Framework and the Development Plan.

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The mining operations/processing of stone authorised by this permission shall cease not later than 31 December 2026 and the site shall thereafter be finally restored within a further period of 2 years in accordance with the scheme of restoration referred to in condition 22.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy ENV1 of the Pendle Local Plan.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

Submitted plans:

Drawing No.

GNSP/PQ/S73/2012-LP	Location Plan
GST/C/345/2	Restoration Proposals
GST/C/345/3, rev A	Cross Sections

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 Joint Lancashire Minerals and Waste Local Plan and Policy ENV1 of the Pendle Local Plan Core Strategy.

Hours of Working

3. No mining operations, importation, processing or dressing of stone, exportation of stone or building products or restoration works shall take place outside the hours of:

0800 to 1730 hours, Mondays to Fridays (except Public Holidays)
0800 to 1200 hours on Saturdays

No mining operations, importation, processing or dressing of stone, exportation of stone or building products or restoration works 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 Joint Lancashire Minerals and Waste Local Plan.

Site Operations

4. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the operational life of the site.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. The provisions of Part 17, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or 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 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.

6. No minerals shall be processed as crushed aggregates and no stone other than building stone or dressed stone for building and architectural purposes shall be removed off the site.

Reason: To maintain the County Planning Authority's control of the development 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.

7. No more than 100 tonnes of block stone or paving shall be imported to the site per week for the purposes of further processing. A weekly record of the tonnage of stone imported to the site shall be retained for a period of 12 months and made available for inspection by the County Council on request during the permitted working hours for the operational life of the site.

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

8. No minerals or building stone shall be sold direct to the general public from the site.

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

9. All waste materials arising from the winning and working and processing of minerals at the site shall be used in the approved restoration and landscaping works for the site and shall not be removed off the site at any time.

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

Highway Matters

10. No more than eight heavy goods vehicles, as defined in this permission, shall leave the site (including the site covered by permission LCC/2015/0055) in any one day during Mondays to Fridays, inclusive, and no more than four heavy goods vehicles shall leave the site on Saturday. No such vehicles shall leave the site on Sundays or Public Holidays.

This condition shall apply to the importation and export of stone from the site (including the site covered by permission LCC/2015/0055) and the importation of restoration materials.

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.

11. A written record shall be maintained at the site office of all movements out of the site (including the site covered by permission LCC/2015/0055) by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority during the permitted working hours.

Reason: To enable the County Planning Authority to monitor the operations to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

12. The sole vehicular access to and egress from the site shall be to and from Southfield Lane via Crawshaw Lane as shown on Drawing GST/C/345/1

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.

13. Measures shall be taken at all times to prevent the deposit of mud, dust or other debris from the site being deposited by vehicles on the public highway.

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.

Control of Noise & Dust

14. 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 operational life of 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.

15. Measures shall be taken to minimise the incidence of dust or wind blown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions.

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.

16. No explosives shall be 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.

Safeguarding of Watercourses and Drainage

17. 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 Joint Lancashire Minerals and Waste Local Plan.

18. 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 shall be removed from the site completely and disposed of at a purpose designed waste water management facility.

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 23 of the Joint Lancashire Minerals and Waste Local Plan.

19. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

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 Joint Lancashire Minerals and Waste Local Plan.

Soils and Overburden

20. No topsoil, subsoil or overburden shall be sold or otherwise removed from the site.

Reason: To ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

21. The movement and respreading of topsoils and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

Reason: To ensure the proper storage and replacement of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Restoration

22. Restoration shall be carried out in accordance with drawing nos. 'GST/C/345/2' and 'GST/C/345/3' and the details contained in Section 5.0 of the submitted supporting statement dated October 2012 relating to permission LCC/2012/0585.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

23. The materials imported to the site for the purposes of restoration shall be confined to clean subsoils, topsoils and overburden only.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

24. If by 31 December 2028, the site has not been restored in accordance with the details referred to under condition 22, alternative details for the final restoration of the site shall be submitted to the County Planning Authority within 1 month of 31 December 2028 for approval in writing. The scheme and programme shall include details of:
- a) a contour plan showing the final levels and landform of the site at not less than one metre intervals
 - b) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
 - c) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application.
 - d) the measures to be taken to secure normal plant growth;
 - e) details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;
 - f) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
 - g) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas;
 - h) details for the phasing of the restoration or progressive restoration;
 - i) details for the creation of any wildlife habitat areas.

Thereafter, the site shall be restored within six months of the approval in writing of the alternative details of restoration.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Aftercare

25. Details for the aftercare of the site shall be submitted to the County Planning Authority for approval in writing by 31 December 2027.

The details shall include the following:

- a) the management of the site to promote its intended afteruse use including details of seeding, grazing, cultivation or cropping;
- b) details for soil sampling in each year of the aftercare period to determine requirements for fertilizer and lime application and provision for the submission of annual soil sampling results and proposed fertilizer/lime application to the County Planning Authority for approval in writing;
- c) details of any drainage installation including measures for replacement of any field drainage system damaged during the development;
- d) details of any further works to relieve compaction or regrading to alleviate surface ponding;
- e) details of any measures required to control noxious weeds.
- f) details for the maintenance of any tree or hedge planting including replacement of failures, weed control, maintenance of protection measures, thinning works and cutting or laying regimes to be followed.
- g) management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run off.

Thereafter, aftercare works shall be undertaken in accordance with the approved details for a period of five years from the date that the County Planning Authority certifies in writing that the works of restoration are complete.

Reason: To secure the proper aftercare of the site in the interests of visual amenity and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle designed to carry a payload of 1500 kg or more.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 22 or 24 have been completed satisfactorily.

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

Paper	Date	Contact/Ext
LCC/2020/0073	May 2021	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

Planning application LCC/2020/0073

Planning application to vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson

