

## Development Control Committee

Meeting to be held on 21 July 2021

Electoral Division affected: Pendle Hill
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### **Pendle Borough: application number LCC/2021/0017 Construction of three buildings and three kiosks at Burnley Wastewater Treatment Works, off Barden Lane, Woodend Road, Burnley**

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#### **Executive Summary**

Application – Construction of three buildings and three kiosks at Burnley Wastewater Treatment Works, off Barden Lane, Woodend Road, Burnley.

#### **Recommendation – Summary**

That, subject to the Coal Authority confirming that they have no objection, planning permission be **granted** subject to conditions controlling working programme, building materials and construction working hours.

#### **Applicant's Proposal**

Planning permission is sought for three buildings and three kiosks as part of the wider upgrade of the wastewater treatment works.

The buildings and kiosks would be as follows:

- A Biomag building measuring 19.5m x 14.5m x 9.9m high constructed with a steel frame and cladding coloured holly green.
- A blower building measuring 14.25m x 10.6m x 6m high constructed with a steel frame and cladding coloured holly green.
- A master control centre kiosk measuring 20.25m x 6.75m x 3.1m high constructed of glass reinforced plastic coloured holly green
- A sludge treatment building measuring 21m x 13m x 4m high constructed with a steel frame and cladding coloured holly green.
- A polymer dosing package plant kiosk measuring 9m x 3m x 2.9m high constructed of glass reinforced plastic coloured holly green.
- A detention tank pumping station master control centre kiosk measuring 11.9 x 3.9m x 3.1m high constructed of glass reinforced plastic coloured holly green.

The remainder of the plant and equipment, and earthworks required for the upgrade works constitute permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and therefore do not need to be subject of a planning application. This includes the following:

- biomag silo
- pumping station
- liquors return pumping station
- transformer & ring main unit
- interstage pumping station
- valve chamber
- distribution chamber
- odour control unit package plant
- detention tank pumping station
- detention tank
- primary settlement tank
- proposed activated sludge plant
- ferric dosing chemical plant
- sodium hydroxide chemical dosing plant
- sludge holding tank
- landscape bunds using surplus excavated soils and subsoils.

### **Description and Location of Site**

Burnley Wastewater Treatment works is located in Pendle borough some 3km north west of Burnley town centre. The site is accessed via the single lane Woodend Road, which joins Greenhead Lane and Barden Lane, close to the M65. The works site covers an area of approximately 11ha (hectares), and consists primarily of existing plant and machinery, surrounded by amenity grassland and interspersed with tarmac/gravel roads, with a large group of trees present at the north. The site is located within the Green Belt. The proposed buildings would be located across the existing works site, on land that is currently hardstanding, or amenity grassland.

The site's surrounding landscape is dominated by agricultural fields along with trees and woodland. The River Calder is adjacent to the western boundary of the site and there are residential properties adjacent to the site boundary to the north east. Wood End is also a Public Right of Way (footpath number 27).

### **Background**

#### History

The application is at an established wastewater treatment works site.

## **Planning Policy**

### *National Planning Policy Framework*

#### *Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources*

Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste

#### *Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part One*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management

### *Pendle Local Plan Core Strategy 2011-2030*

Policy ENV1	Protecting and Enhancing Our Natural and Historic Environments
Policy ENV2	Achieving Quality in Design and Conservation
Policy SDP1	Presumption in Favour of Sustainable Development
Policy SDP6	Future Infrastructure Requirement

## **Consultations**

Pendle Borough Council – No comments received.

Reedley Hallows Parish Council – The Parish Council considered the planning application at their council meeting. There were many local residents present along with representatives of United Utilities and Advanced Plus the Company who would implement the Scheme.

The Parish Council understand that the only elements of the application over which Lancashire County Council have jurisdiction are the construction of three new buildings and three kiosks. The removal of existing water storage tanks and their replacement which forms the main part of the project is out of your control. The local residents who were present at the meeting expressed their grave concerns as to the impact that the project will have on their lives in many respects. The Officers representing United Utilities and Advanced Plus responded as best they could to their questions and concerns.

