

Development Control Committee
Meeting to be held on 8 December 2021

Electoral Division affected: Wyre Rural East

Wyre Borough : application number. LCC/2021/0042
Permanent vehicular access from Bilsborrow lane for operational access to below ground wastewater infrastructure and associated landscaping, land off Bilsborrow Lane, Bilsborrow, Preston (Retrospective application)

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

Executive Summary

Application - Permanent vehicular access from Bilsborrow Lane for operational access to below ground wastewater infrastructure and associated landscaping, land off Bilsborrow Lane, Bilsborrow, Preston (Retrospective application).

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme and landscaping.

Applicant's Proposal

The proposal is for the retention of a new stone and geogrid access road to serve new below - ground wastewater infrastructure. The access road is approximately 200 metres in length by 4 metres in width. Approximately 120 metres of the road has a stone surface with the remainder of the road (where it is adjacent to the underground infrastructure) formed from a plastic grid material with the grid being infilled with fine aggregate.

The proposal also includes proposals for landscaping which involve planting of a hedgerow along both sides of the access track together with some larger blocks of planting located to the north of the access road .

The access track and underground works were undertaken in winter 2020 and therefore the application is retrospective.

Description and Location of Site

The application site is located in an agricultural field located to the north of Bilsborrow Lane and to the east of the A6 in Bilsborough 10 km north of Preston. The field is located on a higher level than the A6 and has hedgerows on all sides.

The access is taken off Bilsborrow Lane via the car park serving St Hilda's Church. There are a number of properties located off Bilsborrow Lane opposite the site access together with a further property on the southern boundary of the site. There are also a number of properties located on the western side of the A6 which are approximately 30 metres from the site of the new underground infrastructure.

To the north of the site is a playing field/amenity space forming part of Bilsborrow John Cross Primary School.

There is a grade II listed milestone on the eastern side of the A6 which is immediately adjacent to the site boundary.

The access road crosses the centre of the site from Bilsborrow Lane and then curves to the south parallel to the A6 and ending in a turning head which is adjacent to the new underground infrastructure. This is marked by a number of manhole covers, set within a stone covered area enclosed by post and wire fencing. A further stone area on the northern side of the site measuring approximately 30 metres by 30 metres is the site of the former construction compound and has been retained for use as a car park by the adjacent school. This is the subject of a separate planning application and is outside of the current application boundary.

Background

History : There is no relevant planning history.

Planning Policy

National Planning Policy Framework: The following paragraphs are particularly relevant: 11 (presumption in favour of sustainable development), 130 (design), 180 (biodiversity), 102 (heritage impacts).

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

Policy DM2 Development Management

Wyre Borough Local Plan

Policy SP2 Sustainable Development

Policy SP4 Countryside Areas

Policy CDMP1 Environmental protection

Policy CDMP3 Design

Policy CDMP4 Environmental Assets

Policy CDMP5 Historic Environment

Policy CDMP6 Accessibility and transport

Consultations

Wyre Borough Council: Objects to the application. Part of the site is green infrastructure as designated in policy CDMP4 of the local plan. The development would involve the partial loss of this land and it has not been demonstrated that the functionality and interconnectivity of the green infrastructure would be maintained. The proposal is therefore not sustainable development contrary to Policy SP2 which requires green infrastructure to be protected and enhanced. The Borough Council also consider that a response to climate change has not been demonstrated.

Bilsborrow Parish Council: No response received.

Lancashire County Council (LCC) Ecology Service: The site lies within a site of special scientific interest (SSSI) impact zone and therefore Natural England should be consulted. The Lancashire County Council (LCC) Ecologist notes that the works are retrospective and site clearance works have already taken place. However, based upon the submitted ecological information together with a review of ecological records, it seems reasonable unlikely that there will any significant ecological impacts. The extent of the hedgerow replanting is acceptable, but several comments are made on the detail of the planting proposals which should be the subject of a revised landscaping plan.

Lancashire County Council (LCC) Historic Environment Service: Records show that the line of a possible roman road runs across the centre of the site. The proposed development therefore has the potential to disturb and damage any surviving remains of the road. No objection is raised but the development should be accompanied by a programme of archaeological work to monitor topsoil stripping and to record any traces of the road which may be present. This should be made the subject of a planning condition.

Lancashire County Council (LCC) Highways Development Control: No objection. The proposal will not be a peak time traffic generator and the highway authority is of the view that the size and nature of the proposals should have a negligible impact on highway safety and highway capacity. Highways request conditions in relation to wheel cleaning facilities during the period of construction activities and for the first five metres of the road from the car park to be paved in tarmacadam or other hard material.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One objection to the application has been received raising concerns in relation to the present condition of the site which is considered to be full of weeds. The resident requests that the land is resown with a wildflower seed mix. The resident also requests that Natural England be consulted and that the recommendations of the Lancashire County Council (LCC) Ecologist be followed.

One letter of support has been received.

