

Development Control Committee
Meeting to be held on 21st April 2021

Electoral Division affected: Ribble Valley South West
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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.

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Executive Summary

Application - 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.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, design and construction of the access, hours of operation, highways issues and landscaping.

Applicant's Proposal

The application is associated with a programme of major improvement works to Wilpshire Waste Water Treatments Works, the majority of which would be undertaken under the applicant's permitted development rights and which therefore do not require planning permission. The elements of the development which require planning permission are as follows:

- A new ferric dosing kiosk – this building would measure 7 metres by 4.1 metres by 3.8 metres in height
- A chemical dosing kiosk – this building would measure 7 metres by 4.1 metres by 3.8 metres in height.
- Activated sludge plant blower kiosk – this would be a building measuring 10 metres by 6 metres by 3 metres in height.

- Motor control centre kiosk – this building would measure 10 metres by 5 metres by 3 metres in height mounted on a 150 mm concrete plinth and constructed from GRP coloured holly green. The building would contain electrical control equipment to operate new and upgraded plant and equipment and welfare facilities for site operatives.

All these buildings would be mounted on a 150 mm high concrete plinth and would be constructed from glass reinforced plastic coloured holly green. The kiosk buildings would all be located on land on the south eastern side of the existing treatment works.

Planning permission is also sought for the widening and improvement of the site access road. The whole access road would be widened from approximately 2.6 metres to 3.5 metres with the initial 90 metre section from the junction with Ribchester Road being approximately 10 metres wide. The widened area close to the junction would be surfaced in stone which would be removed upon completion of construction works. Land to the side of the access at one other location would be regraded to create a passing place which would be temporary during construction works only.

The existing access road would be retained as a public footpath and as a vehicular access to private land with the new access being created on land to the east with a hedgerow dividing the two.

The works undertaken under permitted development rights are extensive but include a temporary construction compound on land to the east of the existing works, various tanks and underground chambers, new fine screens and skips and other new treatment infrastructure within the waste water treatment works itself.

Description and Location of Site

Wilpshire Waste Water Treatment Works is located to the south of the villages of Salesbury / Clayton le Dale off the B6245 Ribchester Road which links the A59 with Wilpshire / Blackburn. The treatment works are accessed via a concrete road approximately 300 metres in length which links with the B6245 via a narrow gap between residential properties at nos. 135 and 137 Ribchester Road.

The existing treatment works is an area measuring around 100 metres by 100 metres surrounded by fencing and some existing trees and hedges which includes tanks and other equipment used for the treatment of waste water. The existing treatment works (but not the access road) is located within the Green Belt.

The initial section of the access road is also a public footpath which continues across the field parallel to the access road and around the west side of the treatment works. Immediately to the east of the access road where it meets Ribchester Road is a small area of grassland between the adjacent properties which includes a number of shrubs and trees, two of which are subject to Tree Preservation Orders. Also adjacent to the access road are a number of properties on St Stephens close which back onto the existing access and the grass land area referred to above.

Background

History: The site is an existing waste water treatment works. There is no relevant previous planning history.

Planning Policy

National Planning Policy Framework: The following paragraphs of the NPPF are considered relevant to this proposal: 8 – 11 (definition and presumption in favour of sustainable development), 109 – 110 (transport considerations), 127 (design), 143 – 146 (development within the green belt) and 175 (habitats and biodiversity)

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 DME1 – Protecting trees and woodlands

Policy DME2 – Landscape and townscape protection.

Policy DME3 – Site and species protection and conservation

Policy DMB5 – Footpaths and Bridleways

Consultations

Ribble Valley Borough Council: No objection. However, the Council considers that the replacement hedgerows should reflect the Lancashire Hedgerow Mix. The Council consider that it is regrettable that the trees subject to tree preservation orders are to be felled and that the trees planted in mitigation should be subject to a revised TPO to ensure their long term protection. It is also requested that sufficient bat and bird boxes are incorporated throughout the scheme to ensure mitigation.

Clayton-le-Dale Parish Council: Object to the development due to the access road being permanent and request that it is returned to its current state on completion of the works.

LCC Ecology Service: The submitted ecological appraisal is limited to the works itself and does not consider the access track. It appears that the access works would affect several trees which may be suitable for bats and which may have other ecological implications. In relation to further information regarding ecological impacts of the access proposals, the LCC Ecologist makes the following comments:

- Bat roost presence / absence surveys of Tree T2 should be carried out prior to determination of the application
- Confirmation should be sought of exactly which trees along the access track have been subject to bat assessments.
- If these matters can be adequately addressed, conditions should be imposed regarding working methods to prevent spread of invasive plants, protection of retained trees, requirement for badger survey and amphibian / mammal / breeding bird avoidance measures and control of lighting.

