

# Blackpool Council

6 June 2017

To: Councillors Elmes, Humphreys, Jackson, Maycock, O'Hara, Stansfield and L Williams

The above members are requested to attend the:

## **PLANNING COMMITTEE**

Tuesday, 13 June 2017 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any Member requires advice on declarations of interest, they are advised to contact the Head of Democratic Services in advance of the meeting.

### **2 MINUTES OF THE MEETING HELD ON 9 MAY 2017** (Pages 1 - 16)

To agree the minutes of the last meeting held on 9 May 2017 as a true and correct record.

### **3 PLANNING/ENFORCEMENT APPEALS LODGED AND DETERMINED** (Pages 17 - 28)

The Committee will be requested to note the planning/enforcement appeals lodged and determined.

### **4 PLANNING ENFORCEMENT UPDATE REPORT** (Pages 29 - 32)

The Committee will be asked to note the outcomes of the cases and support the actions of the Service Manager – Public Protection.

**5 PLANNING APPLICATION AND APPEALS PERFORMANCE REPORT (Pages 33 - 36)**

To update members of the Planning Committee of the Council's performance in relation to Government targets.

**6 PLANNING APPLICATION 17/0011 - WINDMILL SERVICE STATION, PRESTON NEW ROAD, BLACKPOOL (Pages 37 - 48)**

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

**7 PLANNING APPLICATION 17/0105- LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL (Pages 49 - 88)**

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

**8 PLANNING APPLICATION 17/0118 - LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL (Pages 89 - 104)**

The Committee is requested to consider an application for planning permission, details of which are set out in the accompanying report.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Governance Adviser, Tel: (01253) 477212, e-mail [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor L Williams (in the Chair)

Councillors

Humphreys	O'Hara	Stansfield
Matthews	D Scott	

### **In Attendance:**

Mr Ian Curtis, Legal Adviser

Mr James Holmes, Legal Officer (for Agenda Item 3 only)

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Mr Gary Johnston, Head of Development Management

Mr Latif Patel, Group Engineer, Traffic Management

### **1 DECLARATIONS OF INTEREST**

Councillor O'Hara declared that he had been involved in pre-application discussions with the applicant of Planning Application 17/0193 – 585-593 Promenade and 1 Wimbourne Place.

### **2 MINUTES OF THE MEETING HELD ON 11 APRIL 2017**

The Committee considered the minutes of the Planning Committee held on 11 April 2017.

### **Resolved:**

That the minutes of the meeting held on 11 April 2017 be approved and signed by the Chairman as a correct record.

### **3 DEFINITIVE MAP AND STATEMENT MODIFICATION APPLICATION TO ADD A PASSAGE BETWEEN WHITTAM AVENUE AND RYBURN AVENUE**

The Committee considered an application that had been received by the Council under Section 53 (2) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add a passage between Whittam Avenue and Ryburn Avenue as a byway open to all traffic (BOAT).

Mr Holmes, Legal Officer, Blackpool Council, advised the Committee of the Council's duty to maintain a Definitive Map and Statement of public paths and byways. He reported that the application related to an unadopted alleyway that had been subject to a Gating Order made by the Council in 2006. The Committee was advised that the Council was prevented from modifying the Definitive Map and Statement due to Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006, which prohibited the creation of new public rights of way for mechanically propelled vehicles after 2006 and extinguished (with certain exceptions) any then existing rights of way for mechanically propelled

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

vehicles other than those shown in the definitive map. Opinion previously sought from Counsel also supported this view. Mr Holmes reported that, should the Council grant the application, it would be acting contrary to legislation and as such the Committee was asked to approve the recommendation not to modify the Definitive Map and Statement.

Mr Boileau, Applicant, spoke in support of the application. He disputed the Legal Officer's view of the restrictions imposed by Sections 66 and 67 of the Natural Environment and Rural Communities Act 2006. He referred to the historic use of the alleyway and suggested that a right of way already existed and should be recorded as such in the Definitive Map and Statement. He made reference to the Gating Order regulations and confirmed that he had no objection to the alleyways remaining in place.

In response to the Applicant's comments regarding the short notice he had received to make representations, the Chairman received confirmation that he was satisfied that the Committee continued to consider the application at this meeting. The Chairman also asked the Applicant what he hoped could be achieved in practical terms by the application and Mr Boileau confirmed that he was asking that the existing right of way be recorded in the Definitive Map and Statement.

Mr Curtis, Legal Adviser to the Committee, provided clarification that the Committee was being asked to approve the recommendation not to modify the Definitive Map and Statement which would then be included in the representations made to the Secretary of State. He reported on the exceptions to the extinguishment of rights of way for mechanically propelled vehicles provided for in the Natural Environment and Rural Communities Act 2006 and his view that there was insufficient evidence to show that any of the exceptions applied.

During consideration of the application the Committee was satisfied on the evidence before it that legislation prevented the modification of the Definitive Map and Statement for the reasons set out in the report.

**Resolved:** To approve the recommendation that no modification be made to the Definitive Map and Statement.

Background papers: Application with supporting evidence.

### 4 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered a report detailing the planning enforcement activity undertaken within Blackpool during March 2017.

The report stated that 42 new cases had been registered for investigation, 18 cases had been resolved by negotiation without recourse to formal action and 26 cases were closed as there was either no breach of planning control found, no action was appropriate or it was not considered expedient to take action. An enforcement notice and three s215 notices had been authorised during March 2017. An s215 notice and a Community Protection Notice had also been served during the same period.

The report also provided comparative information for the same period last year.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

**Resolved:** To note the outcome of the cases set out in the report and to support the actions of the Service Manager, Public Protection Department, in authorising the notices.

### 5 PLANNING APPLICATION AND APPEALS PERFORMANCE REPORT

The Committee considered an update report on the Council's performance in relation to Government targets.

Mr Johnston, Head of Development Management, referred Members to the performance statistics contained within the report. He advised of an amendment to the report in that the performance for March 2017 relating to major development decisions should be zero as there had been no major development decisions taken during that period.

In response to a question from a Member of the Committee, Mr Johnston agreed to investigate the legal position regarding the imposition of covenants by developers following the granting of planning permission.

**Resolved:** To note the report on planning applications and appeals performance.

### 6 PLANNING APPLICATION 17/0105 - LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL

The Committee considered planning application 17/0105 for the formation of an attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments.

Mr Johnston presented the Committee with a brief overview of the application and the site location and layout plans. He explained that the proposal was for the construction of an attenuation basin for the storage of surface water during periods of heavy rainfall as part of the Surface Water Separation Scheme to improve the quality of the bathing water along the Fylde Coast. The basin would be a grassed depression enclosed by post and rail fencing. During the construction phase Florence Street and Moss House Road would be used for access and that, following completion of the construction works, vehicles would only require access a few times a year for general maintenance work.

Mr Johnston referred Members to the information contained within the Update Note and Additional Update Note regarding the requirement to determine if the proposed development was an appropriate use of land in this location taking into account relevant planning considerations.

Ms Mattin, public objector spoke against the application. She reported on the main reasons for the objection which included access to the development, safety concerns and the potential impact on the quality of life of the residents of neighbouring properties.

Ms Allen, on behalf of the Applicant and accompanied by Mr Edwards and Mr Jones, spoke in support of the application and the benefits it would bring in terms of improvements in the quality of the bathing water. She did not consider that there would

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

be an increased risk to public safety or flooding as a result of the development. She also reported on similar schemes that had been undertaken in different locations by other water companies.

In response to concerns raised by the Committee, it was confirmed that a Construction Management Plan was being developed that would be covered by a condition should permission be granted. Mr Patel, Group Engineer, Traffic Management, reported that although discussions had been held regarding a Construction Management Plan, the detail had still to be finalised.

Mr Johnston reminded the Committee that if it was so minded it could approve the application subject to an appropriate condition being attached to the permission relating to a Construction Management Plan. Mr Curtis provided legal advice on the benefit of a pre-commencement condition being attached to the granting of planning permission.

The Committee noted the concerns raised by residents during the construction phase. On balance, in the absence of a Construction Management Plan, the Committee was not satisfied that it had all relevant information to determine the application.

**Resolved:** That the application be deferred to a future meeting to allow the opportunity for a Construction Management Plan to be submitted.

Background papers: Applications, plans and replies to consultations on the application.

### **7 PLANNING APPLICATION 17/0118 - LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL**

The Committee considered planning application 17/0118 for the construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments.

Mr Johnston presented the Committee with a brief overview of the application and the site location and layout plans. He explained that the proposal was similar to the previous application as it related to the construction of an attenuation basin for the storage of surface water during periods of heavy rainfall as part of the Surface Water Separation Scheme to improve the quality of the bathing water along the Fylde Coast. The basin would be a grassed depression enclosed by post and rail fencing. He confirmed that once the development was operational it would only need to be accessed a few times a year for general maintenance work.

He reported on the receipt of a further representation from a nearby resident whose principle concern related to the impact of the proposed development on the highway and as such had asked for consideration to be given to implementing traffic calming measures around the development.

Mr Patel reported that a Construction Management Plan would be attached as a condition to any planning permission and that the details of the Plan had yet to be finalised. In response to the request for traffic calming measures, Mr Patel stated his

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

view that there would be minimal impact on the highway once the development was operational and hence it was not reasonable to require traffic calming as part of this development.

Ms Allen, on behalf of the Applicant and accompanied by Mr Edwards and Mr Jones, stated that as this was a similar scheme to the previous planning application she had nothing further to add to her earlier comments regarding the benefits that the proposed development would bring in terms of improvements in the quality of the bathing water, no increase in the risk to public safety or flooding and the fact that similar schemes had been undertaken in different locations by other water companies.

The Committee considered the application and on balance, without sight of the Construction Management Plan, the Committee was not satisfied that it had all relevant information to determine the application.