Planning application LCC/2020/0073

Location plan



Planning application LCC/2020/0073

Aerial view

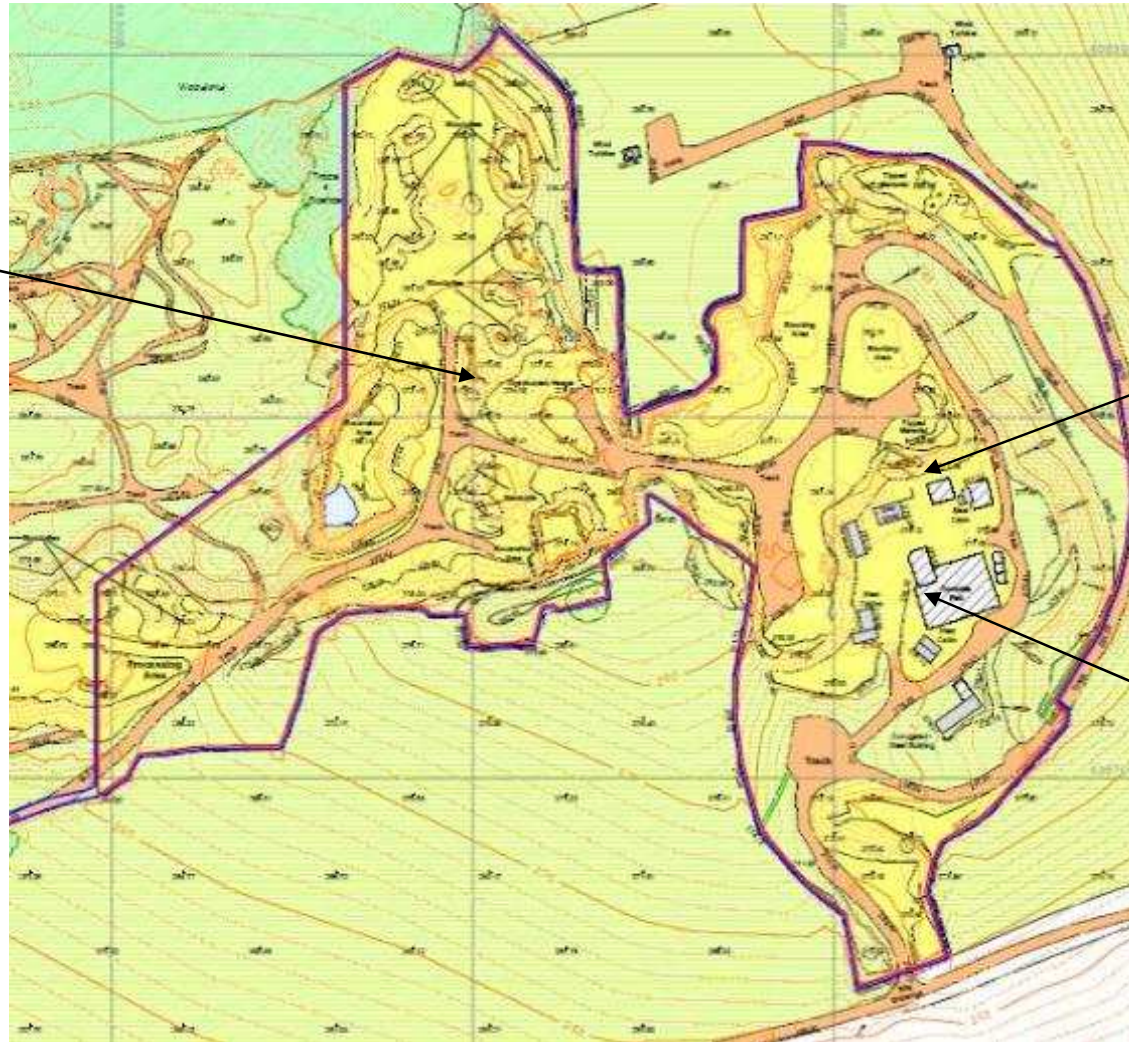
Catlow West



Catlow East

Planning application LCC/2020/0073

Catlow West



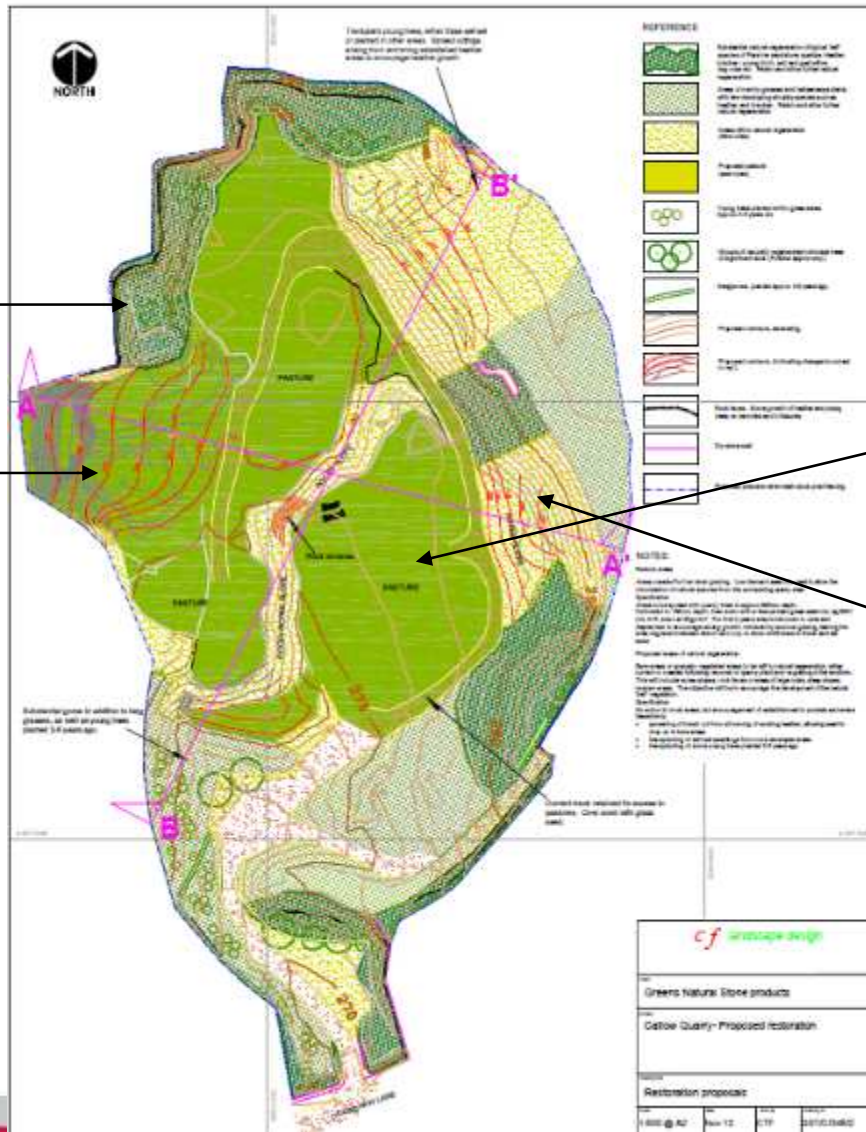
Catlow East

Stone processing buildings/equipment and offices

Planning application LCC/2020/0073

Natural regeneration to be retained

Current tipping area



Restoration plan

Pasture

Tipped area for natural regeneration.

Planning application LCC/2020/0073



Catlow East

Planning application LCC/2020/0073



Catlow East

Planning application LCC/2020/0073



Catlow East (eastern slope)

Planning application LCC/2020/0073



Catlow East (cutting shed)

Planning application LCC/2020/0073



Catlow East (looking east from western side)

Planning application LCC/2020/0073



Catlow West

Planning application LCC/2020/0073



Crawshaw Lane access

Planning application LCC/2020/0073



Catlow East quarry entrance

Planning application LCC/2020/0073



Crawshaw Lane at the junction with Southfield Lane

Planning application LCC/2020/0073



Southfield Lane

Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division affected: Longridge with Bowland
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Ribble Valley Borough: application number. LCC/2021/0004
Construction of a new wastewater treatment works, access track, bridge, 3 no. culverts, outfall, partial demolition of existing works and landscaping.
Chipping Waste Water Treatment Works, Longridge Road, Chipping, Preston.

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

Executive Summary

Application: Construction of a new wastewater treatment works, access track, bridge, 3 no. culverts, outfall, partial demolition of existing works and landscaping. Chipping Waste Water Treatment Works, Longridge Road, Chipping, Preston.

Recommendation – Summary

That subject to no objection from the Environment Agency, planning permission be **granted** subject to conditions controlling time limits, working programme, highway matters, site preparation and construction works, landscaping and management.

Applicant's Proposal

The application is for a new waste water treatment works to replace the existing Chipping waste water treatment works. The development to provide the new treatment works would be on an area of agricultural grazing land measuring 270 metres by 70 metres and would include the following elements:

- Inlet screen plant – required to remove large debris from incoming waste water. The plant comprises of two screens measuring 8.6 m by 6.2 metres by 8.2 metres high. The platforms and structural steelwork would be constructed from galvanised steel. The screens themselves would be in stainless steel.
- Inlet Pumping Station Area having a diameter of 8m by 1.1 m in height (partially buried).
- A motor control centre kiosk building – containing electrical control equipment, the building would measure 10 metres by 3.5 metres by 4.3 metres in height.
- Primary settlement tank area – measuring 20.5 metres by 16.1 metres by 6.4 metres in height – this would incorporate three tanks measuring 5.6 metres in diameter by 5.3 metres in height with a distribution chamber measuring 1.8 metres diameter by 5.3 metres in height.
- Submerged Aerated Filter area – measuring 13.8 metres by 13.5 metres by 4.4 metres in height- this would include a distribution chamber 3.7 metres by 2.0 metres by 4.6 metres in height which would feed eight aeration tanks each measuring 12.6 metres by 5.75 metres by 3.5 metres in height.

- Humus Tank Area – comprising two partially buried tanks measuring 5.6 metres diameter by 2 metres in height.
- Chemical dosing kiosk building – measuring 7.8 m metres by 2.5 m metres by 3 m metres high.
- Washwater booster kiosk – measuring 2 metres by 4 metres by 2 metres high.
- Admin/Welfare Kiosk Building – measuring 4.5 metres by 3.5 metres and 3 metres in height.
- New concrete outfall structure into the Chipping Brook.
- Installation of 320 metres of weldmesh fencing 2.4 metres in height to enclose the new works.
- An improved access off Longridge Road together with a new access road approximately 500 metres in length by 3.5 metres in width. The track would be surfaced in coloured concrete and would incorporate a new bridge across the Chipping Brook measuring 8 metres by 4.2 metres in width.

All the new buildings, fencing and external elevations of plant and equipment would be coloured holly green.

Upon the new works being commissioned, the existing treatment works would be demolished, and the site returned to grassland apart from the existing trickling filters which would remain on site and allowed to naturally regenerate. The access road to the existing works would be retained as an access into the adjacent agricultural premises.

There would also be a temporary construction compound located on land to the east of the new waste water treatment works.

Description and Location of Site

The application site would occupy an area of agricultural grazing land immediately south of the existing Chipping Waste Water Treatment Works. The existing works is accessed off Longridge Road which is a C class road linking Longridge with Chipping which is 800 metres to the north of the application site.

Immediately to the west of the application site is the Chipping Brook, to the north is the existing treatment works while on the southern and eastern sides are areas of agricultural grazing. The existing treatment works measures approximately 100 metres by 40 metres and is comprised of a number of tanks and other infrastructure to treat waste water from the Chipping area.

The nearest residential properties to the site are located at a farm complex 240 metres to the north and at Goose Lane Cottages 125 metres to the west. There is another property approximately 400 metres to the south east which is a grade II listed building (Pale House Farm).