Taking everything into account the Parish Council wish to register the following objections:

- Their concerns regarding the absence of proper consultation with residents and the Parish Council especially in view of the scale of the project.
- The detrimental impact that the project will have for local residents in many ways. For example, the noise nuisance whilst the work is being carried out and, to some

degree, thereafter. This will be especially concerning for those residents living closest to the site. It is bound to have an impact on their health and wellbeing.

- It is understood that there will be approximately 70 lorries servicing the project on a daily basis plus about 20 to 30 private cars of staff working on site. This will carry on until such time as the work is completed (2024). This is unacceptable especially when you take into account the narrow road leading to the site from Barden Lane. This will have an impact on local traffic and those visiting the area. There is a Caravan Site on Woodend Road at Smithsons Farm. That business will be badly affected.
- The project will have a negative impact on the wildlife in the area.
- Property values will be affected owing to the disruption whilst the work is being carried out and most probably thereafter.

In conclusion the Parish Council are extremely concerned that this project will have a major impact on the lives of people living in the area. Insufficient regard has been had to how it will affect those people's lives. United Utilities and their partners responsible for this project are requested to take these concerns into account and do everything possible to mitigate the nuisance that will arise.

Coal Authority – Objection. Part of the site lies within a probable shallow coal mining area, which represents a defined development high risk area. A coal mining risk assessment report is required.

Environment Agency – No objection.

The Wildlife Trust for Lancashire, Manchester, and North Merseyside – comment that the application provides no evidence of the biodiversity net gain calculations and that temporary spoil storage works could impact on the Moor Isles Clough Biological Heritage Site. Furthermore, re-seeding of the temporary spoil storage area should be a local wildflower mix rather than an agricultural mix given the proximity to the biological heritage site.

Representations – The application has been advertised in the local newspaper and neighbouring residents have been informed by individual letter. Seven representations have been received objecting to the application for the following summarised reasons:

- The overall development would generate noise, vibration and odour issues.
- There will be construction traffic disturbance for a long period of time including on the footpath along Woodend Road.
- Impact on wildlife.
- Tree loss and earthworks closer to residential properties, which currently provide some screening.
- Visual impact of new development.
- Impact on local business.
- Other structures including tanks should also require planning permission.
- Coal mining ground stability issues for planning application and permitted development work.

- The improvement works should be located elsewhere rather than encroaching closer to houses.
- Totally unacceptable to place settlement tanks and an activated sludge plant close to residential properties.
- Japanese Knotweed is present on site and could be dispersed.
- The development work would have a negative impact on mental health.

## **Advice**

The proposed development is part of a wider programme of upgrading works that is necessary to enable compliance with an enhanced effluent discharge consent for phosphorous, as set by the Environment Agency, as well as to increase the treatment capacity of the works to cater for predicted population growth in the catchment area to 2035. Much of the upgrade work is to be carried out under sewerage undertaker permitted development rights and planning permission is only required for three buildings and three kiosks.

The application site is located in the Green Belt. Paragraph 133 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 143 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Subject to certain exceptions, the construction of new buildings in the Green Belt is inappropriate development. The proposed development would include built development in the form of three buildings and three kiosks that would be inappropriate development and therefore very special circumstances must be demonstrated.

Paragraph 144 of the National Planning Policy Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this instance there is clear justification to construct these buildings and kiosks within an existing wastewater treatment facility as part of wider upgrading works. Furthermore, the aim of the proposed development is to be able to accommodate population growth and changes to local wastewater management, and to tighten final effluent standards to contribute towards improved river water quality. On this basis it is considered that very special circumstances exist to justify the development within

the Green Belt. There would be no extension to the boundary of the works and therefore no additional encroachment in the Green Belt.

The proposed location and design of the new buildings is to meet operational requirements in relation to the existing arrangement at the site. The buildings would be coloured green and although substantial in size, would be relatively congruous in the existing works setting. Other plant and equipment would be constructed alongside the buildings and significant landscaping and earthworks would take place under permitted development rights. The applicant has provided a landscape management plan to compensate for the loss of vegetation at the wider site including screening bunds and native woodland planting to provide adequate replacement screening. A condition is recommended to ensure that the landscaping works are carried out following completion of the development.