**Resolved:** That the application be deferred to a future meeting to allow the opportunity for a Construction Management Plan to be submitted.

Background papers: Applications, plans and replies to consultations on the application.

### **8 PLANNING APPLICATION 17/0128 - LAND AT TAYBANK AVENUE AND LIVET AVENUE, BLACKPOOL**

The Committee considered planning application 17/0128 for the erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and car parking.

Mr Johnston presented the Committee with a brief overview of the application and the site location, site layout and layout/elevation plans for the proposed properties. He reported on the character of the area in terms of mixed property style. He reminded the Committee that the principle of developing three properties on the site had been established following the granting of outline planning permission for three detached bungalows in 2013. He reported on the main differences between the current proposal and the previously approved application. He also reported his view that the potential for overlooking a neighbouring garden would be prevented due to obscured glazing of the bathroom windows on the rear elevation.

Mr Walsh, public objector, spoke against the application. His main concerns related to the impact on the character of the area and loss of green space, highway safety and parking issues, and the impact on the amenity of the residents of neighbouring properties.

Mr Johnston confirmed that the land was not protected open space and reported on the Council's requirement to demonstrate a five-year housing supply.

During consideration of the application, the Committee noted the mixed character of the area in terms of style of buildings and that the principle of a residential development on the site had been established through the granting of a previous application.

## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

**Resolved:** That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

### **9 PLANNING APPLICATION 17/0193 - 585-593 PROMENADE AND 1 WIMBOURNE PLACE, BLACKPOOL**

The Committee considered planning application 17/0193 for outline planning permission for the erection of part 3 / part 4 / part 5 / part 6 storey block of 88 self-contained permanent flats with car parking for 88 vehicles, access and associated works, following demolition of existing hotels.

Mr Johnston presented the Committee with an overview of the application and the site location, layout plans. He reminded Members that this was the third application submitted for this development, following the Committee's refusal of the previous two applications. The key differences between the current and previous applications were reported which included a reduction in the number of flats, an increase in the number of car parking spaces which now represented one per flat which in his view was adequate, and the removal of the penthouse floor. Mr Johnston presented Members with visual images of the proposed development and reported on its size, scale and comparison with the previously approved Hampton by Hilton development and other neighbouring properties. He reported on the significant investment in holiday accommodation in the area from the Hampton by Hilton development and the difficulties in attracting further holiday investment in the area. In his view, the proposal provided for a new residential offer in the area envisaged by Policies CS2 and CS23 of the Blackpool Local Plan Part 1: Core Strategy.

Ms Harrison, public objector, spoke against the application. Her main concerns included the impact on the amenity of the occupiers of neighbouring properties due to the scale, mass and height of the proposed development. Further concerns related to the width of adjacent roads and the lack of a sunpath and daylight analysis. Additional photographs submitted by Ms Harrison at the meeting were circulated to the Committee for consideration.

Mr Richardson spoke in support of the application on behalf of the Applicant. He referred to the changes made to the previous applications and his view that the current proposal represented the only viable option for development of the site and addressed the issues previously raised in relation to the mass and intensity of the proposed development. He referred to the significant changes to the area around the proposed development since 2011.

In response to questions from the Committee relating to access for emergency vehicles, Mr Patel confirmed that although the building regulation guidelines recommended a minimum distance of approximately 20 metres, discussions held with representatives from the emergency services had raised no objections to the proposal.

During consideration of the application, the Committee acknowledged the changes made by the Applicants to address the issues raised in the reasons for refusal of the previous



## MINUTES OF PLANNING COMMITTEE MEETING - TUESDAY, 9 MAY 2017

applications and the lack of alternative viable options for development of the site.

**Resolved:** That the application be approved, subject to the conditions, and for the reasons set out in the appendix to the minutes.

Background papers: Applications, plans and replies to consultations on the application.

**NOTE:** Councillor O'Hara, having been involved in pre-application discussions with the Applicant, left the room whilst the application was being discussed and did not speak or vote on the application.

### Chairman

(The meeting ended 7.52 pm)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis Senior Democratic Governance Adviser  
Tel: (01253) 477212  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

This page is intentionally left blank

**Application Number 17/0128 – Land at Taybank Avenue and Livet Avenue, Blackpool –**  
Erection of three, two-storey detached dwellinghouses fronting Taybank Avenue, with integral garages and car parking.

**Decision:** Grant Permission

**Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

- Location Plan stamped as received by the Council on 27/02/2017 and Drawing No.s A939/4, A939/3, A939/2.

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the integral garages shall not be used for any purpose which would preclude their use for the parking of motor cars.

Reason: In the opinion of the Local Planning Authority the retention of parking space within the site is of importance in safeguarding the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. Details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being commenced.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of the dwellings the subject of this permission shall be carried out without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises, in accordance with Policy BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. All glazing to the first floor of the west (rear) elevation of each property shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ14 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

8. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development" (SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £3,096 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG 11. The Applicant(s) should contact the Council to arrange payment of the contribution.

9. No property shall be occupied until such time as the appropriate dropped kerb has been provided between the footway and the carriageway.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies AS1 and LQ1 of the Blackpool Local Plan 2001-2016 and

Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

**Application Number 17/0193 – 585-593 Promenade and 1 Wimbourne Place, Blackpool -**  
Erection of part 3 / part 4 / part 5 / part 6 storey block of 88 self-contained permanent flats with car parking for 88 vehicles, access and associated works, following demolition of existing hotels.

**Decision:** Grant Permission

**Conditions and Reasons:**

1. i. Approval of the following details (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority:
  - Landscaping
- ii. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason i and ii: This is an outline planning permission and these conditions are required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan A715/10 May 2017

Drawings numbered;

A715/1h

A715/2e

A715/3d

A715/3e

A715/5f

A715/6d

A715/8e

A715/9f

A715/10

A715/10a

Reason: For the avoidance of doubt and so the Local Planning Authority can be

satisfied as to the details of the permission.

3. Prior to the construction of any above ground structures details of materials to be used on the external elevations shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

4. Prior to the construction of any above ground structures details of the surfacing materials to be used in the construction of the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall then be used as part of the development.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

5. The roof of the building shall not be used for any other purpose other than as a means of escape in emergency or for maintenance of the building.

Reason: To safeguard the amenities of the occupiers of adjoining premises, to safeguard the visual amenities of the area in accordance with Policies LQ14 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

6. The development authorised by this permission shall not begin until the Local Planning Authority has approved a scheme to secure the provision of or improvements to off site open space together with a mechanism for delivery, in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

Reason: To ensure sufficient provision of or to provide sufficient improvements to open space to serve the dwellings in accordance with Policy BH10 of the Blackpool Local Plan 2011-2016 and Supplementary Planning Guidance Note 11 "Open Space Provision for New Residential Development"(SPG11).

NOTE – The development is of a scale to warrant a contribution of £60,716 towards the provision of or improvement to off site open space and management of the open space provision, in accordance with Policy BH10 of the Blackpool Local Plan 2001-2016 and SPG11. The Applicant(s) should contact the Council to arrange payment of the contribution.

7. Prior to the development hereby approved being first brought into use the car parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

8. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

9. Prior to the development hereby approved being first brought into use the motor cycle and cycle storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with Policy AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

10. No development shall be commenced until a desk study has been undertaken and agreed in writing with the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on site contamination. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been agreed in writing with the Local Planning Authority. If remediation methods are then considered necessary, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and completed prior to the commencement of the development. Any changes to the approved scheme shall be agreed in writing with the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and in accordance with Policy BH4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

11. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made

for the following:

- dust mitigation measures during the construction period
- control of noise emanating from the site during the construction period
- hours and days of construction work for the development
- contractors' compounds and other storage arrangements
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways
- the routing of construction traffic

The construction of the development shall then proceed in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no change of use from Use Class C3 (the subject of this permission) to Use Class C4 shall take place without the written approval of the Local Planning Authority.

Reason: To safeguard the living conditions of the occupants of nearby residential premises and to prevent the further establishment of Houses in Multiple Occupation which would further increase the stock of poor quality accommodation in the town and further undermine the aim of creating balanced and healthy communities, in accordance with Policies BH3 and HN5 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS12 and CS13 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

13. Before any of the approved flats are first occupied details of the boundary treatment to Bourne Crescent (New South Promenade), Wimbourne Place and the back street between Burlington Road West and Harrowside West shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall then be erected and shall thereafter be retained.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

14. No development approved by this permission shall be commenced until details of the finished floor levels of the proposed building and any alterations to existing land levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the



approved levels unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy CS7 of the Blackpool Local Plan: Part 1 - Core Strategy and Policies LQ1, LQ2, LQ4 and BH3 of the Blackpool Local Plan 2001-2016.

15. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with paragraphs 103 and 109 of the National Planning Policy Framework, Policy CS9 of the Blackpool Local Plan: Part 1 - Core Strategy and Policy BH4 of the Blackpool Local Plan 2001-2016.

16. All glazing to the eastern elevation of the two projecting rear wings of the building facing the rear boundaries of properties fronting Clifton Drive shall be at all times obscure glazed and fixed permanently closed.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

17. All windows to the elevations of the building shall be recessed behind the plane of the elevation in accordance with details to be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the locality, in accordance with Policy LQ4 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

18. Before the development is commenced a lighting/security scheme for the car parking area and the back street at the rear of the building shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented as part of the development and shall be retained as such.

Reason: To safeguard the living conditions of the occupants of the neighbouring premises, in accordance with Policies BH3 and LQ4 of the Blackpool Local Plan 2001-

2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

19. Prior to the development hereby approved being first brought into use the delivery bay on the frontage of the site shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

20. Prior to the development hereby approved being first brought into use the widened pavement to the Wimbourne Place frontage of the site shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway/pedestrian safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1 : Core Strategy 2012-2027.

21. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The numbers, type and location of the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To secure the provision of affordable housing in accordance with Policy CS14 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting</b>	13 June 2017

## PLANNING/ENFORCEMENT APPEALS DETERMINED/ LODGED

### 1.0 Purpose of the report:

1.1 The Committee is requested to note the planning and enforcement appeals lodged and determined.

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of planning appeals for information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, the report is for information only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool'

## **5.0 Background Information**

### **5.1 Planning/Enforcement Appeals Determined**

#### **5.2 1 St. Lukes Road, Blackpool FY4 2EL (16/0474)**

5.2.1 An Appeal by Mr. Smith against the decision of the Council to refuse planning permission for the erection of an extension at second floor level on top of the roof.  
**APPEAL ALLOWED**

5.2.2 The main issues are the effect of the proposal on the character and appearance of the area; and the living conditions of the occupants of 512 Lytham Road, with regards to privacy.

5.2.3 The Inspector concluded that the proposals would represent a high quality design as it would respond to the site's character and appearance and the street scenes of St. Lukes Road and Lytham Road; and it would not result in an adverse loss of privacy to the occupants of 512 Lytham Road due to the obscure glazed flank elevation windows and the heavy screening of the rear garden by their garage and rear extension.

5.2.4 A copy of the Inspector's decision dated 28 April 2017 is attached as Appendix 3a.

#### **5.3 Sainsbury's, 80 Red Bank Road, Blackpool FY2 9HH (16/0730)**

5.3.1 An appeal by Sainsbury's Supermarkets Ltd against the decision of the Council to refuse advertisement consent for the display of 1 internally illuminated high level fascia sign and one non illuminated aluminium panel. **APPEAL ALLOWED.**

5.3.2 The main issues are the effects of the proposal on the character and appearance of the host building and its surroundings.

5.3.3 The Inspector concluded that the proposals would not be detrimental to the interests of amenity and public safety and cause no significant harm to amenity in terms of their effects on the character and appearance of the host building and its surroundings.

5.3.4 A copy of the Inspector's decision dated 4 May 2017 is attached as Appendix 3b.

### **5.5 Planning/Enforcement Appeals Lodged**

5.5.1 None

**5.9 List of Appendices:**

- 5.9.1 Appendix 3a - A copy of the Inspector's decision dated 28 April 2017
- Appendix 3b - A copy of the Inspector's decision dated 4 May 2017

**6.0 Legal considerations:**

- 6.1 None

**7.0 Human Resources considerations:**

- 7.1 None

**8.0 Equalities considerations:**

- 8.1 None

**9.0 Financial considerations:**

- 9.1 None

**10.0 Risk management considerations:**

- 10.1 None

**11.0 Ethical considerations:**

- 11.1 None

**12.0 Internal/ External Consultation undertaken:**

- 12.1 None

**13.0 Background papers:**

- 13.1 None

This page is intentionally left blank

---

# Appeal Decision

Site visit made on 25 April 2017

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 April 2017**

---

## **Appeal Ref: APP/J2373/W/17/3168122**

### **1 St Lukes Road, Blackpool FY4 2EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Smith against the decision of Blackpool Borough Council.
  - The application Ref 16/0474, dated 28 July 2016, was refused by notice dated 4 November 2016.
  - The development proposed is the erection of extension at second floor level on top of the roof.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for the erection of extension at second floor level on top of the roof at 1 St Lukes Road, Blackpool FY4 2EL in accordance with the terms of the application, Ref 16/0474, dated 28 July 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B/17/34/01 and Site Location Plan.

## **Procedural Matters**

2. The appeal process should not be used to evolve a scheme and a fresh planning application should normally be made. However plan Ref: B/17/34/01 which was lodged with the appeal amends the layout of the existing garage that is next to 512 Lytham Road. As it does not change the proposed development considered by the Council and residents, I have judged this appeal on the basis of plan Ref: B/17/34/01.
3. I note an alternative description of development is found on the appellant's appeal form to that on the application form. I consider this better reflects the proposed development. As such, I have used this at the top of this decision.

## **Main Issues**

4. The main issues are the effect of the proposal on: (i) the character and appearance of the area; and (ii) the living conditions of the occupants of No 512, with regards to privacy.

## Reasons

### *Character and appearance*

5. The appeal site is on the corner of Lytham Road and St Lukes Road. Properties in Lytham Road are of various scale, massing and design. They use a mixture of brick and render with slate or tile roofs. With the exception of 510 and 512 Lytham Road, which are dormer bungalows, properties are either two or three storey high. Dwellings in St Lukes Road are generally two storey semi-detached properties and are of a consistent design and style, in that they use hipped roofs, with a central chimney, two storey bay windows to the front elevation and are constructed in red brick with a slate roof.
6. The appeal property is distinct, with its flat roof construction that is screened behind a parapet wall. The property addresses both Lytham Road and St Lukes Road and is two storey high. Although its scale is marginally greater than Nos 510 and 512, the properties scale and massing is broadly consistent with nearby properties. Two storey bay windows face Lytham Road behind a single storey conservatory.
7. Paragraph 56 of the National Planning Policy Framework (the Framework) explains that *the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*
8. The proposed flat roof design is not typical of the roof forms found in Lytham Road or St Lukes Road. However the existing property isn't either and the style of the appeal scheme is fitting for this unique building. While, the site is prominently located on a corner and on a busy road into the town centre, the proposal would be set in from each elevation, especially from Lytham Road. Furthermore the property is set back from St Lukes Road and Lytham Road and the extension would be partially screened by the existing parapet wall. As a result, I consider the proposal, even with its flat roof design would not appear to be unduly bulky. The proposal would also be an effective use of the existing building, by providing a private study and lounge for the occupants in a location close to public transport and the Highfield Road District Centre.
9. The Planning Practice Guidance<sup>1</sup> advises that *materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony.* Matching bricks and a stone capped parapet wall would be used; both would be consistent with the existing property and nearby dwellings on the northern side of St Lukes Road. They would reinforce local distinctiveness. While large grey aluminium glazed doors would be used in the Lytham Road elevation that would differ to the property's linear bay windows, I consider that they would not unduly affect the extension's harmony, given that they would be, in part, obscured from view. Accordingly, I consider the proposal would represent a high quality design as it would respond to the site's character and appearance and the street scenes of St Lukes Road and Lytham Road.

---

<sup>1</sup> Planning Practice Guidance Paragraph: 023 Reference ID: 26-023-20140306 and Paragraph: 028 Reference ID: 26-028-20140306



10. For these reasons, I conclude on this issue that the proposal would comply with Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) (Core Strategy); saved Policies LQ1, LQ4 and LQ14 of the Blackpool Local Plan 2001/2016 (Local Plan) and paragraphs 17 and 56 to 65 of the Framework. These together seek, among other things, high quality design of an appropriate scale and massing that use complementary materials so that they make a positive contribution to the surrounding environment.

*Living conditions*

11. The adjacent dwelling, No 512 has pitched roof dormer windows in the front and rear roof planes. There are also four obscure glazed windows facing the appeal site together with a door. These openings abut a paved drive way which extends down the flank elevation of No 512 to a single storey pitched roof garage to the rear. A single storey extension adjoins the pitched roof garage and the rear elevation of No 512, thereby enclosing the rear garden.
12. I understand revisions have been made since the refusal of an earlier planning permission. Even so, access to the roof was obtainable by a ladder. Although this is not a typical staircase, it does facilitate access onto the roof which at the time of my visit did have a table and chairs on it. Still, it is unclear to what extent the roof may or may not be used as a terrace by the occupants' and guests of the bed and breakfast accommodation.
13. The proposed glazed doors would face Lytham Road. Thus, views from the proposed extension would be to properties opposite and not No 512. The former are a considerable distance away. While occupants' could use the external part of the roof, the extension would be sited roughly 0.8 metres from the parapet wall nearest No 512 that is approximately 1 metre above the roof. As a result, the parapet wall would screen part of the extension's massing. It would not therefore appear to be overbearing. Also, despite the proposal's elevated position, siting, massing and design, I do not consider that it would result in an adverse loss of privacy to the occupants' of No 512. This is due to the obscure glazed flank elevation windows and the heavy screening of No 512's rear garden afforded by their garage and rear extension.
14. Accordingly, I conclude on this issue that the proposal would comply with Core Strategy Policy CS7, saved Local Plan Policies LQ14 and BH3 together with paragraph 17 of the Framework. Collectively these seek, among other things, to ensure that the scale, design and siting of the proposed development does not adversely affect adjoining properties to secure a good standard of amenity for all existing and future occupants of land and buildings.

**Conclusion and Conditions**

15. I have had regard to the Council's suggested conditions and the appellant's comments. A condition regarding the approved plans is necessary in the interests of certainty. I have not imposed the condition about the glazing in the proposal's west elevation, as it would not be necessary, relevant to the development to be permitted or reasonable, given my findings.
16. For the reasons set out above, I conclude that the appeal should succeed.

*Andrew McGlone*

INSPECTOR

This page is intentionally left blank

## Appeal Decision

Site visit made on 24 April 2017

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 May 2017

---

**Appeal Ref: APP/J2373/Z/17/3168899**

**80 Red Bank Road, Blackpool FY2 9HH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Sainsbury's Supermarkets Ltd against the decision of Blackpool Borough Council.
  - The application Ref 16/0730, dated 27 October 2016, was refused by notice dated 12 December 2016.
  - The advertisements proposed are 1x new aluminium fascia and 1x new aluminium panel sign.
- 

### Decision

1. The appeal is allowed and express consent is granted for the display of 1x new aluminium fascia and 1x new aluminium panel sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### Procedural Matters

2. This appeal follows the Council's split decision on an application for express consent for a range of advertisements at the premises. Express consent was granted for all the signs except for two – as listed in the banner heading above – and I have only considered those signs in this decision. Accordingly, the proposed signs that are the subject of this appeal are the new aluminium panel annotated as 'Sign D'<sup>1</sup>, and the aluminium fascia annotated as 'Sign E'<sup>2</sup>. I have used the terms 'Sign D' and 'Sign E' to refer to the proposed advertisements throughout this decision letter.
3. At my site visit, I saw that there were signs of similar designs and proportions in the positions indicated on the relevant plans. However, these signs included additional text which indicated that they were of a temporary nature. Due to this, I assessed those signs as merely indicative of the placement and proportions of the signs as applied for.