An area of wet grassland 100 metres to the south east of site known as Chipping Moss is designated as a Biological Heritage Site for its value for ground nesting birds. The whole site is also within the Forest of Bowland Area of Outstanding Natural Beauty.

The entire site is located within Flood Risk Areas 2 and 3 (areas at highest risk of flooding).

A public footpath is located approximately 80 metres to the east of the site.

Background

History: There is no relevant planning history.

Planning Policy

National Planning Policy Framework: The following paragraphs are relevant: 8 – 11 (definition and achievement of sustainable development), 108 – 109 (transport considerations), 127 (design), 155 – 165 (flooding), 170 - 175 (landscape and biodiversity), 183 (planning and pollution control), 196 (heritage).

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Ribble Valley Core Strategy

Policy DMG1 – General considerations

Policy DMG2 – Strategic considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and townscape protection

Policy DME3 – Site and Species protection and conservation

Policy DME4 – Protecting Heritage Assets

Policy DME6 – Water Management

Consultations

Ribble Valley Borough Council: No objection but request that consideration be given to the implementation of landscape and biodiversity improvements in advance of development commencing on the new works were practicable.

Environment Agency (EA): No objection to the principle of the proposal. However, the Flood Risk Assessment supporting the application needs further refinement before it can be confirmed that the flood risk at the site has been fully assessed. The application is a complex development with a number of aspects that could affect flood risk. It appears that the flood risk assessment and site design has been based on a hydraulic model which does not form part of the EA's Flood Map for Planning and only limited detail of the applicant's model has been submitted. If the design and assessment is based upon the model, then a report allowing a review of the model must be submitted. Comments are also made about the design of the new bridge across the Chipping Brook and the access road and potential impacts on flooding, the modelling of the compensatory storage and the design of the outfall structure.

In response to further consideration of the applicant's flood model, the Environment Agency consider that the model requires a more detailed review and therefore their objection is maintained at this stage.

Chipping Parish Council: No comments received.

County Archaeology Service: Agree with the findings of the applicants Archaeological Assessment that no further archaeological investigation of the site is required.

County Landscape Service: No comments received.

Lancashire County Council Ecology Service: The proposals would result in a loss of habitat for ground nesting birds which are species of principal importance and are linking to the nearby Chipping Moss Biological Heritage Site (BHS). The County Council will need to be satisfied that these impacts are unavoidable and ensure that proposals are submitted to demonstrate that these impacts can be adequately compensated for. Planning conditions should be imposed relating to lighting, the implementation of reasonable avoidance measures, protection of vegetation adjacent to the working area, invasive plant controls, measures to protect hares and hedgehogs and habitat creation and landscaping. A condition is also requested preventing works on the application site between 1 March and 31 August unless a survey for ground nesting birds has confirmed absence.

LCC Highways Development Control: No objection. The submitted traffic management plan should be adhered to during construction operations. Conditions are also requested to require the provision of electric vehicle charging points and to ensure that the new access road is constructed to at least base course level prior to any other construction work commencing.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Two representations objecting to the application have been received raising the following issues:

- Longridge Road is the main access to Chipping for all residents who live south of the village. The road has a 60 mph limit has no pavements and many bends especially around Goose Lane Cottages. The development will give rise to many HGV movements endangering pedestrians on the highway. It is therefore requested that a permanent 40 mph speed limit be imposed on Longridge Road together with traffic calming measures.
- The area has an active bat population and the proposals would involve the loss of seven trees and 130 metres of hedgerow which would impact on this species.
- The lighting of the site needs to be adequately designed so there is no detrimental effect on bats or other nocturnal wildlife. There is no street lighting in this area so any new lighting would have a greater impact.
- The area also has a good brown hare and barn owl population and these species need to be given full protection. Kingfishers have also been sighted on the Chipping Brook.
- The new works would have a considerable visual impact on the views from Goose Lane Cottages. The new works would be almost four times the size of the existing treatment works, and the buildings would be taller and larger. The new works would not be in keeping with the natural and cultural heritage of area and are on a landmark location at the entrance to the village.
- The proposed landscape screening alongside Chipping Brook would be inadequate to screen the development from Longridge Road.

Advice

The existing Chipping Waste Water Treatment Works has provided waste water services for the local area for over 45 years. Whilst the existing works can meet current discharge quality standards, the Environment Agency are imposing tighter water quality parameters from December 2023 particularly in relation to chemical oxygen demand and ammonia content in the effluent discharge to the Chipping Brook.

The treatment processes used at the existing works cannot meet the new standards and its continued use presents a high risk of failure to comply with the pollution control consent. The proposed new treatment works would utilise modern water treatment processes/technology to allow compliance with new water quality standards. The proposed development would also increase the treatment capacity of the works to accommodate a predicted population growth in the catchment served by the works.

The existing works would have to continue to operate whilst the new works is constructed on land to the south. Once the new works is constructed and operational, the majority of the existing treatment equipment would be demolished, and the land restored.

The main issues relate to the landscape impact of the development, flooding, ecology and local amenity issues.

Landscape

The site is located within the Forest of Bowland Area of Outstanding Natural Beauty. Paragraph 170 of the National Planning Policy Framework requires that planning decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that the scale and extent of development in these areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- The need for the development including in terms of any national considerations and the impact of permitting it or refusing it upon the local economy.
- The cost of and scope for developing outside the designated area or meeting the need for it in some other way.
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

The applicant has prepared a landscape assessment with the planning application which examines the impact of the development on the key landscape characteristics and impacts from key viewpoints.

The Forest of Bowland Landscape Assessment produced by Natural England identifies the main landscape character types and areas and their sensitivity and capacity to accommodate change. The site falls within the Little Bowland landscape character area where the main features relevant to the application site are the undulating agricultural landscape, network of mixed hedgerows with hedgerow trees delineating fields, the open views towards the Bowland Fells and mixed semi natural woodland following watercourses and in - field trees.

The applicant has undertaken an assessment to determine the extent to which the site is visible from key local and more distant viewpoints.

The application site is comprised of a flat agricultural field with patches of marshy vegetation directly adjacent to the Chipping Brook. Directly to the north is the existing treatment works which includes various primary settlement tanks and trickling filters (approximately 1 metre above ground level), a humus tank and other brick tanks (approximately 2.5 metres high) and an single storey admin/office and larger chemical dosing building which is the most prominent structure on the site and clearly visible from Longridge Road and Goose Lane Cottages. The views of the existing works and application site from these locations are partially screened by an overgrown hedge forming a line of gappy trees adjacent to the Chipping Brook. The farm complex at Startifants close to the treatment works entrance also screens the site from the north.

From the south and east, from the footpath and Pale Farm, the site is more open with no existing screening features.

In terms of the more distant viewpoints, there are locations on Longridge Fell and from the summit of Parlick that have wide expansive views over the Chipping Valley. These views points are 2.7 and 3.7 km from the application respectively. The application site is located in the centre of such views but is a relatively small area in very expansive vistas.

In terms of landscape impacts, the construction of the new treatment works itself would not result in the removal of key landscape features apart from the areas of pasture and marshy grassland forming the site. No trees or other vegetation alongside the Chipping Brook would need to be removed. The main vegetation losses would arise from the construction of the new access road and alteration of the underground pipelines. These works would require the removal of four trees and two sections of hedgerow totalling 130 metres.

The new treatment works would have a greater landscape impact than the existing works due to the number of structures and the heights of some elements of the new plant. The inlet works would have a maximum height of 8.2 metres needed to incorporate the rotating screens that lift debris out of the incoming waste water and deposit it into skips. A number of other elements of the new plant and tanks would have heights of up to 5 metres. The height of some element of the development have been raised on steel frameworks to lift them clear of the predicted maximum flood level. By comparison, most elements of the existing works have a maximum height of around 2 metres with one tank structure being 8.6 metres high. Although, the development would not result in a significant loss of existing landscape features, without mitigation the visual impact of the new works is likely to be greater than the existing treatment works.

Paragraph 172 of the National Planning Policy Framework sets out a presumption against major development in Areas of Outstanding Natural Beauty such as that proposed other than in exceptional circumstances and where it is demonstrated that the development is in the public interest taking into account the three tests set out in the policy.

Chipping has a population of approximately 1300 the majority of which will be served by the applicant's waste water infrastructure. The village is designated as a Tier 2 settlement within the Borough Local Plan where key statement DS1 permits development required to meet proven local needs or to deliver regeneration benefits. It is therefore likely that there will be small future upfits in the population within the catchment. The provision of modern waste water treatment facilities to serve this population is therefore important.

The Water Framework Directive of 2014 sets standards for water quality including in surface water courses. The standards within the Framework cover the types of pollutants that are typically released from waste water treatment works. Chipping Brook is a salmonoid water course where water quality considerations are especially relevant. The proposed works would involve the installation of new treatment infrastructure which would improve the quality of the discharge into the Chipping Brook therefore having a beneficial effect on the environment, in particular ecology, of this watercourse and would meet the objectives of the Directive.