The application is supported by an Ecological Assessment Report, which sets out the findings of an extended Phase 1 habitat survey of the site and its surroundings. The assessment found that there are no statutory or non-statutory designated wildlife sites, Habitats of Principal Importance or Ancient Woodland within the proposed development areas. Furthermore, the buildings subject of the planning application would have little impact on ecological interests as the proposed locations are either previously developed land or areas of short amenity grassland. Nevertheless, the landscape management plan is likely to provide sufficient ecological and habitat net gain to compensate for the impacts of the overall development including that undertaken through permitted development rights. It should also be borne in mind that the aim of the upgrade works is to improve the capture and treatment of wastewater from a growing population and improve final discharge standards to the river therefore indirectly improving conditions for wildlife.

The Wildlife Trust for Lancashire, Manchester, and North Merseyside comment that the application provides no evidence of the biodiversity net gain calculations and that temporary spoil storage works could impact on the Moor Isles Clough Biological Heritage Site. They also add that re-seeding of the temporary spoil storage area should be a local wildflower mix rather than an agricultural mix given the proximity to the biological heritage site. In response, the proposed buildings would have limited ecological impact and there is currently no requirement to demonstrate a biodiversity net gain within current national planning policy. Furthermore, the main impacts associated with tree removal and spoil storage are not directly associated with the planning application as they are related to the works being carried out under permitted development rights.

The existing wastewater treatment works, and any new operations are subject of an Environmental Permit from the Environment Agency. The permit sets 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.

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 buildings and kiosks subject of the planning application would contain a range of plant and equipment to support the operation of the site. A noise assessment has been submitted that details the existing background levels in the area, the extent of predicted noise sources, and distances to nearest receptors. Woodend Barn and Wood End Barn Farm would be some 40-50m from the new primary settlement tank and activated sludge plant, some 70m from the nearest building subject of the planning application and some 150-200m from the other buildings and kiosks. Given the existing background levels including from the M65, noise sources, and distance to properties, predicted noise levels would be below the existing ambient levels. This being the 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 operations could be set out within the environmental permit.

Construction working at the site has the potential to generate noise disturbance that would not be covered by the requirements of the Environmental Permit. The most effective means to control this is by way of a condition on any planning permission to limit the hours of construction working. For this reason, a condition is recommended to restrict construction working to 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), 0800 to 1300 hours on Saturday, and no construction development, on Sundays or Public Holidays. These working times were also proposed by the applicant.

Concerns have been raised that the proposed development works at the site would generate significant traffic impacts during the construction working. However, a significant component of the traffic generating activity would relate to permitted development work. Overall, the project is estimated to take approximately 3 years to complete.

Paragraph 108 of the National Planning Policy Framework states that planning applications should be assessed to ensure that appropriate opportunities have been taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is at an existing wastewater treatment works that has an established and unrestricted access via Wood End Lane, which also serves as a public footpath. There are currently no controls on vehicle movements and traffic varies depending on site activity. Although there would be construction traffic over a significant period of time, a large proportion of this would be related to works that would be undertaken under permitted development rights. Furthermore, there is no practicable alternative for vehicular access to the site and the upgrade works are essential to ensure the satisfactory operation and capacity of the wastewater treatment works for the future.

The Coal Authority has raised an objection as part of the site lies within a high risk area and a coal mining risk assessment report was not initially submitted. The Coal Authority records indicate that one area within of the application site where new development is proposed (the Biomag area only) lies within an area of probable shallow coal mining that may be attributed to the thick coal seams inferred to outcrop close to this part of the site. All remaining areas (sludge thickening building; polymer dosing kiosk; and detention tank Motor Control Centre (MCC) kiosk) fall outside of the defined Development High Risk Area and therefore the Coal Authority records indicate there is no land instability risk to these specific areas.