### Main Issues

4. I note that the Council raises no objection to the proposed signs in terms of public safety. Thus it follows that the main issues in this appeal are the effects

---

<sup>1</sup> On drawing 'Job no 121098/A3'

<sup>2</sup> On drawing 'Job no 121098/A4'

of the proposed signs on amenity, in terms of their effects on the character and appearance of the host building and its surroundings.

## Reasons

5. Set in a broadly commercial area, the appeal building is a supermarket of substantial size. To Red Bank Road the building presents a tall and largely blank brick wall, the starkness of which is relieved to some extent by the regularly spaced columns along its length, and a horizontal brick band, of a similar depth to these columns atop the wall whereon is fixed, close to the corner with Oldfield Avenue, the orange raised lettering of the Sainsbury's sign. One of the entrances to the appeal property is accessed directly from the car park, and has a glazed entrance porch fringed by corporate and other signs. Backs of houses and the boundary of the adjacent bowling green surround the car-park to a large extent.
6. Sign D would be placed under the Sainsbury's lettering on the Red Bank Road elevation of its host building, atop and astride one of the columnar brick forms that punctuate the wall. It would be a white oblong with green lettering and logo, which would be picked out with LEDs. Sign E would be placed at the corner of the brick wall of the entrance facing the car-park. It would have an overall height, according to the drawings of around 2.5m and a width of just over a metre, again in white with green lettering and logo, but without illumination. Sign E would mirror an identical panel on the other corner of this elevation of the building.
7. In the context of the large scale and presence of the brick wall to which it would be affixed, Sign D would be of a very limited scale, and not appear as a dominant element. Whilst I note that Sign D would not be at fascia level, due to its limited scale its siting, whilst straddling the top of one of the brick columns would not interrupt the rhythm of this element of the building, or interfere unduly with the wall's architectural composition. Moreover, as the Red Bank Road elevation of the building is amongst others of a strongly commercial character with a variety of signs employed, Sign D would not look incongruous in terms of the wider streetscene. Sign D's discreet scale, sensitive placement in the context of both the wall and the existing more dominant Sainsbury's sign, and the general blankness and relative lack of signage along this elevation mean that the proposed advertisement would not impart a cluttered appearance. These considerations, taken together lead me to the view that Sign D would thus avoid harm the character and appearance of the host building and its surroundings.
8. I saw that the elevation to which Sign E would be affixed already has a plethora of signs both on it and in front of it. Within this context Sign E would undoubtedly add to the rather cluttered appearance of this elevation. However, it would do so in the context of the car-park for the store which is an area with a great deal of signs of varying types. Furthermore, I saw that signs were affixed to the boundary of the bowling green that abuts the car park. I saw also that public views of Sign E would be restricted, in the main, to people using and approaching the store from the car-park. Moreover, the photo of the existing elevation<sup>3</sup> shows pre-existing signage, although of a smaller scale in a similar location to that proposed for Sign E. Taking these matters together, I consider that Sign E, whilst increasing clutter to a limited extent on the

---

<sup>3</sup> On Plan 'Job no 121098/A3'

elevation to which it would be affixed, would not do so to a degree that would cause significant harm to the character and appearance of its host building or surroundings. As a consequence, I consider that Sign E would avoid harm to the amenity of the area. Whilst I note that the Council questions the necessity of Sign E, this matter does not alter my conclusions in respect to the lack of harm it would cause in amenity terms.

9. The proposed advertisements would thus cause no significant harm to amenity, in terms of their effects on the character and appearance of the host building and its surroundings. As a consequence they would not conflict with Policies LQ1 and LQ3 of the Blackpool Local Plan (adopted June 2006); or Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy (adopted January 2016); or the National Planning Policy Framework insofar as they are relevant to amenity considerations regarding advertisements. Taken together, and amongst other things, these policies seek to ensure that advertisements avoid unacceptable effects by reason of visual intrusion and do not detract from the appearance of buildings or the wider streetscene.

### **Conclusion**

10. No additional conditions, over and above the five standard ones set out in the Regulations, have been suggested by the Council.
11. Thus for the reasons given above, and having regard to all other matters raised, I conclude that the display of the advertisements would not be detrimental to the interests of amenity and public safety, and accordingly the appeal should succeed.

*G J Fort*

INSPECTOR

This page is intentionally left blank

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan (Service Manager, Public Protection)
<b>Date of Meeting:</b>	13 June 2017

## PLANNING ENFORCEMENT UPDATE

### 1.0 Purpose of the report:

1.1 The Committee is requested to consider the summary of planning enforcement activity within Blackpool, during April 2017.

### 2.0 Recommendation(s):

2.1 To note the outcomes of the cases set out below and to support the actions of the Service Manager, Public Protection Department, in authorising the notices set out below.

### 3.0 Reasons for recommendation(s):

3.1 The Committee is provided with a summary of planning enforcement activity for its information.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not applicable. The report is for noting only.

### 4.0 Council Priority:

4.1 The relevant Council Priority is 'The Economy: maximising growth and opportunity across Blackpool.'

## 5.0 Background Information

### 5.1 Cases

#### 5.1.1 New cases

In total, 45 new cases were registered for investigation, compared to 59 received in April 2016.

#### 5.1.2 Resolved cases

In April 2017, 14 cases were resolved by negotiation without recourse to formal action, compared with 24 in April 2016.

#### 5.1.3 Closed cases

In total, 18 cases were closed during the month (27 in April 2016). These cases include those where there was no breach of planning control found, no action was appropriate (e.g. due to more effective action by other agencies, such as the police) or where it was considered not expedient to take action, such as due to the insignificant nature of the breach.

#### 5.1.4 Formal enforcement notices / s215 notices / BCNs

- No enforcement notices authorised in April 2017 (none in April 2016);
- No s215 notice authorised in April 2017 (one in April 2016);
- No Breach of Condition notices authorised in April 2017 (none in April 2016)
  
- No enforcement notices served in April 2017 (two in April 2016);
- No s215 notices served in April 2017 (three in April 2016);
- No Breach of Condition notices served in April 2017 (none in April 2016);
- One Community Protection notice served in April 2017.

relating to those cases set out in the table below.

#### Enforcement notices / S215 / CPNs notices served in April 2016

Ref	Address	Case	Dates
16/8095	22-24 Lytham Road	Poor condition	Community Protection Notice issued 13/04/2017. Compliance due 13/10/2017

Does the information submitted include any exempt information?

No



**5.2 List of Appendices:**

5.2.1 None

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

This page is intentionally left blank

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Gary Johnston, Head of Development Management
<b>Date of Meeting:</b>	13 June 2017

## PLANNING APPLICATIONS AND APPEALS PERFORMANCE

### 1.0 Purpose of the report:

1.1 To update Members of the Planning Committee of the Council's performance in relation to Government targets.

### 2.0 Recommendation(s):

2.1 To note the report.

### 3.0 Reasons for recommendation(s):

3.1 To provide the Committee with a summary of current performance.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? No

3.3 Other alternative options to be considered:

None, the report is for information only,

### 4.0 Council Priority:

4.1 The relevant Council Priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

### 5.0 Background Information

5.1 Members of the Planning Committee will be aware that the Government has set

targets for the determination of major and minor category planning applications and major and minor category appeals. These are speed and quality of decision targets and are currently –

**Speed of major development decisions** – 60% within 13 weeks or an agreed Extension of Time – for the period October 2015 to September 2017.

**Speed of minor development decisions** – 70% within 8 weeks or an agreed Extension of Time – for the period October 2015 to September 2017.

**Quality of major development decisions** – Loss of more than 10% of appeals – for the period April 2015 – March 2017.

**Quality of non-major development decisions** – Loss of more than 10% of appeals – for the period April 2015 – March 2017.

5.2 Figures are submitted quarterly to the Department of Communities and Local Government.

5.3 Performance up to April 2017 is detailed below.

	<b>Government Target</b>	<b>Performance Apr 2017</b>	<b>Performance Jan-Mar 2017</b>
<b>Major development decisions</b>	>60%	67%	100%
<b>Minor development decisions</b>	>70%	100%	86%
<b>Quality of major development decisions</b>	>10%	n/a	n/a
<b>Quality of non major development decisions</b>	> 10%	One appeal allowed	No appeals allowed

Does the information submitted include any exempt information? No

5.4 **List of Appendices**

5.4.1 None

6.0 **Legal considerations:**

6.1 None

7.0 **Human Resources considerations:**

7.1 Performance is influenced by staffing numbers, sickness and leave.

8.0 **Equalities considerations:**

8.1 None

9.0 **Financial considerations:**

9.1 Poor performance puts the Council at risk of designation and the potential for loss of fee income.

10.0 **Risk management considerations:**

10.1 Under resourcing the service could lead to inability to respond to peaks in workload.

11.0 **Ethical considerations:**

11.1 None

12.0 **Internal/ External Consultation undertaken:**

12.1 Not applicable

13.0 **Background Papers**

13.1 None

This page is intentionally left blank

**COMMITTEE DATE:** [13/06/2017](#)

**Application Reference:** 17/0011

WARD: Marton  
DATE REGISTERED: 12/01/17  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: Rontec Service Stations 1A Limited

**PROPOSAL:** Erection of single storey building to form drive through coffee shop to rear of existing petrol filling station utilising existing access and egress, with associated landscaping, bin and cycle stores and parking for 25 cars, following demolition of existing residential caravan park.