The location of the new works is largely dictated by the route of the existing waste water infrastructure. There is no alternative site in the immediate locality that is outside of the Area of Outstanding Natural Beauty and the new works cannot be located on the existing site due to the need to maintain treatment capacity. The only alternative would be to transfer the flows to another treatment works which would still require a pumping station in the Chipping area and installation of a new pipeline which would have other landscape and ecological impacts. The development of the new works within the Area of Outstanding Natural Beauty is therefore considered to be in the public interest and there is no reasonable alternative option.

Paragraph 172 of the National Planning Policy Framework requires that a key consideration for major development within Areas of Outstanding Natural Beauty is the detrimental impacts, including on landscape and recreation, and the extent to which they can be moderated. To mitigate the landscape impacts of the development, the applicant has produced a comprehensive landscaping scheme. Due to the location of the site in flood plain, it is not possible to create any permanent screen mounds around the new works as these would increase flood risk elsewhere. As an alternative it is proposed to create a 10 metre wide planting belt alongside the eastern boundary of the new site, new planting alongside Chipping Brook, new hedgerow and tree planting on both sides of the new access road, further hedge planting to recreate field boundaries and the demolition and subsequent landscaping of the majority of structures within the existing treatment works. The elements of the existing plant that would be retained would be three trickling filter beds. These beds are not required for the future operation of the works but would be problematic to demolish and would be left to naturally revegetate. The applicant has agreed to mound excess soil against the sides of these to reduce their visual impact.

Although it will take at least five years for the landscaping to mature, it is considered that the landscaping proposals would allow for a satisfactory screening of the new works from the main local viewpoints. The views which are obtained from the nearest properties and from Longridge Road would be attenuated through the retention of the existing trees alongside Chipping Brook which would be supplemented by new planting and the present open views of the site which are obtained from the footpath to the south and east would be screened by the 10 metre wide planting belt. With the landscaping proposals, the landscape impacts are therefore considered acceptable. It is recommended that conditions are imposed regarding retention and protection of all retained trees, implementation of all landscaping works, demolition and restoration of the existing works within one year of the new works being commissioned and aftercare / management of the planting works. Given the location of this site in the Area of Outstanding Natural Beauty it is also considered that some of the permitted development rights that exist for sewerage undertakers should be withdrawn through a condition which would give greater control over future development at the site.

Ecology

In relation to ecology impacts of relevance to this development, paragraph 175 of the National Planning Policy Framework states that if significant harm cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity.

Policy DME3 of the Ribble Valley Core Strategy relates to sites and species protection and conservation. The policy requires that proposals that are likely to adversely affect sites and species including priority habitats and species, county biological heritage sites or species protected by law will not be granted planning permission and that exceptions will only be made where it can clearly be demonstrated that the benefits of a development at a site outweigh both the local and wider impacts.

The applicant has undertaken an ecological assessment to identify the presence of priority habitats and protected species. The application site is mainly comprised of poor semi – improved grassland with amenity grassland within the existing treatment works. There are also a number of hedgerows with ground flora with associated standard trees. A number of these trees are assessed as having a moderate suitability for roosting bats with one tree having high suitability. There are two ponds within the nearby Chipping Moss which are within 250 metres of the application site. One of these ponds has confirmed presence of Great Crested Newt following eDNA sampling. The assessment concludes that there will be some impacts on Habitats of Principal Importance including hedgerows, the Chipping Brook and areas of rush pasture and that if any of the trees having moderate or high bat potential would be affected, they should be subject to further survey. A range of mitigation measures are recommended to off set these impacts including landscaping to replace lost hedgerows and specific measures for individual species.

The County Council's Ecological Advisor considers that the proposals would lead to a direct loss of habitat for ground nesting birds such as curlew and lapwing which are species of Principal Importance and which are associated with the nearby Chipping Moss Biological Heritage Site (BHS). The development would lead to a reduction in the size of the field which together with proposed woodland landscaping, would make the remaining area of field less suitable for ground nesting birds. She considers that the County Council should be satisfied that these impacts are unavoidable and that they are capable of being mitigated. In relation to other habitat impacts, attention is drawn to the impact on the loss of trees and hedgerow although it is considered that the landscaping proposals would adequately compensate for those that are lost. However, the landscaping along the eastern site of the site needs to be modified to remove large trees which would reduce the attractiveness of the adjacent field to ground nesting birds. Subject to the impacts on ground nesting birds being resolved, no objections are made subject to conditions relating to lighting control, implementation of reasonable avoidance and pollution control measures, tree protection measures, invasive plants, landscaping plan and a seasonal restriction on initial site clearance works.

The main ecological impact of this development would be the loss of the existing rough grazing land and the associated impacts on ground nesting birds. However, there is no reasonable alternative to the extension of the existing treatment works and the use of the land to the south as proposed would ensure the maximum standoff to the Biological Heritage Site compared to alternative options such as developing the land to the east of the existing works. It is also likely that the existing condition of the application site and wider field area including its proximity to the existing works and the trees adjacent to the Chipping Brook reduces its potential as ground nesting bird habitat. The impacts on Species of Principal Importance are therefore considered to be slight and are largely unavoidable. The proposed development would also have other benefits for ecology in terms of a likely improvement in water quality in the Chipping Brook and the proposed landscaping works would also provide new habitats for other bird species. Subject to the conditions requested by the County Council's Ecologist, the application is considered acceptable in relation to paragraph 175 of the National Planning Policy Framework and Policy DME3 of the Ribble Valley Core Strategy.

Flooding

The application site is located immediately adjacent to the Chipping Brook which is designated a main river by the Environment Agency. The site is also within Flood Zones 2 and 3 (areas at highest risk of flooding). The flood risks from the development arise by the construction of the treatment works within the flood plain and also the construction of the new bridge across the Chipping Brook. The proposal also includes the provision of a temporary flood defence bund adjacent to the Chipping Brook to prevent the site from being flooded during construction works.

The National Planning Policy Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and that development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding. If the development cannot be located in an area with a lower flood risk, it should be demonstrated that the development would have wider benefits that outweigh the flood risks and that the development will be safe for its lifetime without

increasing flood risk elsewhere and where possible reducing flood risks overall. Paragraph 163 of the National Planning Policy Framework also requires all development within areas 2 and 3 to be accompanied by a site specific flood risk assessment.

Policy DME 6 of the Ribble Valley Core Strategy states that development will not be permitted where the proposal would be at unacceptable risk of flooding or exacerbate flooding elsewhere.

The application is accompanied by a flood risk assessment which is based upon a hydraulic model to quantify the flood risks from the Chipping Brook and to assess the impacts of the new development on flood risk elsewhere. The new plant has been designed so that it would not be flood free with some elements of the plant being sited on steel frames thereby providing at least 300mm of freeboard above the flood level to minimise the impacts on the flood capacity of site. Structures containing liquids would be designed so that the top of the structures are above the maximum flood levels which would ensure that the site remains operational and would prevent pollution during flood events.

Some regrading of the development site would be required to create working platforms. However, the volume of cut is greater than the volume of fill and therefore the applicant considers that the proposals would actually increase net flood plain storage following the reprofiling works especially in those areas directly adjacent to the Chipping Brook which are most at risk of flooding. It is proposed to construct a temporary earth bund alongside the Chipping Brook to ensure that the site does not flood during the construction works. The bund would result in a loss of flood storage capacity although the applicant estimates that the impact would be minor as the flood depth would not be significant, the bund would be temporary, and third party properties would remain unaffected. The applicant therefore considers that it unnecessary to provide compensatory flood plain either during construction or the operational period.

Flood risk issues also arise from the proposed new bridge over the Chipping Brook. The bridge has been designed so that it would be a clear span structure with abutments that do not interfere with the flows in the river and a soffit level (the underside of the bridge) that is at least 600mm above the 1 in 100 year (+35% for climate change) level.

The Environment Agency have no objections to the principle of the development but do have a number of outstanding issues in relation to the modelling that was carried out to predict the flooding impacts of the development. In particular, there are many aspects of the development such as the temporary protection bunds, bridge and access road design, and ground level alternations which rely on the outputs from the applicant's model. The applicant has recently supplied further information regarding the model that they used. However, the Environment Agency state that they require further time to consider this information and their final response is awaited at time of writing this report. In terms of detailed design, the Environment Agency comment that the proposed outfall pipe would appear to be higher than the surrounding land levels which would not be acceptable, that the access road may not be 'at grade' with surrounding land and that there are some conflicts between information presented in the planning application. In response, the applicant is preparing a modified outfall design, confirmed that the access track will be constructed at grade

and that the Flood Risk Assessment will be updated. The issues relating to the outfall design and access track can be the subject of planning conditions.