- Comments are also made in relation to the design of landscaping and seed mixes to be used.

Environment Agency: No objection.

LCC Highways Development Control; No objection but are concerned about the access design which should be wide enough to allow a car and tanker to pass to avoid vehicles having to wait on the highway for a vehicle to leave the access road. Highways also request provision of electric vehicle charging points and that the traffic management plan be adhered to during construction period.

Lead Local Flood Authority: No comments to make. The standing advice should be applied.

Public Rights Of Way: No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Six representations have been received comprising four objections and two letters of support. The objections can be summarised as follows:-

- The new access will impact on residential amenity by way of noise pollution, air pollution, loss of outlook and loss of privacy. The new access road would be significantly closer to 135 Ribchester Road and drivers will be able to over look the garden.
- The application says that it is for the widening of the access but it actually involves construction of a new access road.
- The existing access road is single track and discrete. The new road will cross the area of land known as 'The Croft' which will destroy this area and the existing trees that are located within it and having a detrimental impact on the amenity of the area.
- The access improvement works are only required to serve a construction period of 34 weeks.
- The proposal is contrary to several policies of the local plan.
- The increase in width of the access would be hazardous to pedestrian safety and to cyclists on the B6245.
- The passing place close to Ribchester Road was supposed to be moved so it would be further from the properties.
- A temporary access can be created without the need to destroy 'The Croft'. There are other alternatives that are available.
- The loss of the trees and shrubs within 'The Croft' would impact upon wildlife.
- Construction traffic would be a danger to walkers on the footpath.
- UU do not own any part of the existing access road and therefore have no rights to modify it. The access road cannot be constructed on land where they do not have the owner's agreement.
- The car parking will be insufficient to cope with all the staff parking. There is no mention of offsite parking.

The letters of support raise the following issues:-

- The alternative access would have involved using Ryden Road and then crossing farm land. Ryden Road is a residential road and the length of new road required would impact the landscape and wildlife.
- Use and improvement of the existing access is more appropriate

Advice

The proposed development forms part of a programme of works agreed between United Utilities, the Environment Agency and the water industry regulator (OFWAT) to refurbish and upgrade waste water treatment assets. The works at Wilpshire Waste Water Treatment Works are necessary to enable compliance with enhanced effluent discharge standards contained in a new permit from the Environment Agency. The new permit contains stricter standards for phosphorus, ammonia and biological oxygen demand and the improvements and new treatment infrastructure would result in an improvement in water quality in the receiving watercourse. The improvements would also increase the treatment capacity of the works to accommodate further population increases in the catchment of the works.

The majority of the new treatment infrastructure, plant and equipment is covered by permitted development rights and no planning permission is required. However, permission is required for four buildings, the majority of which would contain electrical equipment necessary to control the operation of the new treatment infrastructure and for the improvement of the access by a combination of the construction of new access road and widening of the existing route including provision of a number of temporary passing places.

The proposal raises a number of issues including development within the Green Belt and the local environmental impact of the access road improvements.

The existing waste water treatment works is located within the Green Belt. The four new kiosk buildings would be located on the south east side of the existing treatment works. Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate development. Therefore, the new kiosk buildings that form part of this application are inappropriate development and should only be approved if very special circumstances exist.

In this case the whole of the existing treatment works lies within the Green Belt and there is no location that could be used that would be outside of the Green Belt. The buildings are required as part of a scheme of major improvements to this works to enable compliance with new legal standards on water quality and to provide increased treatment capacity. The improvement works would therefore give rise to a number of environmental and economic benefits which would comprise very special circumstances to justify the development in the Green Belt. The development is therefore considered acceptable in terms of Green Belt policy.

The existing treatment works is screened by an existing tree planting belt along its northern and western sides which provides some screening from view points including

the footpath which runs adjacent to the treatment works. The buildings whilst of functional design, are relatively small scale and it is considered that their visual impact would be acceptable. The design of the elements of the development which are within the treatment works itself are therefore considered to comply with policy DMG1 of the Local Plan.

A construction compound would be constructed on land immediately to the east of the treatment works. It is considered appropriate to impose a condition to control the development of this area including protection of existing trees, stripping of soils and restoration following the construction works being completed.

The main issue relates to the improvement and diversion of the access road. The treatment works is currently served by a single width access road which links with the B6245 via a narrow gap known locally as 'The Croft' which is between two properties fronting the highway. The area of 'The Croft' between the access road and no, 135 Ribchester Road is a narrow strip of amenity grass land including a number of trees.