**LOCATION:** WINDMILL SERVICE STATION, PRESTON NEW ROAD, BLACKPOOL, FY4 4XQ

---

**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Mr M Shaw

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool.

## **SUMMARY OF RECOMMENDATION**

This application is one of two identical planning applications, one submitted to Blackpool and the second to Fylde Borough Council, given that the Esso petrol filling station with its associated access and egress points from Preston New Road is within Blackpool and the Windmill Caravan Park directly to the rear is within Fylde Borough. Whilst, understandably, a number of the residents of the Caravan Park are upset by the prospect of being displaced by the proposed development this is a civil legal dispute involving the landowners, the former lessees of the land and the residents of the site. It is understood the lease of the site expired in January 2016 and there is an on-going legal dispute to resolve this matter. Whilst this is obviously a distressing situation for the occupants of Windmill Caravan Park, Members have to consider whether this is an appropriate land use in this location having regard to the Policies of the Local Plan.

The application has been amended to address concerns expressed by the Head of Highways and Traffic Management relating to access into the site and the circulation of traffic within

the site and also to add to the boundary landscaping. Given that there are now no highways objections and given that the principle of development is acceptable, the application is recommended for approval.

### **SITE DESCRIPTION**

This application relates to an existing petrol filling station with associated 90 sqm kiosk/shop and car wash located on the east side of Preston New Road in close proximity to Junction 4 of the M55. Directly to the rear of the site is Windmill Caravan Park which has a shared access/egress with the exit from the petrol filling station site. Whyndyke Farm also immediately bounds the site to the east, north and south, and an access/egress point to Whyndyke Farm is also immediately adjacent the application site. Whyndyke Farm has a Planning Committee resolution to grant outline planning permission from both Blackpool and Fylde Councils for a maximum of 1,400 dwellings and up to 20 hectares of Class B2 and B8 general industrial and warehouse development with associated education, retail, health and public open space provision subject to the finalisation of a Section 106 Agreement. Whyndyke Farm comprises approximately 90 hectares of land and an area of the Farm close to Preston New Road and close to the petrol filling station is used at present for car boot sales and is approximately 90% in Fylde and 10% within Blackpool.

A planning application within the existing petrol filling station site on the site of the jet wash for the erection of a single storey retail unit (Use Class A1) with associated parking for six cars reference: 15/0046 was refused in 2015 for the following reason:-

*The proposed development would be significantly detrimental to highway safety by virtue of the close proximity of the proposed building to the site access and the potential for vehicle conflicts within the site and on the public highway. The proposed development may also result in vehicles backing out onto Preston New Road which combined with the road layout, vehicle speeds and the volumes of traffic on Preston New Road within the vicinity of the application site and proximity of the site to the vehicle access to Whyndyke Farm and Junction 4 of the M55 Motorway, would be detrimental to highway safety and the free flow of traffic. The proposed development would therefore be contrary to Policy AS1 of the Blackpool Local Plan 2001 - 2016 and paragraphs 14, 17 and 32 of the National Planning Policy Framework.*

The application site and its immediate surroundings are designated as a countryside area within the Blackpool Local Plan 2001-2016 and the Fylde Local Plan.

### **DETAILS OF PROPOSAL**

The proposal is for the erection of a 167 sqm single storey detached building to form a drive through coffee shop (Class A1/ A3 use) to the rear of the Windmill Service Station on the site of the existing Windmill Caravan Park. The proposal will utilise the existing access and egress points serving the petrol filling station and in addition to providing a drive through facility the proposal will also provide seating within the coffee shop and 25 car parking spaces and also provides parking for motorbikes and cycles. Amended plans have been received to address comments relating to highway safety, the circulation of traffic and



landscaping within the site. An internal layout plan of the proposed coffee shop is awaited at the time of writing this report.

The application is accompanied by a Design and Access Statement, Transport Assessment and a Planning Statement.

### **MAIN PLANNING ISSUES**

- Principle of Development
- Impact on Residential and Visual Amenity
- Highway Safety, Parking and Servicing Arrangements
- Loss of Existing Mobile Home Dwellings

These issues will be discussed in the assessment section of this report.

### **CONSULTATIONS**

**Head of Highways and Traffic Management:** objected to the first submitted amendments to the application as follows:-

I continue to maintain my objection and would recommend refusal to this proposal due to poor pedestrian connectivity to the site. Problems currently exist with traffic movements in this area which has been observed by officers within the team. The proposal could cause harm and be detrimental to highway safety. Should the Committee be minded to support this proposal and grant permission, the following off-site highway works must be conditioned to mitigate the impact.

1. Full pedestrian crossing facilities at the traffic signal junction of Preston New Road/Clifton Road.
2. Closure of the existing right – turn pocket on Preston New Road, including the removal of the deceleration lane.
3. Creation of a new right-turn pocket (opposite the north access with the construction of a deceleration lane and the new right-turn pocket to be incorporated into the traffic signal junction, ensuring traffic requiring access to the Petrol Filling Station/Coffee shop/Wyndyke Farm site is controlled and managed by the traffic signals).
4. A one-way system into the site, with entry from the north access point and exit via the south access point.

**Further amended details have been received and an up-date regarding further Highway comments will be given prior to the meeting.**

**Service Manager Public Protection:** No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**Waste Services Manager:** No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**Contaminated Land Officer:** No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

**Fylde Borough Council:** No representations have been received at the time of preparing this report. Any comments that are received before the Committee meeting will be reported in the Update Note.

### **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 24 January 2017

Neighbours notified: 18 January 2017

14 letters of objection have been received from 2, 3 (as Secretary of the Windmill Park Residents Association), 5 and 8 Windmill Caravan Park and Ainsdale Avenue, Blackpool and Meadow Rise, Lincoln on the following grounds:-

- It is strange given that permission has been granted for 1400 houses on the land to the rear that you would consider making pensioners homeless. At least five residents would be in need of social care if their homes were lost to this proposal.
- Residents did not object to the Whyndyke Farm proposal as they would be part of a community with all its amenities and safeguards.
- There is not a need for Costa Coffee as there is already an outlet in the refurbished shop and there are plenty of other food and drink outlets nearby. Question- coffee or 12 aged people made homeless?
- The objection on behalf of the Residents Association is accompanied by a large number of annotated photos to illustrate concerns regarding vehicle congestion and potential traffic hazards in and around the petrol filling station.
- One resident is disabled and bought a home here because it gave them freedom to move around and was affordable.
- In 2015 an application for a Subway store was refused on traffic grounds. This proposal provides 26 parking spaces and will involve even more traffic generation exiting onto a very fast and dangerous road. Car boot sales on Whyndyke Farm also cause traffic problems on Sundays. If the proposal is approved these problems would be seven days a week.
- The proposed exit to the drive through is hazardous as the mobile home site uses this as its only entrance and exit. There is a history of accidents even before Preston New Road is reached.
- One objection has been submitted on behalf of his brother who lives in No 12 and has dementia. If this plan is passed he will have no home and he has no family in Blackpool. Will Blackpool and Fylde Councils contribute towards a new home if this is passed?

- Many elderly people have owned and lived in their properties on this site for many years and have spent tens of thousands of pounds. The fact that elderly residents are able to live in their own homes greatly assists their physical and mental health.
- For these elderly residents to be faced with the destruction of their homes at this time of their lives is a despicable way for anyone to be treated.
- These homes are owned by the residents not by Rontec or any other company.
- It is understood that the demolition of private property will not be taken into account. If the application is not refused a legal action case will be instigated.

**Mark Menzies, then MP for Fylde** has written in on behalf of Windmill Caravan Park residents objecting to the application on the following grounds:-

- First and foremost the application is forcing the residents of some 12 permanent addresses out. These caravans are residential and represent affordable owner/ occupier homes. Planning policies require us to generate homes not demolish them and some of the residents are disabled.
- Perhaps not a planning issue but a human one, I am concerned about the amount of notice being given to residents. There is a residents association but also a leasehold organisation between them and the owners of the land, Rontec. Information has not been percolating through to the residents from Rontec.
- There appears to be a very messy legal situation and pending legal proceedings between the leasehold company and Rontec.
- I firmly support the objection put together by the Windmill Park Residents Association.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) was published on 27 March 2012. The NPPF states that the purpose of the planning system is to contribute towards sustainable development. There are three strands to sustainable development namely economic, social and environmental. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It contains 12 core planning principles including:-

1- 'building a strong, competitive economy'- .....ensure the planning system does everything it can to support sustainable economic growth.

7- 'requiring good design'.....good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016.

The policies in the Core Strategy that are most relevant to this application are -

CS1 - strategic location for development

CS7 - quality of design

CS10 - sustainable design

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

LQ1 Lifting the Quality of Design

LQ2 Site Context

LQ4 Building Design

BH3 Residential and Visitor Amenity

BH4 Public Health and Safety

BH17 Restaurants, Cafes, Public Houses, Hot Food Take Aways

NE2 Countryside Areas

AS1 General Development Requirements

### **ASSESSMENT**

**Principle of Development-** the proposal involves the extension of an existing petrol filling station with a drive through coffee shop to the rear on the existing Windmill Park caravan park (see below for comments on the loss of the mobile homes). The principle of extending the facilities on offer at the petrol filling station is accepted, and is commonplace with many similar facilities providing retail, food and drink facilities, for customers who may or may not be also buying fuel. In this context it is not felt to be in conflict with Policy BH17 of the Local Plan. This however is subject to the details of the application being considered acceptable.

A previous planning application reference: 15/0046 for a Subway store within the curtilage of the existing petrol filling station was refused on highway safety grounds therefore the details of this current application have to address why, on highway safety grounds, this application is considered acceptable.