Although this development is located within an area of high flood risk contrary to the sequential test in paragraph 155 of the National Planning Policy Framework, the location of the development is constrained by the need to link with the existing waste water infrastructure. There is no other site in the nearby area which could be used to accommodate the development which would not have other significant landscape or ecological environmental impacts. The development would have wider benefits in ensuring the treatment of waste water to modern standards and provided that flooding would not be increased elsewhere, it is considered that the exception test in paragraph 160 of the National Planning Policy Framework would be satisfied.

Subject to the Environment Agency confirming that they have no objections to the application and conditions relating to the design of the development and removal of the temporary flood protection bund, the development is considered acceptable in terms of the relevant paragraphs of the National Planning Policy Framework and Policy DME6 of the Ribble Valley Core Strategy.

Highways

The existing waste water treatment works is accessed off Longridge Road via a narrow access road which also serves the adjacent farm site. As part of the proposals, it is proposed to widen the existing access point and to construct a new access road to serve the new works.

Longridge Road is a C class road which at the access location is derestricted (60mph limit). The applicant has provided a Traffic Management Plan with the application which contains details of the predicted traffic movements and the routing/times of construction traffic. The construction of the new works would generate approximately 600 HGV and 2000 light vehicle movements (in and out) over the 2 year period of construction works.

Lancashire County Council Highways have no objection to the development subject to electric vehicle charging points being provided, the Traffic Management Plan being adhered to during the construction period and the new access being constructed to at least base course level before any other development takes place. However, the site would not be permanently manned during the operational period and the requirement to provide electric charging points cannot be justified. The other matters can be the subject of conditions.

Two representations have been received which both raise concerns relating to the impacts of construction traffic on pedestrians on Longridge Road and request further traffic calming measures. Although Longridge Road is subject to a 60 mph limit, the nature of the road is such that average speeds especially for HGVs are likely to be significantly below this level. It is acknowledged that there are no footways along Longridge Road but Lancashire County Council Highways do not consider that it would be necessary to install traffic calming measures given the relatively short term period of the construction works. Installation of footways alongside the highway would require hedgerow removal and could not be justified given the level of pedestrian activity.

Subject to conditions requiring wheel cleaning and compliance with the traffic management plan, the highway impacts of the development are considered acceptable.

Local amenity

There are a number of properties that are close to the application site including a converted dairy building at Goose Lane Cottages 125 metres to the west where there are 26 separate properties. There is also another dwelling located adjacent to the site access around 250 metres to the north. The properties at Goose Lane cottages have views towards the existing treatment works and proposed new site.

The applicant has undertaken a noise assessment and a comparison of odour emissions between the existing and proposed plants. As the plant would operate on a 24/7 basis the assessment included a night-time noise survey to assess existing noise levels.

In general, the new treatment works would not be substantially nearer to any of these dwellings than the existing site. It would include a greater amount of noise generating plant and therefore the noise impacts are potentially greater. However, the new plant would be of a modern design and the assessment concludes that the predicted noise levels would not be discernible at the nearest properties.

In relation to odours, the new plant will enable greater attenuation of potential odours. The applicant's assessment indicates that there would be a 24% reduction in odour emissions.

The new plant would need to be the subject of a permit from the Environment Agency. The permit would contain controls on issues such as odour and noise during operation of the works. Paragraph 183 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. In this case, it is considered that there would be no unacceptable local amenity impacts that would suggest that planning permission should not be granted and that the detailed control of such impacts can take place within the permit.

The new treatment works would be visible from the nearest properties. However, the views would be partially screened by the trees along the Chipping Brook that would be retained, and the separation distances are such that there would be no detriment to the visual amenity of these properties. The further planting on the western side of the site would in time provide an enhanced level of visual screening.

Provided that conditions are imposed regarding the noise from construction works and hours of operation, it is considered that this impacts of the development on local amenity would be acceptable and the development is acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Heritage Issues

The applicant has carried out a desk based assessment of the archaeological potential of the site. Lancashire County Council Historic Environment consider that there is no evidence that the application site has potential for archaeological remains and therefore no further work is necessary as part of the development.

There is a Grade II listed building at Pale Farm 400 metres to the south. However, this building is far enough from the site that there will be no impacts on setting.

Conclusions

This proposal would replace existing aging infrastructure and would ensure that waste water is treated to modern standards therefore meeting legal requirements for water quality in the surface water courses.

Although the site is located in the Area of Outstanding Natural Beauty and Flood Risk area 3 where major development would not normally be supported, the development is in the public interest and there are no sites outside of the above areas that are reasonably available that could support the development.

The proposal does raise some inter-relationships between the landscape, flooding and ecology impacts. In order to address the impacts on flooding, various items of the plant would be raised on steel work platforms which would increase the visual impacts of some elements of the development. Providing a satisfactory level of screening would necessitate a larger scale of landscaping which could have an impact on the value of the surrounding land for ground nesting birds. Whilst, there would be some trade-offs between the flooding issues and the landscaping and ecology impacts, it is considered that the proposed development would be acceptable taking into account the substantial benefits to pollution control and water quality.

The highway and local amenity impacts are considered acceptable and therefore the proposal is recommended for approval subject to the conditions appended to this report.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to no objection from the Environment Agency, planning permission be granted subject to the following conditions:

Time Limits

1. The development shall commence not later than three 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) Submitted Plans and documents:

Drawing 97-DR-T-10001 Rev PO6 - Site Location Plan
Drawing 97-DR-T-10002 Rev PO3 - Proposed Site Layout
Drawing 97-DR-T-10015 Rev PO1 - Cut and Fill Areas Sheet 1
Drawing 97-DR-T-10016 Rev PO - Cut and Fill Areas Sheet 2
Drawing 97-DR-T-10013 Rev PO3 - Proposed Site Elevations
Drawing 97-DR-T-10010 Rev PO1 - SAF Area Elevations
Drawing 97-DR-T-10021 Rev PO1 - Site entrance visibility splays
Drawing 97-DR-T-10070 Rev PO2 - Inlet pumping station - elevations
Drawing 97-DR -T- 10006 Rev PO2 - Chemical dosing Kiosk Elevations
Drawing 97-DR-T-10007 Rev PO1 - Inlet Screens Area Elevations
Drawing 97-DR-T-10008 Rev PO2 - MCC Kiosk Elevations
Drawing 97 - DR -T-10009 Rev PO1 - PST Area Elevations
Drawing 97-DR-T-10005 Rev PO1 - Demolition Works
Drawing 97-DR-T-10012 Rev PO2 - Welfare Kiosk Elevations
Drawing 97-DR-T-10011 Rev PO2 - Humus tank Area Elevations
Drawing 97-DR-T-10022 Rev PO1 - Existing Site entrance modifications
Drawing 97-DR-T- 10003 Rev PO6 - Proposed Road Layout
Drawing 97-DR-T-10017 Rev PO2 - New bridge and culvert elevations
Drawing 97-DR-T-10028 Rev PO3 - Proposed outfall general arrangement
Drawing 97-DR-L-00001 Rev PO4 - Landscape proposals general arrangement
Drawing 97-DR-L-00002 Rev PO4 - Detailed Landscape Proposals
Drawing 97-DR-L-00003 Rev PO4 - Detailed Landscape Proposals
Drawing 97-DR-L-00004 Rev PO4 - Detailed landscape Proposals
Drawing 97-DR-T-10025 Rev PO2 - New site fencing

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 policy DM2 of the of the Lancashire Minerals and Waste Local Plan and policies DMG1, DMG2, DMG3, DME1, DME2, DME3 and DME6 of the Ribble Valley Core Strategy .

3. Prior to any other development commencing on the site, the site access onto Longridge Road shall be improved in accordance with the design shown on drawing 97-DR-T-10022 Rev PO1 - Existing Site Entrance Modifications.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DMG3 of the Ribble Valley Core Strategy.

4. The rights in Part 13 Class B (d) and (f) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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 provide greater control over future development on the site in view of the location of the site within an Area of Outstanding Natural Beauty and to conform with Policy DME2 of the Ribble Valley Core Strategy.

5. No development shall commence until details of the new outfall from the treatment works to the Chipping Brook have been submitted to and approved in writing by the County Planning Authority.

Thereafter the outfall shall be constructed in accordance with the submitted details.

Reason: In the interests of flood prevention and to conform with Policy DME6 of the Ribble Valley Core Strategy.

6. The upper surface of the new access road shall not exceed the levels of the land immediately adjoining the new access road.

Reason: In the interests of flood prevention and to conform with Policy DME6 of the Ribble Valley Core Strategy.

7. Within three months of the commissioning of the new waste water treatment works, the temporary flood defences shown on Plan 97-DR-T-10027 shall be removed from the site and the land restored in accordance with the submitted landscaping plans.

Reason: In the interests of flood prevention and to conform with Policy DME6 of the Ribble Valley Core Strategy.

8. No external lighting shall be erected on any plant or buildings within the site unless details of such lighting have previously been submitted to and approved in writing by the County Planning Authority. Any lighting erected at the site shall be operated in accordance with the approved details.