The applicant has submitted a risk assessment report in response to the Coal Authority comments and this identifies that there are no particular risks in terms of coal workings or mine adits at the site. However, the presence of unrecorded shafts cannot be entirely ruled out and therefore a watching brief is recommended during construction working. The Coal Authority has been re-consulted on the risk assessment report and further comments are awaited.

## Human Rights

In view of the scale, location and nature of the proposed development, and the requirement for the developer to comply with other statutory controls, it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

## Conclusion

This application is for new buildings and kiosks associated with improvements to the existing wastewater treatment works. The main aims of the proposed development are to be able to accommodate population growth and to improve final effluent standards to contribute towards improved river water quality. Much of the redevelopment work has the benefit of permitted development rights and is not subject to assessment through this planning application. The buildings and kiosks would be inappropriate development in the Green Belt, but very special circumstances exist to outweigh the limited harm to the Green Belt.

The proposed development would have limited impact on ecological matters and a site wide landscape and habitat management plan would provide biodiversity and visual screening benefits. It is unlikely that there would be unacceptable pollution issues from the buildings and kiosks and further scrutiny would be required through the Environmental Permit. There would be inevitable disturbance impacts associated with construction traffic and working for the wider development but there is no real

alternative beyond a recommended condition controlling hours of construction working.

Overall, it is considered that the application complies with the policies of the National Planning Policy Framework and the policies of the development plan.

## **Recommendation**

That 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) Drawing no:

80061365-01-97-DR-T-10001, rev P03 - Location Plan  
80061365-01-97-DR-T-10003, P05 - Site Plan / Block Plan  
80061365-01-97-DR-T-10005, P01 - Biomag Building  
80061365-01-97-DR-T-10006, P01 - ASP Blower Building  
80061365-01-97-DR-T-10007, P01 - MCC Kiosk  
80061365-01-97-DR-T-10008, P01 - Sludge Thickener Building Kiosk  
80061365-01-97-DR-T-10009, P01 - Polymer Dosing Kiosk  
80061365-01-97-DR-T-10010, P01 - Detention Tank Pumping Station MCC Kiosk  
80061365-01-97-DR-C-10013, P03 - Sections Sheet 1  
80061365-01-97-DR-C-10014, P03 - Sections Sheet 2  
80061365-01-97-DR-C-10015, P03 - Sections Sheet 3  
80061365-01-97-DR-C-10017, P01 - Sections Sheet 4  
80061365-01-ADP-BURNL-97-DR-L-00001, P03 - Landscape & Biodiversity Enhancement Plan  
80061365-01-ADP-BURNL-97-DR-L-00002, P03 - Landscape & Biodiversity Enhancement Plan  
80061365-01-ADP-BURNL-97-DR-L-00003, P03 - Landscape & Biodiversity Enhancement Plan

*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 Joint Lancashire Minerals and Waste Local Plan and Policy ENV2 of the Pendle Local Plan Core Strategy.*

3. No construction working including earth moving operations, including those works associated with works undertaken under permitted development rights shall take place outside the hours of:

0800 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1300 hours on Saturdays

No construction working including earth moving operations, including those undertaken under permitted development rights shall take place at any time on Sundays or Public Holidays.

*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.*

4. Within 12 months of the completion of the development subject of this permission, landscaping shall be carried out in accordance with the details shown on drawing nos 80061365-01-ADP-BURNL-97-DR-L-00001, P03 - Landscape & Biodiversity Enhancement Plan, 80061365-01-ADP-BURNL-97-DR-L-00002, P03 - Landscape & Biodiversity Enhancement Plan, and 80061365-01-ADP-BURNL-97-DR-L-00003, P03 - Landscape & Biodiversity Enhancement Plan. Thereafter landscaping and habitat shall be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

*Reason: In the interests of visual amenity and nature conservation and to comply with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

5. Building materials and colours shall be as shown on the drawings listed in condition 2.

*Reason: To protect the visual amenities of the area and to conform with Policy ENV2 of the Pendle Local Plan Core Strategy.*

## 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/ext
LCC/2021/0017	July 2021	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A