Whilst the facility is out of centre and within an area designated as countryside in the two respective local plans it is not considered that a refusal can be justified on planning policy grounds. Firstly, given that the application site is surrounded by the 90 hectare Whyndyke Farm approved mixed use development and, secondly, the application is a brownfield site and a significant number of petrol filling stations now increasingly include convenience stores and freestanding food and drink outlets as part of the customer offer.

**Impact on Residential and Visual Amenity-** the proposal has a typical fairly functional appearance which would be positioned behind the existing petrol filling station and would

not extend beyond the footprint of the Caravan Park. The surrounding Whyndyke Farm has outline planning permission, subject to the signing of the Section 106 Agreement, for a maximum of 1400 dwellings and 20 hectares of general industrial and warehouse development. Therefore the visual impact of the proposed development is considered acceptable. In terms of the impact on residential amenity there are no dwellings adjacent the application site which would be adversely affected by the proposal.

**Highway Safety, Parking and Servicing Arrangements-** discussions have been on-going between officers and the applicant's agent and highways consultant regarding highway and pedestrian safety, traffic flows to and from the site and also through the site. A number of amendments and improvements have been made which are under consideration and a final update will be given prior to the meeting. The proposed coffee shop is located to the rear of the petrol filling station with 25 car parking spaces unlike the previously refused Subway application reference: 15/0046 which was close to the site access and provided only six car parking spaces. Therefore the current proposal can be readily distinguished from the previous refusal.

**Loss of Existing Mobile Home Dwellings-** a number of objections have been received relating to the loss of the existing residential Caravan Park which comprises 12 mobile homes. It is understood that the lease on the site expired in January 2016 and the site owners are seeking to take re-possession of the site in order to allow the development to proceed, subject to planning permission. Whilst this situation is inevitably causing the residents and their families some distress, this is a private legal matter between the site owners, the former lessees and the existing residents. It is a common occurrence for a planning application to involve the redevelopment and/or conversion of a site/ building(s) whereby existing residents are displaced. The granting of a planning permission does not prejudice or override any residency, tenancy or compensation rights that may apply should the applicant wish to implement any planning permission.

## **CONCLUSION**

In land use terms the proposal is considered acceptable. The erection of a drive through coffee shop behind an existing petrol filling station close to Junction 4 of the M55 surrounded to the sides and rear by the proposed Whyndyke Farm 90 hectare mixed use development is in accordance with the relevant local and national planning policies, subject to the final confirmation from the Head of Highways and Traffic Management that the further amendments and details provided satisfactorily address the highways objections that were raised in connection with the original submission.

## **LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

None

## **FINANCIAL BENEFITS**

None

## **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

## **BACKGROUND PAPERS**

Planning Application Files 17/0011 and 15/0046 which can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

### **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 12th January 2017.

Drawings numbered;  
161109-PLNG-12a  
161109-PLNG-13  
161109-PLNG-14  
161109-PLNG-15  
SY16-136-12-01 Rev B

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. Prior to the development hereby approved being first brought into use the refuse storage provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants and neighbours, in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. a) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed changes to existing ground levels, means of enclosure and boundary treatment, areas of soft landscaping, hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

b) The landscaping works shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason. To ensure the site is satisfactorily landscaped in the interests of visual amenity and to ensure there are adequate areas of soft landscaping to act as a soakaway during times of heavy rainfall with regards to Policy LQ6 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. Prior to the development hereby approved being first brought into use the access/ egress works, car, motorcycle and cycle parking provision shown on the approved plans shall be provided and shall thereafter be retained.

Reason: In the interests of the appearance of the locality and highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

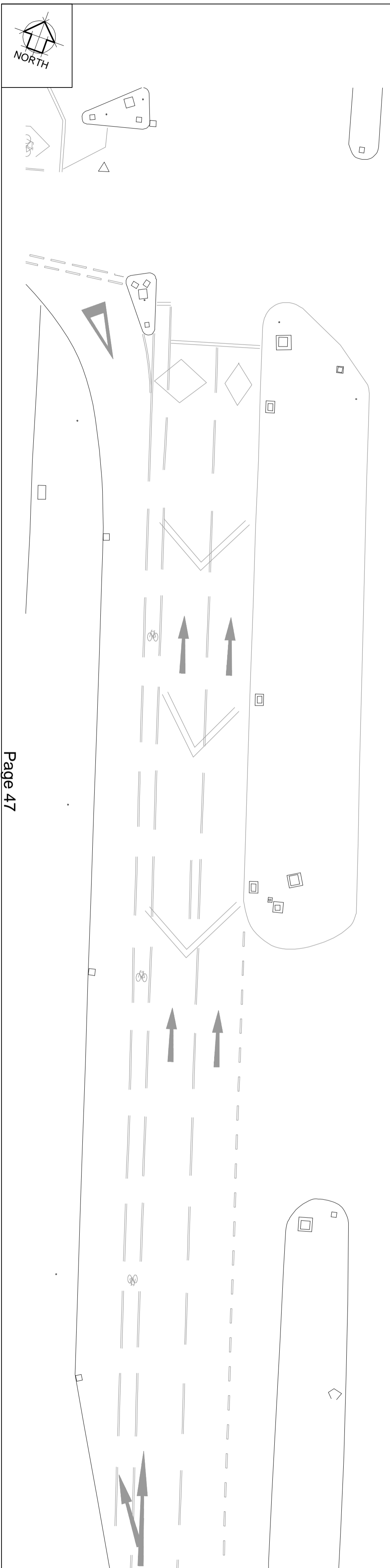
6. The premises approved as part of this application shall be used for a drive through coffee shop as described in the application and for no other purpose (including any other purpose within Class A1 and/or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

Reason: To enable the Local Planning Authorities to maintain control over potential alternative use(s) which may generate additional levels of traffic requiring further assessment in the interests of highway safety, in accordance with Policies LQ1 and AS1 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

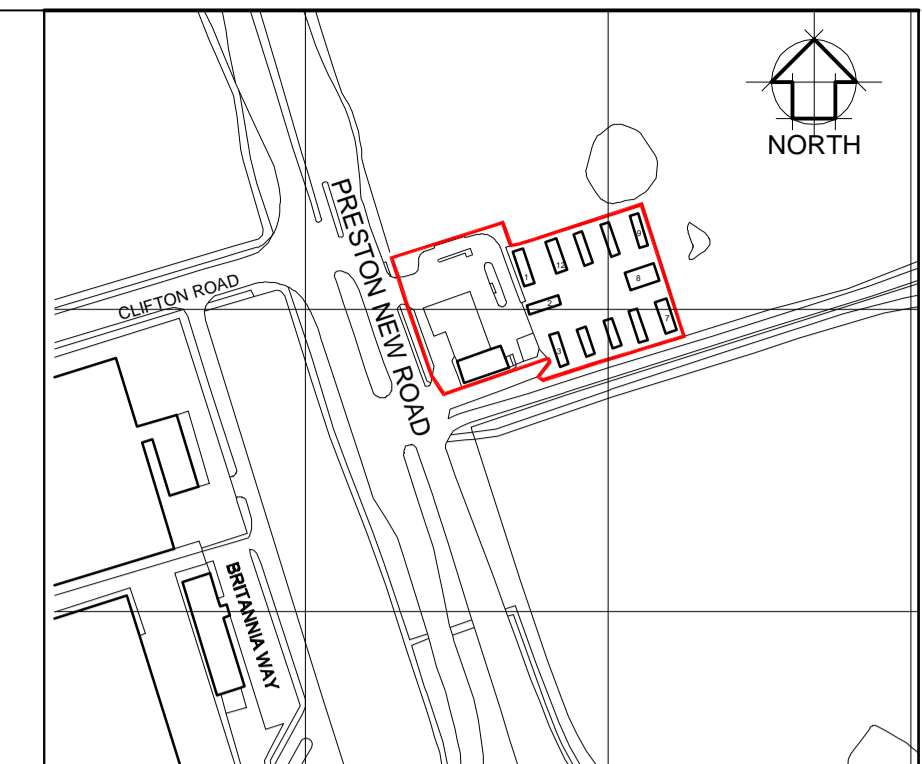
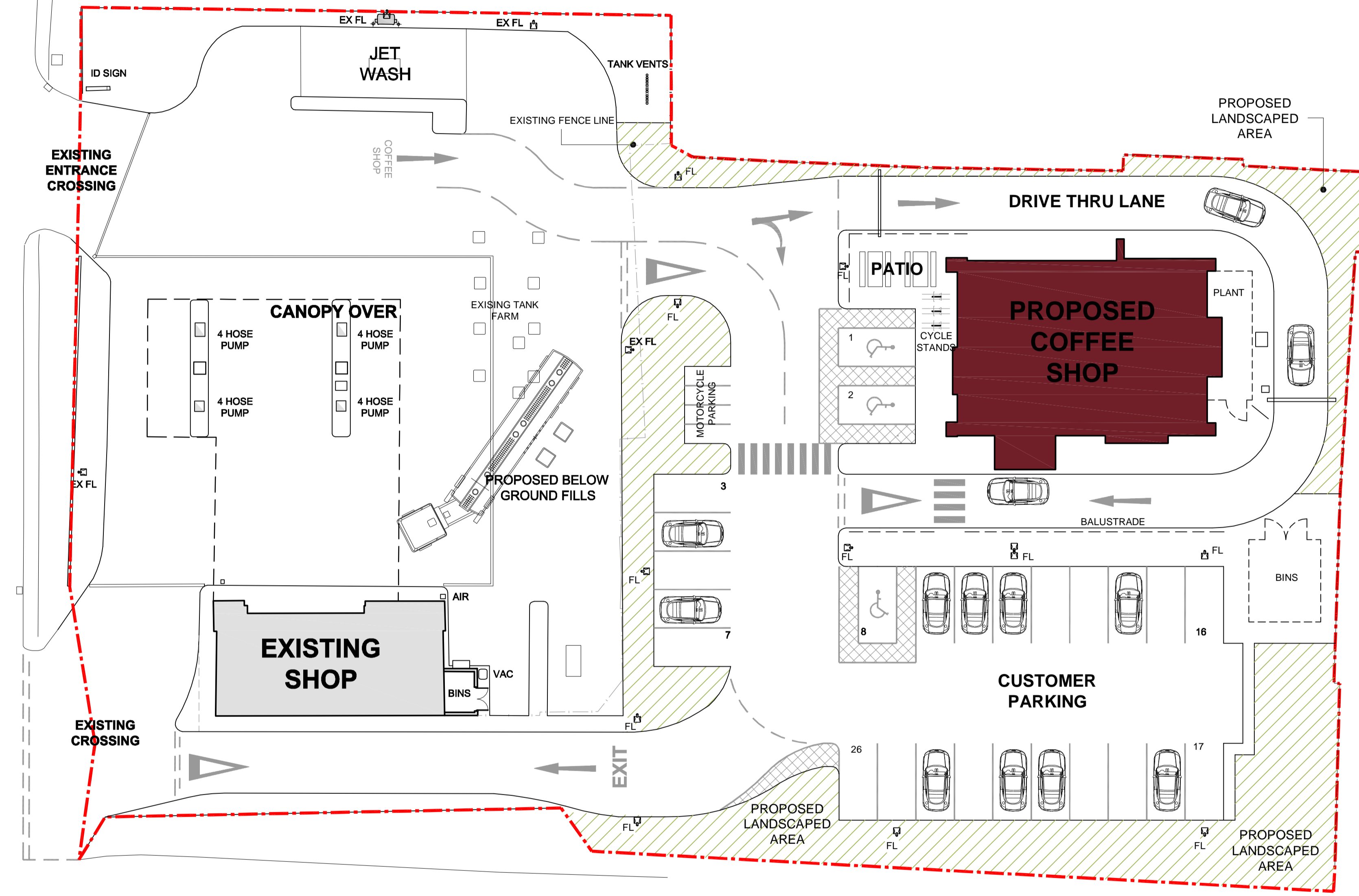
#### **Advice Notes to Developer**

1. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.





PRESTON NEW ROAD



SITE LOCATION PLAN SCALE - 1:2500 @ A1

- GENERAL NOTES**
- This drawing has been prepared for the sole purpose of obtaining planning permission.
  - This drawing is to be read in conjunction with drawings numbered:  
 161109 - PLNG - 10 - Layout as Existing  
 161109 - PLNG - 11 - Existing Elevations  
 161109 - PLNG - 12 - Proposed Layout  
 161109 - PLNG - 13 - Proposed Elevations  
 161109 - PLNG - 14 - Proposed Building Elevations  
 161109 - PLNG - 15 - Proposed Building Elevations
  - Any advertisements are indicative and are subject to a separate advertisement application

SCHEDULE OF AREAS	
Site Area - Red Line Boundary	0.4 Hectares / 1.0 Acres
Petrol Station Shop - Existing GIA	90m <sup>2</sup> / 970ft <sup>2</sup>
Proposed Coffee Shop Drive Thru GIA	167m <sup>2</sup> / 1800ft <sup>2</sup>
Proposed Car Parking	26 Spaces

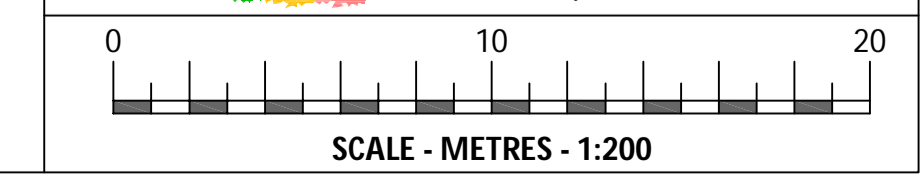
Rev	Date	Comments
A	11/01/17	Drawing revised to suit ADL Highways tacking drawing.
<b>STATUS</b>		<b>PLANNING DRAWING</b>
<b>PROPOSAL</b>		NEW DRIVE THRU COFFEE SHOP
<b>SITE LOCATION</b>		WINDMILL SERVICE STATION PRESTON NEW ROAD, BLACKPOOL LANCASHIRE, FY4 4XQ
<b>TITLE</b>		PROPOSED LAYOUT
<b>CLIENT</b>		Rontec Service Stations 1A Ltd



Drawn by: SCF Checked by: NJJ  
 Date: January 2017 Scales: 1:200 @ A1

PLAN NO. 161109 - PLNG - 12a

York House, Valley Court,  
 Canal Rd, Bradford, BD1 4SP  
 TEL : 01274 395 422  
 FAX : 01274 395 427  
 E-mail : office@jen305.com



This page is intentionally left blank

**COMMITTEE DATE:** [13/06/2017](#)

**Application Reference:** 17/0105

WARD: Stanley  
DATE REGISTERED: 24/02/17  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: United Utilities

**PROPOSAL:** Formation of attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments.

**LOCATION:** LAND TO REAR OF 71 MOSS HOUSE ROAD, BLACKPOOL, FY4 5JF

---

**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms C Johnson

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with Priority one of the Plan - The economy: Maximising growth and opportunity across Blackpool in terms of providing the needed infrastructure to support growth and make improvements to the environment, including improving the quality of bathing waters along the Fylde Coast.

## **SUMMARY OF RECOMMENDATION**

This proposal involves the removal of four trees, two tree groups and smaller woody vegetation in order to construct the basin. An Arboricultural Report confirms that all of these trees are Category C (of low quality) trees. In its favour, a replacement landscaping scheme would include a hedgerow comprising native species and the planting of shrubs and a significant number of trees (including Hazel, Hawthorn, Holly and Field Maple). On balance, it is considered that there would be a net benefit to biodiversity and the benefits of preventing surface water from entering and potentially surcharging the foul sewer system and the associated improvements to bathing waters weigh significantly in favour of the proposal.

## **UPDATE**

This application was deferred by the Planning Committee at its meeting on 9 May 2017 pending the submission of a Construction Management Plan for the site. A meeting was

held on site on 23 May 2017 between representatives from United Utilities, Ms Mattin and her partner and planning officers and a Construction Management Plan has been submitted which it is felt addresses some of the concerns raised. Unfortunately, Ms Mattin feels that the site is inappropriate for use as an attenuation basis and her objections remain.

However, the Construction Management Plan has been produced with the concerns raised in mind and includes site specific rules, including:

- All visitors shall sign the visitors register.
- Anyone working on site shall receive a site safety induction.
- All the drivers including sub-contractors must adhere to a **5 mph** site speed limit and a **10 mph** speed limit while using Moss House Road and Florence Street.
- No delivery vehicle to reverse without a banksman.
- All the workforce and visitors to adhere to the pedestrian walkways on site.
- All operatives attend a daily safety briefing at the beginning of the shift.

The Construction Management Plan also includes details of dust mitigation measures, noise control, road sweeping arrangements, construction traffic routing (confirming that most material shall be removed from site via Moss House Road rather than Florence Street) along with the contact details of the site managers. The hours and days of work are also included:

- Mondays-Fridays (open and close site 07:30 and 18:30, site operations 08:00 – 18:00)
- Saturdays- 08:00-13:00 (Open and close site 08:00 and 13:00)
- Sundays- No work to be carried out Sundays and Bank Holidays.

The Head of Highways and Traffic Management has been consulted and comments will be reported in the Update Note. No concerns have been raised by the Council's Environmental Protection Officer.

A condition requiring that the development proceeds in accordance with the agreed details in the Construction Management Plan is considered necessary in the interests of highway safety and residential amenity. However, the Construction Management Plan is a live document and can be updated if necessary, if unpredicted issues arise during the construction process.

## **INTRODUCTION**

The application site is the north east corner of large housing site (applications 09/0740 and 13/0378 refer) but has been removed from the scheme following the purchase of the land by United Utilities. A housing scheme for 422 houses has recently been approved to the south and west of the site (application 17/0095 refers).

Members will be aware that United Utilities is working along the Fylde Coast to improve the quality of the bathing water by removing large volumes of clean surface water from the foul sewer system, to ensure that spills of untreated foul water into the sea are minimised. The scheme is known as the Surface Water Separation Scheme. This is a requirement of the

Environment Agency's National Environment Programme (NEP) and the European Union Bathing Waters' Directive.

A number of surface water attenuation basins are proposed around Marton Moss to store surface water during periods of heavy rainfall. The water would then discharge to the new Magnolia Pumping Station (application reference 16/0860) and into the sea via the existing Harrowside Outfall. A similar scheme proposed for land at the rear of Chapel House, Chapel Road is reported at Agenda Item 8 (application reference 17/0118).

### **SITE DESCRIPTION**

The application site comprises connected green fields, previously used as allotments/ residential/ pasture/ grazing land which run between Moss House Road to the south, Kincardine Avenue and Florence Street and Harold Street to the north, Midgeland Road to the east and Docky Pool Lane to the west.

The site has an area of approximately 8,840sqm and is largely undeveloped although there are some disused buildings and animal shelters on the north of the site and a bungalow on the south of the site has prior approval to be removed (application 17/0033 refers).

The site is currently accessed between 71 and 73 Moss House Road.

The area is part residential with detached, semi-detached and terraced houses interspersed with former small scale nurseries and stables/ grazing land.

The site is allocated Countryside Area on the Proposals Map to the Local Plan and Marton Moss on the Policies Maps to the Core Strategy.