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

Management of Construction Works

9. Measures shall be taken at all times during construction operations to ensure that no mud, dust or other debris from the site is deposited by vehicle wheels upon the public highway.

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 Lancashire Minerals and Waste Local Plan.

10. The provisions of the submitted Traffic Management Plan shall be complied with at all times during the duration of construction works.

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

11. No construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 13.00 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 Lancashire Minerals and Waste Local Plan.

12. Prior to the development of any of the construction compounds shown on drawings 97-DR-T-10003 - Rev PO6 - Proposed Road Layout and all topsoils from those areas shall be stripped and stored for use in restoration works. The construction compounds shall be restored within six months of the completion of construction works by removing all surfacing materials and geotextile membranes, respreading of the stored topsoils to its original depth, cultivation and reseeding with a suitable agricultural seed mix.

Reason: In the interests of visual amenity and in order to secure the proper restoration of the temporary works and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Landscaping and Ecology

13. No trees or hedges other than those edged in red on drawing 97-DR-L-0001 - Landscape proposals shall be removed during the development. All other trees and hedgerows on the boundaries of the site shall be protected and retained during the duration of the development.

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

14. Within one year of the commissioning of the new waste water treatment works, all plant and equipment and buildings other than the structures identified for retention on drawing 97-DR-T-10005 REV PO1 shall be demolished and the site landscaped in accordance with the proposals shown on drawing

Following demolition all waste materials shall be removed from the site.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DME2 of the Ribble Valley Core Strategy.

15. Within three months of the date of this planning permission, a phasing scheme for the landscaping works shown on drawing 97-DR-L-00001 Rev PO4 shall be submitted to the County Planning Authority for approval in writing.

The phasing scheme shall identify the areas of landscaping which can be undertaken in advance of the new waste water treatment works being commissioned and implementation dates for those works.

The landscaping works shall thereafter be carried out in accordance with the timescales set out in the approved phasing plan.

Reason: In order to ensure the landscaping of the site at the earliest stage and to conform with Policy DME3 of the Ribble Valley Core Strategy.

16. All landscaping works shall be maintained for a period of ten years following the date of their implementation. The maintenance works shall include the replacement of dead and dying species, weed control and maintenance of protection measures.

Reason: In order to ensure the proper landscaping of the site and to conform with Policy DME2 of the Ribble Valley Core Strategy.

17. Not later than five years from the date from the commissioning of the new treatment works, a review of landscaping works shall be submitted to the County Planning Authority for approval in writing. The review shall be based upon a survey of the existing landscaping works and shall include a schedule of management works for the landscaping over the remaining period of landscape management, details of any thinning works to be undertaken and details of any further planting that are required to ensure the proper landscaping of the development.

Thereafter, management of the landscaping shall be undertaken in accordance with the approved landscape review.

Reason: In order to ensure the proper landscaping of the site and to conform with Policy DME2 of the Ribble Valley Borough Core Strategy.

18. The Reasonable Avoidance Measures described in the Ecology Advice Note: Chipping WwTW (Bowland Ecology, October 2020 and the Advice Note: Chipping WwTW (Bowland Ecology, May 2020) shall be implemented at all times during the construction of the development.

Reason: In the interests of ecology and to conform with Policy DME3 of the Ribble Valley Core Strategy.

19. No site preparation works including vegetation clearance or soil stripping works within the site shall take place between 1 March and 31 August unless the area has been surveyed immediately prior to works commencing by a qualified ecologist and the survey demonstrates that there is no nesting bird activity within the survey area.

Reason: In the interests of ecology and to conform with Policy DME3 of the Ribble Valley Core Strategy.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Definitions

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

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2021/0004	January 2021	Jonathan Haine, Planning and Environment Ext 534130

Reason for Inclusion in Part II, if appropriate

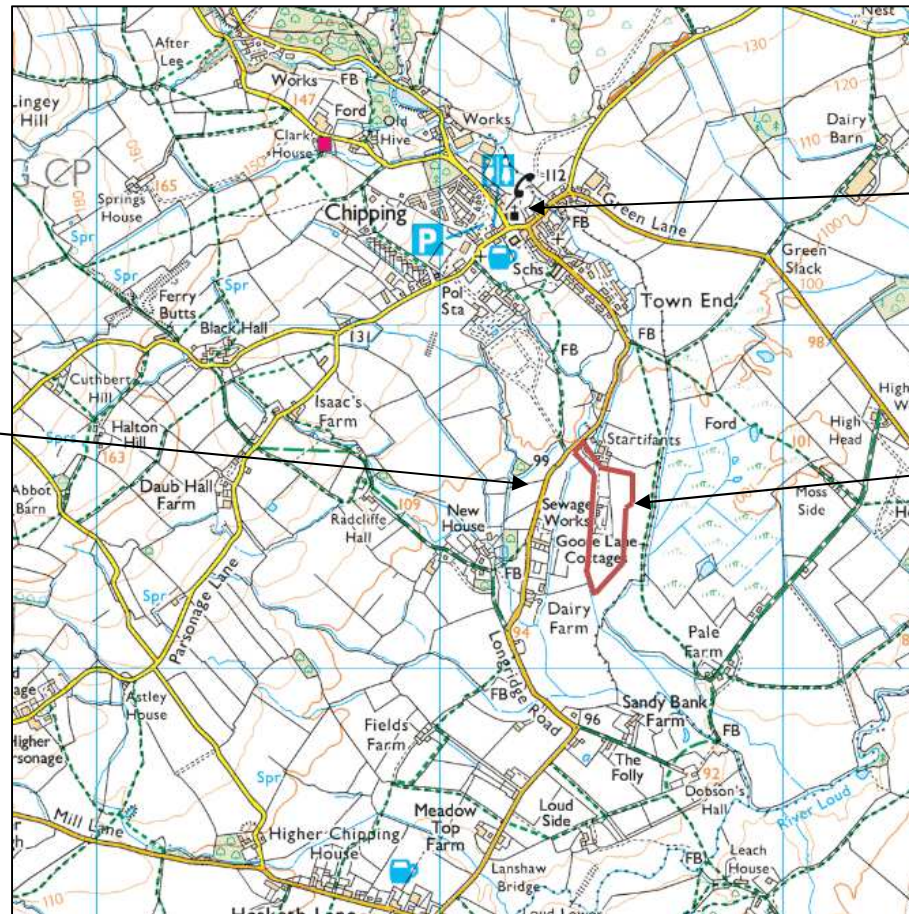
N/A

Planning Application LCC/2021/0004

Construction of a new waste water treatment works, access track, bridge, three culverts, new outfall, partial demolition of existing works and landscaping our kiosks and widening/modifications to access road.