County Councillor Shaun Turner has commented that he lives adjacent to the site and welcomes the proposal in climate change terms as it will help to resolve a flooding issue. He requests that a condition be applied to reflect the comments of the LCC

Ecologist and to ensure that the land is reinstated to its previous condition which will require the land to be recultivated and reseeded.

Advice

The proposed development is associated with a civil engineering project to provide additional storm water storage in the area. The project forms part of United Utilities Asset Management Plan 7 programme which is a programme of works to refurbish and upgrade wastewater assets across the north west as agreed with the Environment Agency and OFWAT.

There is a historical issue of properties on Garstang Road being affected by flooding from the sewer network during high rainfall events. This is due to the local sewer having insufficient capacity during storms. The proposal at this site involves the construction of a below ground storm tank which will accept excess flows during storm periods and then return them to the network once the storm has subsided. The development would reduce the flood risk to a 1 in 20 year storm return period.

The storm tanks, associated pipework and connection chambers are all underground and are covered by the applicant's permitted development rights under Part 13 of the General Permitted Development Order 2015. However, planning permission is required for the access road, turning head and timber bollards.

The site was previously a small agricultural grazing field. The development did not require the removal of any of the vegetation on the perimeter of the field apart from a short section of hedgerow alongside Bilsborrow Lane where a new sewer was laid to connect the new underground tank into the existing sewer under the highway.

Wyre Borough Council have objected to the application due to conflict with Policy CDMP4 of the Borough Local Plan. The site is allocated as Green Infrastructure in the local plan and Policy CDMP4 requires that development of such areas will not be permitted unless it is demonstrated that the development would not result in the loss of the space, the site is surplus to requirements, the impact on the green space can be mitigated or compensated for by the provision of green infrastructure elsewhere or that the need for or benefits arising from the development demonstrably outweigh the harm caused and the harm is mitigated for.

The development subject to this planning application is only for the access track and turning heads. Whilst the character of the previously open field has changed, the development only occupies a small portion of the overall field area and the previous open character is maintained. The location of the underground tank which the access track serves was limited by the alignment of the existing sewers and hydraulic design considerations. The site was the only location in the area that fulfilled requirements with sites on the west side of the A6 being limited due to the proximity of existing buildings and the canal. In addition, the development would have significant benefits in terms of local amenity from a reduction in flooding events which would be sufficient to outweigh any impacts on the green infrastructure. The objection from the Borough Council is therefore not supported.

The proposal includes landscaping proposals which comprise a new hedgerow on the southern side of the access road and a new block of tree and shrub planting on the northern side of the site. The access track is not readily visible from the A6 as the application site is on a significantly higher level. The landscaping proposals have been modified since submission to amend the planting mixes as requested by the Lancashire County Council (LCC) Ecologist and to increase the hedgerow planting in the area visible from Bilsborrow Lane and the church car park. Subject to a condition requiring implementation in the current planting season, the landscaping proposals will be sufficient to ensure that the visual impacts of the new access road are acceptable and comply with Policy CDMP3 of the Local Plan.

The former construction compound on the northern boundary of the site has been retained as the adjacent school wish to retain it as an area for additional car parking. The area is not included within this planning application and is the subject of a separate application to the Borough Council. The wider field area is not within the boundary of this planning application. The field was not a wildflower meadow before these sewer improvements occurred and for these reasons it is considered that there is no justification for requiring the field to be reseeded as part of this application. The field has been reseeded and is considered to be in acceptable condition and capable of being used for agricultural grazing uses.

The comments of the Lancashire County Council (LCC) Historic Environment Service with regard to the roman road alignment are noted. These issues were discussed with the developer at pre application stage including the mitigation measures that would be likely to be needed. The developer carried out a watching brief during soil stripping works and a report providing details of these works has subsequently been provided to the County Council. No evidence of a roman road was found during the works.

In view of the location, scale and design of the proposal, 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:

Working Programme

1. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 17 August 2021.
 - b) Submitted Plans and documents:
 - Drawing 97 -DR-T-0005 Rev PO1 - Location Plan
 - Drawing 97-DR-T-0006 Rev PO8 - Site Layout
 - Drawing 97 - NA-T-00015 Rev 002 - Cross Sections
 - Drawing 97-NA-T-00016 Rev PO2 - Stockproof fencing
 - Drawing 97-NA-T-00017 Rev PO1 - Site 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 of the Lancashire Minerals and Waste Local Plan and policies CDMP1,3,4,5 and 6 of the Wyre Borough Local Plan.

2. The landscaping works shown on Drawing 80061558-01-ADP-52604-XX-DR-L-00003 Rev PO6 - Landscaping proposals shall be implemented before the expiration of the first planting season following the date of this planning permission.

The planting works shall thereafter be maintained for a period of five years following the date of implementation including weed control, maintenance of protection measures and replacement of dead and dying plants.

Reason: To ensure the proper landscaping of the site and to conform with policies CDMP1 and CDMP3 of the Wyre Borough Local Plan.

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/2021/0042	November 2021	Jonathan Haine, Planning and Environment 01772 543130

Reason for Inclusion in Part II, if appropriate

N/A