The improvement works to the works would generate approximately 2500 HGV movements (two way movements) over a construction period of approximately 25 weeks. The existing access track is not of sufficient standard to accommodate this level of movements as it is only approximately 2.6 metres wide. Lancashire County Council Highways were consulted at the pre application stage and confirmed that improved access arrangements were required. An alternative access route was investigated involving a new road being constructed from the end of Ryden Close. However, this would have required HGV traffic to travel along a residential street and this alternative was therefore dismissed on this basis.

In order to provide an access of the required standard, the applicant proposes to modify and improve the existing access track. To provide access to the treatment works a new 4 metre wide access road would be constructed parallel to and to the east of the existing access (the initial section from the junction with the public highway would be approximately 10 metres wide). The new road would continue southwards for approximately 140 metres where it would rejoin the existing access, the remainder of which would be widened on its western side to 3.5 metres wide. The access road would also incorporate a layby area to allow HGVs to pass. The initial section of the existing access from Ribchester Road would be retained as a public footpath to separate footpath users from construction traffic.

The works to provide the new section of access road through 'The Croft' would require the removal of 6 individual trees and 1 larger group of trees / shrubs. Two of these trees (both sycamores) are subject to Tree Preservation Orders made by the Borough Council in 2020. The removal of the trees is regrettable but due to their location is an inevitable impact of the access road construction. To mitigate for the impacts, the application includes landscape proposals including planting of a hedgerow between the existing and new access road and 10 new trees within the new hedgerow and on the retained pasture area between the new access road and no. 135 Ribchester Road. A further belt of shrub planting would also be provided along the remainder of the access road in order to compensate for the loss of vegetation resulting from the other widening works. Whilst there would be some landscape impact arising from the

removal of the trees and other vegetation arising from the new access construction, it is considered that the landscaping proposals would provide suitable mitigation.

The new access would bring the road closer to the gable end of no. 135 Ribchester Road. There is a close boarded fence forming the boundary of this property. The existing access is immediately adjacent to the gable end of no 137 Ribchester Road. Whilst there would be some increased amenity impacts at these properties and those on St Peter's Close arising from increased HGV traffic, these impacts would only be temporary during the construction period. Following completion of construction, the numbers of vehicle movements to the site would be very similar to existing. The impacts on residential amenity are therefore considered acceptable subject to a condition restricting the hours of operation.

The LCC Ecologist has raised a number of issues as summarised above. The most important of these relates to the bat surveys of the trees that would be removed within 'The Croft' to create the new access road. The applicant's initial ecological survey did not examine the impacts of the access road construction but was subsequently updated to include this aspect of the proposals. Three trees with bat roost potential were investigated. These include two sycamore trees which have been pollarded and which are subject to the TPO's. The survey methods undertaken included a visual inspection of features within the trees that might form bat roosts. One of the trees has been classed as having moderate bat roost potential with the others have negligible potential. The LCC Ecologist considers that the survey effort on the tree with moderate potential has been insufficient and that a night time emergence survey should be undertaken to fully establish the value of the tree for bats. This can only be done between May and September. However, it is considered that the survey methods undertaken to date are sufficient to gain a reasonable understanding of the value of the tree. The parts of the tree that are of likely interest are close to the ground and have been inspected by eye and using an endoscope. If the tree had significant value, it would have been identified by the survey. The issues raised by the LCC Ecologist in relation to bat and bird mitigation, landscaping and pre development surveys can be the subject of planning conditions.

Lancashire County Council Highways have no objection to the application but have suggested that the access design at the junction with Ribchester Road should be amended to widen the initial part of the access road to allow an HGV and car to pass therefore avoiding the need to have to wait on the public highway for vehicles to leave the site. The applicant has prepared a drawing showing this layout with the widened section being surfaced in stone. This would allow the widened section to be easily removed following the completion of construction leaving just the 4 metre wide permanent access road and would achieve a reasonable balance between the highway safety issues and the need to protect the visual amenities of the area.

Taking into account the above issues, the design and impacts of the access road alterations are considered acceptable subject to conditions on landscaping and detailed design. Subject to those conditions, the development is considered acceptable in relation to Policies DMG1, DME1 and DME2 of the Borough Local Plan.

One representation has been received raising issues regarding the rights of the applicant to undertake the improvements to the access road on land not owned by the applicant. However, this is not a planning issue.