Land adjacent to Chipping Waste Water Treatment Works, Longridge Road, Chipping

Planning application LCC/2021/0004



Longridge Road

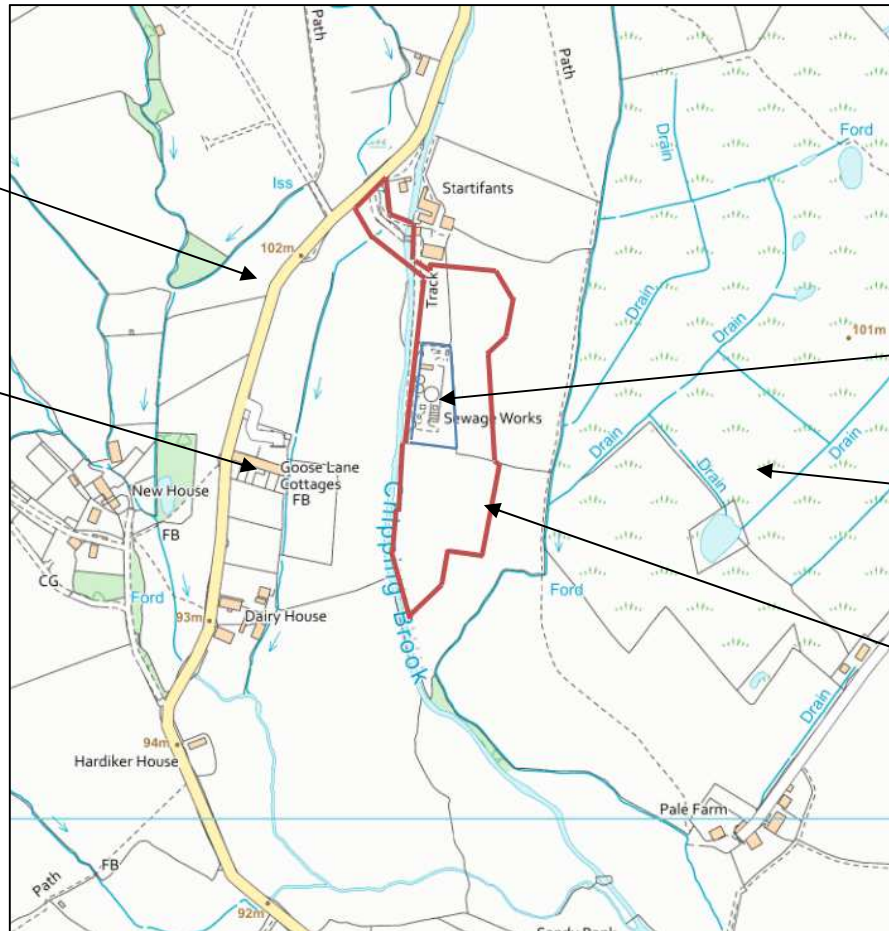
Chipping village

Application site

Planning application LCC/2021/0004

Longridge Road

Goose Lane Cottages



Existing treatment works

Chipping Moss BHS

Application site

Planning application LCC/2021/0004

Longridge Road

Goose Lane Cottages

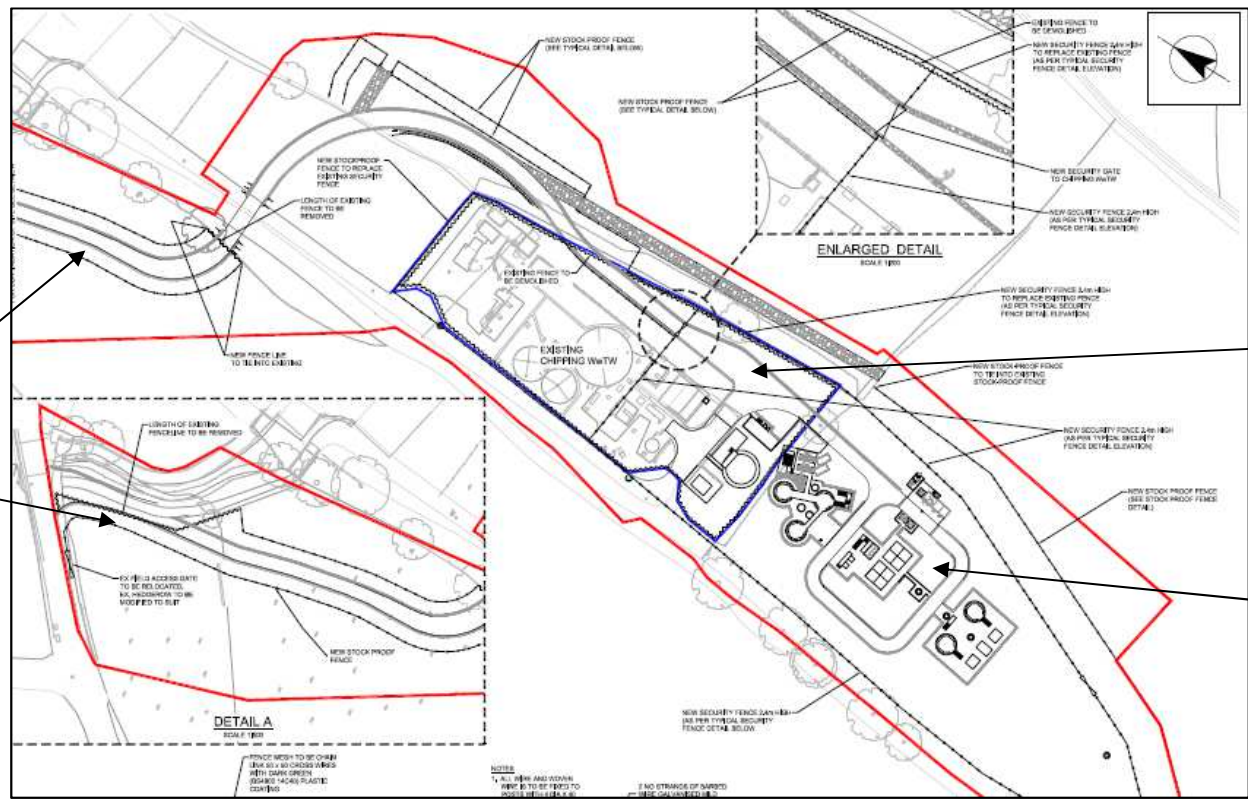
Chipping Brook



Existing treatment works

Location for new works

Planning application LCC/2021/0004 – Applicant’s Proposals

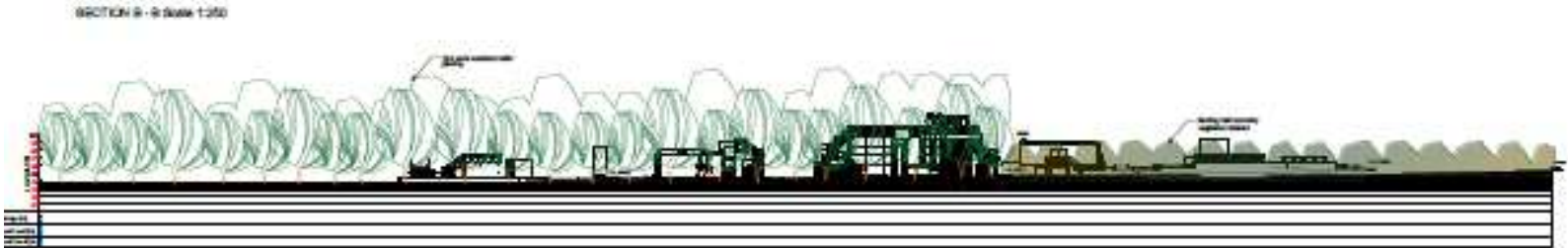


New Access road

Existing Works (blue Line)

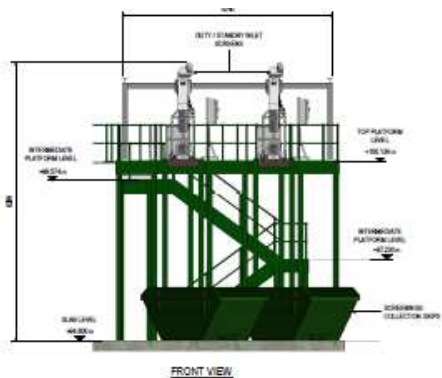
Proposed New works

Planning application LCC/2021/0004 – Sections through new works



SECTION C - C (BANK 1:250)

Planning application LCC/2020/0075 – Cross sections

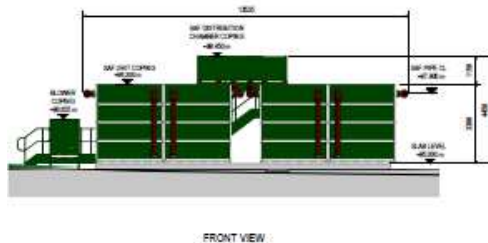


FRONT VIEW

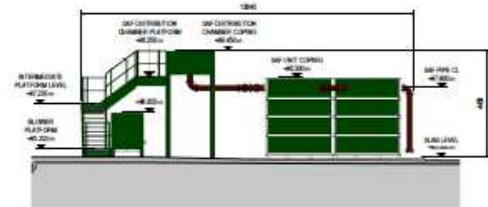


LEFT HAND VIEW

Inlet screens

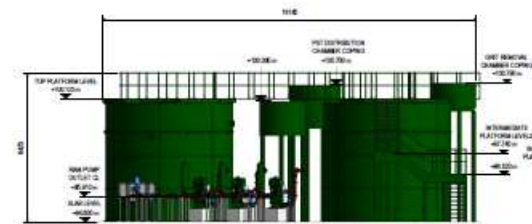


FRONT VIEW

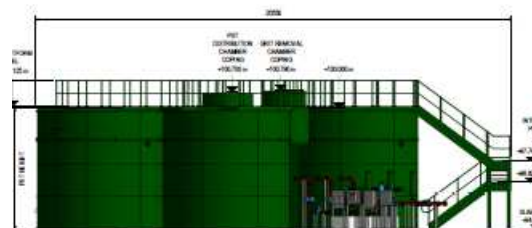


LEFT HAND VIEW

SAF Area



FRONT VIEW

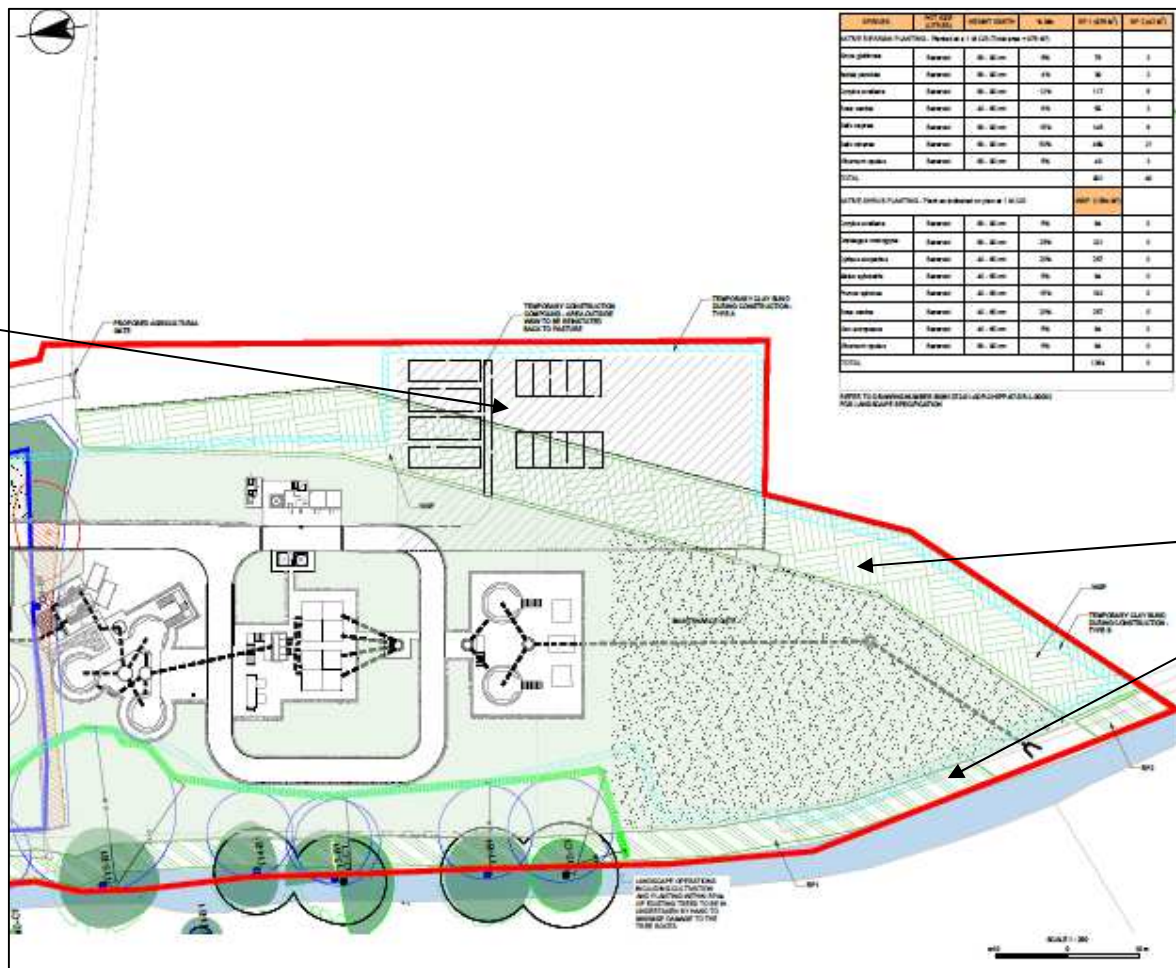


LEFT HAND VIEW

PST Area

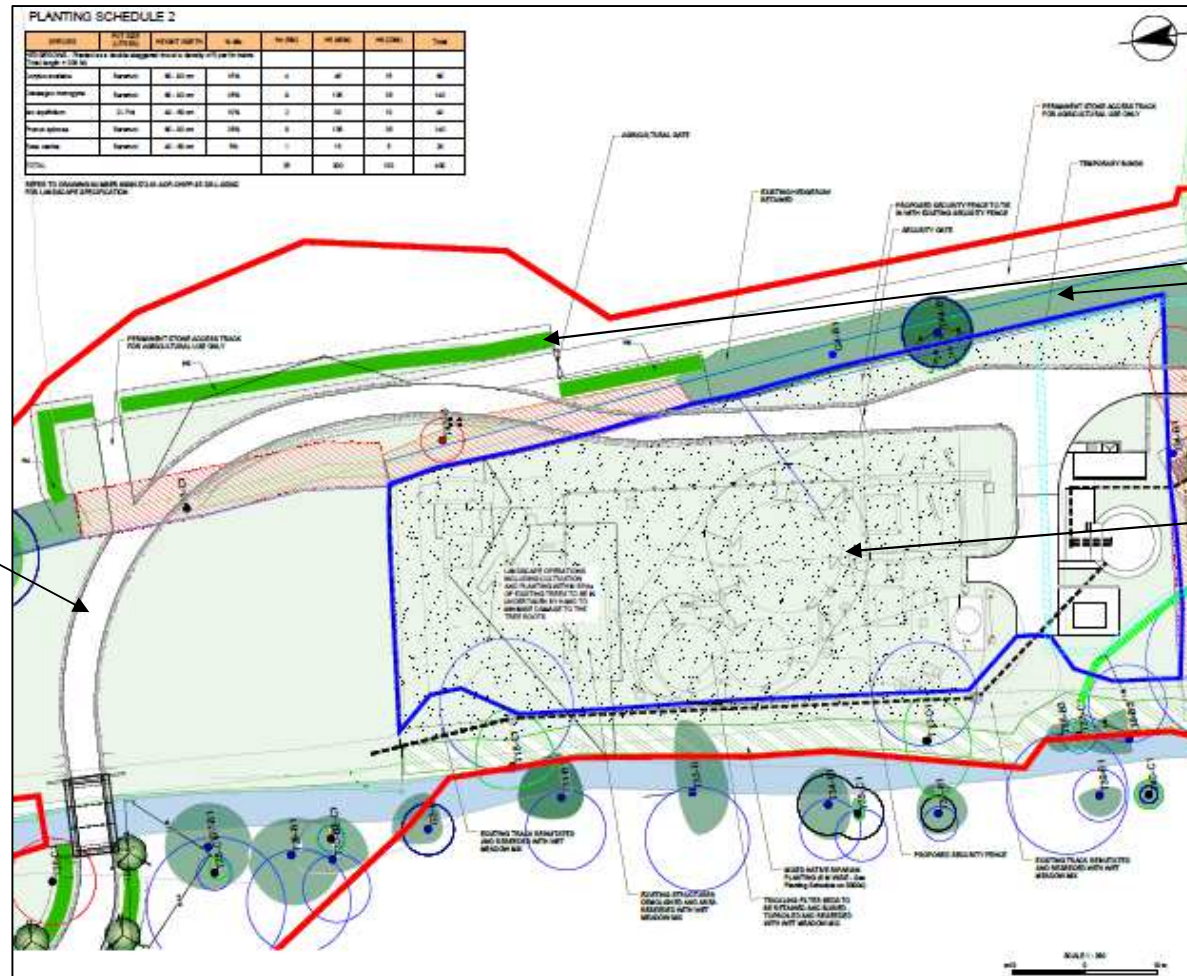
Planning application LCC/2021/0004 – Landscaping of new treatment works

Temporary Site compound restored



Landscape planting belts

Planning application LCC/2021/004 – Landscaping of existing works



Proposed Planting belts / new hedges

Existing treatment works

New access road

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Application LCC/ 2021/004 – Access location / Longridge Road



Existing works
Access –
to be improved

Longridge Road

Application LCC/2021/0004 – View of site looking west from footpath

Goose Lane Cottages

Existing treatment works

Proposed New treatment works



- LCC/2020/0075

Application LCC/2021/004 – View of existing works from footpath looking north west



Proposed works

Bowland Fells

Existing works

Planning application LCC/2021/004 -View of application site and existing treatment works looking north



Chipping Brook

Existing treatment works

Site for new works

Application LCC/2021/004 – View of new site looking south



Longridge Fell

Site for new treatment works

Chipping Brook

Application LCC/2021/004 – existing treatment works looking northeast



Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division Affected: All

Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:
Susan Hurst 01772 534181
devcon@lancashire.gov.uk

Executive Summary

Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 21 April 2021, the following decisions have been taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation:

Ribble Valley

Application: No. LCC/2021/0014
Ribblesdale High School, Queens Road, Clitheroe
Erection of 2m highball-stop netting on top of the existing 3.0m high ball-stop fence, to the perimeter of the existing multi-use games area pitch no 4 (adjacent to the eastern boundary of the site)

Preston

Application: No. LCC/2016/0085/3
Former Park Hotel Complex, East Cliff, Preston
Compliance with condition 9 and 12 of permission LCC/2016/0085 - construction management plan and details of the sound ceiling

Chorley

Application: No. LCC/2021/0013
Gillibrand Primary School, Grosvenor Road, Chorley
Single storey extension to create a nurture room

Hyndburn

Application: No. LCC/2021/0010

Rhyddings Business and Enterprise College, Haworth Street, Oswaldtwistle

To re-clad the existing sports hall

Rosendale

Application: No. LCC/2021/0009

Alder Grange High School, Calder Road, Constable Lee, Rawtenstall

Provision of 2.8 metre high ball court fence to replace the existing fence to the multi-use pitch and new 2.2 metre security fence and gates within the school grounds

Recommendation

That the report be noted.

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

None.

Reason for Inclusion in Part II, if appropriate

N/A