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

Recommendation

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

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

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

a) The Planning Application received by the County Planning Authority on 17th December 2020

b) Submitted Plans and documents:

Drawing WILPS 97 - DR- T-10010 Rev PO6 - Site Location Plan
Drawing WILP 97 - DR-T -10011 Rev PO6 - Proposed Widening of Existing Access Road
Drawing WILP 97 - DR-T -10013 Rev PO4 - Elevations of Ferric Dosing Kiosk
Drawing WILP 97 -DR - T -100014 Rev PO4 - Elevations of Chemical Dosing Kiosk
Drawing WILP 97 -DR -T -100015 Rev PO4 - Elevations of ASP Blower Kiosk
Drawing WILP 97 - DR -T 100016 Rev PO4 - Elevations of MCC Kiosk
Drawing WILPS 97 - DR -T 10017 Rev PO7 - Proposed Modifications to existing site entrance
Drawing WILP 97 - DR -L - 000003 Rev PO3 - Detailed landscape plan
Drawing WILP 97 - DR - L 000002 Rev PO2 - Detailed landscape plan
Drawing WILPS 97-DR -T 10022 Rev PO1 - Proposed Site Layout

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, DME1, DME2 and DME3 of the Ribble Valley Core Strategy.

3. Prior to any other construction works commencing including those undertaken under permitted development rights, the access including its junction with the B6245 shall be improved and constructed in accordance with the details shown on drawing WILPS -97-DR-T 10019-PO3.

Following completion of construction works, the area of the access show in a stipple and labelled 'temporary stone during construction' shall be reinstated by removing all surfacing materials and the land restored in accordance with the scheme and programme approved under the requirements of condition 9 below.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy DMG1 of the Ribble Valley Core Strategy.

Construction Works Controls

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

07.30 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 and Policy DMG1 of the Ribble Valley Core Strategy.

5. HGV movements during the construction period shall be managed in accordance with the document submitted with the planning application titled ' Wilpshire WWTW - Traffic Management Plan'

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DM1 of the Ribble Valley Core Strategy.

6. Measures shall be taken at all times during construction works to ensure that no mud, dust or other deleterious materials are deposited on Ribchester Road by HGVs leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DME1 of the Ribble Valley Core Strategy.

7. The construction compound shall be developed in accordance with the following:

- a) All trees and shrubs on the boundaries of the compound area shall be protected from damage and retained throughout the construction period

- b) Prior to any surfacing materials being deposited, all topsoils from the compound area shall be stripped and stored separately for use in restoration works.

The construction compound shall be restored to agriculture within three months of the completion of construction works including the removal of all surfacing materials, plant and equipment and buildings, the resspreading of the stored topsoils to their original depths over the full area of the site and cultivation works.

Reason: In the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DME 1 of the Ribble Valley Core Strategy.

Landscaping and reinstatement

8. The landscaping works detailed on drawings WILP97 - DR - L-00003 Rev PO3 and WILP -97- 000002 Rev PO2 shall be implemented in the first planting season following the completion of construction works. The landscaping works shall include the reinstatement of any temporary passing places so that the access road is reduced to the dimensions shown on the drawings referred to in this condition.

The landscaping works shall be managed for a period of five years including weed control, replacement of failed and dying plants and maintenance of protection measures.

Reason: In the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policies DMG1 and DME 1 of the Ribble Valley Core Strategy.

9. No development shall commence until details for the hard landscaping of the site access at its junction with the B6245 have been submitted to the County Planning Authority for approval in writing. The details shall include the following:
 - a) details for the demolition of existing stone walls along the edge of the B6245 and for the storage of the stone materials for use in reinstatement works

b) proposals for the construction of the new wall at the side of the access using the existing stone including the heights of the wall and its design including the timing of wall construction.

c) the reinstatement of the widened section of road at the highway junction following completion of construction activities including removal of surfacing materials and respreading of soils

c) the design of the bollards across the existing access road

d) signage of the footpath

The access shall thereafter be developed in accordance with the approved details.

Reason: In the interests of visual amenity and achieving good design and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy.

Ecology

10. The felling of any trees to create the new access road shall take place in accordance with the methodology described in the supplementary ecology advice note received on 9th March 2021.

Reason: In the interests of ecology and to conform with Policy DME 3 of the Ribble Valley Core Strategy.

11. No development shall commence until details of ecological mitigation have been submitted to the County Planning Authority for approval in writing. The submitted details shall include information on the following:

a) numbers, location and design of mitigation measures for birds and bats.

b) provision for a badger survey of the site prior to any development commencing

c) a method statement to avoid impacts on amphibians, mammals and nesting birds during construction and site preparation activities

d) measures to prevent impacts on bats during the felling of trees and from lighting.

e) the seed mixes to be used for the restoration of site compound and reinstatement / landscaping of the access road.

The development shall be carried out in accordance with the approved scheme and programme.

Reason: In the interests of ecology and to conform with Policy DME 3 of the Ribble Valley Core Strategy

Definitions

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

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact Lancashire County Council Highways quoting the planning permission reference.

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

Paper	Date	Contact/Directorate/Ext
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LCC/2020/0075 Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate
N/A