### **DETAILS OF PROPOSAL**

The application is for the construction of an attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments. The attenuation basin would be in two connected, roughly rectangular blocks, the plot to the north measuring approximately 215metres x 120metres and the plot to the south measuring approximately 125metres x 430metres. It would be a 1.5m-1.9m deep grassed depression and it would be enclosed by 1.4metres post and rail fencing.

The application is accompanied by an Ecological Report, and Arboricultural Report and a Design and Access and Planning Statement.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- principle of development
- impact on biodiversity and flood risk

- impact on residential amenity
- impact on highway safety

These issues will be discussed in the assessment section of this report.

## **CONSULTATIONS**

### **Head of Highways and Traffic Management:**

The principle of permanent access is accepted for this proposal, however the concern lies with temporary access and vehicle movements.

For Florence Street, the applicant will be expected to discuss and agree requirements with Traffic and Highways to mitigate the impact of the temporary use/access. This will include Traffic Regulation Orders, supplemented with appropriate signage, the public highway to be left in the state it is found (this may require remedial works following completion of the basin) etc.

For Moss House Road, there must be a clear understanding of what access will be required during construction. Kensingtons are in the process of developing land off Moss House Road, they may require access from Moss House Road for part of their site south of Moss House Road and officers from Traffic and Highways cannot be in a situation where the fabric of the highway is affected (due to construction vehicles) with no-one taking responsibility. We expect a joint dilapidation survey to be undertaken prior to actual works commencing – site clearance has already commenced.

### **Service Manager Public Protection:**

No objections to the construction management plan submitted.

Samples have been taken by United Utilities showing that there is no risk of soil contamination being present. As stated within the report, if at any time during construction contamination is identified, works shall cease and samples taken. The Local Authority shall be informed of any possible contamination sources and linkages.

### **Lancashire Archaeological Advisory Service:**

The proposed development site lies within an area that has been the subject of a series of planning applications which the Lancashire County Archaeology Service (LCAS) and subsequently the Lancashire Archaeological Advisory Service (LAAS) have provided comments on. The current development site was also included within an Archaeological Desk-based Assessment as part of the 2009 Environmental Impact Statement for the whole of the Moss House Road project. A number of mitigation measures were recommended (see Chapter 14, p. 195, table 4), which LCAS agreed would be an appropriate means of assessing the archaeological importance of the site and mitigating the effects of the development.

LAAS provided comments on application 16/0678 (a site on Progress Way that forms the southern boundary of the whole Moss House Road site area), suggesting further archaeological mitigation works in relation to Condition No. 11 of the outline planning permission (reference 09/0740) were required. Application reference 16/0678 was granted

planning permission with Condition No. 3 applied requiring the implementation of a programme of archaeological work.

Given that the proposed development site is incorporated within the north-west corner of the Moss House Road site area, the mitigation measures recommended for the whole site remain an appropriate means of assessing the archaeological importance of the site and mitigating the effects of the development. For the avoidance of doubt we would therefore recommend that a condition, similar to the one discussed above is applied to the current application.

This is in accordance with National Planning Policy Framework paragraph 141: "Local planning authorities should ... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

**Sustainability Manager:** No comments received at the time of writing this report any comments received will be reported in the Update Note.

**Coastal and Environmental Partnership Investments:** No comments received at the time of writing this report any comments received will be reported in the Update Note.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 06 March 2017

Neighbours notified: 01 March 2017

Objections have been received from residents at 3 and 4 Florence Street. The comments are summarised below:

- Florence Street is not fit for heavy machinery and large vehicle access. It is a small quite narrow street, previous applications to develop land adjacent to Florence Street were denied any vehicle access for the very reason it is not a suitable access road. Kensingtons' application for housing to land behind Moss house road (had it gone ahead) would only be allowed foot access on to Florence Street, I would like you to explain what has changed? If it was not suitable for domestic vehicles when the Kensington housing plans were considered, it certainly is not suitable for heavy vehicles and plant machinery.
- Clearing the site is already noisy and disruptive. My quality of life during construction phase will be significantly affected by noise, vibration, dust, vehicles moving back and forth and heavy machinery passing by my home many times a day, for possibly many months, this disruption will also affect the other neighbours who have property immediately bordering the basin site.

- Properties may suffer structural damage, particularly when the street is dug up to accommodate a large drain. I can feel vibration already in my home when the diggers are digging and moving during the clearing.
- Before the clearance works started the area at the rear of our property was very secure as there was an abundance of overgrown brambles which would prevent anyone accessing the rear of our property. These brambles have now been cut away and we only have a 1m high fence along the boundary.
- Our driveway also has the same 1m high fencing along the boundary with the field where the basin is to be sited and during the past there have only been horses in the field and the low fencing was ideal. Now that we have seen the plans for the works and found out that the boundary fencing is to be 1.4m high which would not give us any privacy to the side of our property or security to the rear of our property at that height, whilst any future maintenance or works are carried out on the attenuation basin.
- We are asking for the fencing that runs along our boundaries to be raised to a height of 1.8m in order to give us some form of security to the rear of our property and privacy along the side whilst we sit out and enjoy our garden area.

The following comments were reported in the Update Note to Planning Committee on 9 May 2017:

**Ms D Clark, 28 Harold Avenue**

I wish to object to the plan - Formation of attenuation basin with associated outfall structures, vehicle access from Moss House Road, temporary vehicle access off Florence Street and landscaping and boundary treatments.

I have several concerns. I am worried about the long term disruption, vibration, dirt, the risk of vermin and overall safety of the basin. The site and access is not suitable for the construction as planned.

The constant noise is already depressing me. The workers make lots of noise and also chat right outside my house, this disruption makes my dogs bark constantly. I am very worried about the disruption.

My home shakes when the builder's vehicles pass right by my doors and window. They are using the alley way at the side of my home throughout the day, my nerves are shot with all the disruption and trying to keep my dogs quiet and calm.

I already feel trapped within my home. I am keeping the blinds and windows closed trying to blot out the noise and dirt. I am disabled and spend all my days usually at home, I can no longer enjoy sitting in my garden, this construction is already negatively affecting mine and my daughter's quality of life. My daughter works at night, she cannot now get any proper sleep as the noise keeps her awake all day.

I hope you will take my concerns into full consideration and refuse the current application.



**Gordon Marsden, then MP for Blackpool South -**

My constituents in Florence Street have just brought to my attention the proposal regarding United Utilities basin application 17/0105 which Members will be considering at Committee this evening. I have read all the documents relating to this and it is clear that my constituents continue to have real worries and concerns about the impact as at present outlined of this proposal on their daily lives.

I see from the documents that there have been strong concerns both about access and the need to mitigate the impact of access to this area in the short term coming to the Committee from the Head of Highways and Traffic Management.

I understand that Joanne Mattin from No 3 Florence Street is going to speak to the Committee this evening with her deep concerns about how this will affect her and her neighbours and in particular in the short-term while construction is taking place.

I would urge the Committee to listen strongly and sympathetically to what she has to say. In conjunction with this there have been reservations about further things needing to be done by the Head of Traffic and Highways Management.

Because of this can I urge the Committee that the strongest possible mitigation is agreed with United Utilities by the Council and also with the residents before this work begins (if that is the Committee are minded to grant permission at this stage). If the committee is not so minded then I would hope a deferment from today's meeting would perhaps be helpful in strengthening those proposals and assurances.

**Mr A McGuire, 3 Florence Street –**

I wish to object to the plans to build attenuation basin on several points.

The siting and design of the proposed United Utilities SUD it is completely inappropriate to the Health and Safety of residential occupants. I live on Florence Street very close to the proposal site with my garden bordering the site and I am already experiencing significant disruption and undue nuisance already as the land is 'prepared'. My home shakes when diggers are moving or in use. I do not think any permissions have actually yet been granted to even use Florence Street as a point of access for vehicles yet, but it appears to be used throughout the working day - could you please clarify this? As my partner has spoken to United Utilities about the vehicles using Florence Street and accessing the alley to the side of Harold Avenue and was just told there is no other access available, we were also accused of being 'nimby' by one of the staff involved in managing the site, frankly it is not acceptable, we feel fobbed off and were made to feel like they did not really care about our family's welfare. I am also worried about long term smell, pest infestation and other unforeseen problems which are beyond the control of United Utilities.

There is also a serious health and safety concern to the children who live in the area with large vehicles and machinery being used and passing through our small street and I am extremely concerned for my son's and other residents' children's safety and also to the wider general public, whilst the area will apparently be fenced off it may not prevent exploration of the area nor prevent open water swimming from children or youths.

The close proximity to dwelling houses should require the proposed SUD to at least be covered with a suitable cover to prevent unauthorised access, significantly reduce smells and pest infestations, together with unnecessary additional rainfall entering the holding lagoon.

Finally, we consider that there are suitable alternative locations to site the proposed structure which is away from dwelling houses. This was in fact admitted by United Utilities but they said the preferred sites were too expensive (namely land at what was Baguleys Garden Centre).

In summary, there has been a complete lack of consultation with the affected property owners. United Utilities has only sought to make offers to acquire the subject land, without addressing any legitimate concerns or proposals to alter their scheme.

This site is not suitable for use as an attenuation basin. It is therefore our opinion that the location is not suitable for such a required volume of storage.

There is no evidence that this construction will not pose a risk of flooding to the area. Can United Utilities confirm that there is no risk of flooding our dwellings.

We are extremely concerned regarding the smell and pest infestations that will occur due to stagnant dirty water and the increase of rats in the area, beyond the control of United Utilities.

Along with all the valid concerns mentioned, the close proximity to dwellings poses a risk to land movement and we are concerned regarding the risk of subsidence. We were merely told on voicing this concern "if you have any damage we will put it right". I would much rather prefer my family home not to be put at any risk and not have the distress of any potential damage and remedial works. The drainage pipe will run right outside the front of my property and I am extremely concerned as the whole road will need to be dug up. This will cause massive disruption, noise, dirt, vibration and risk to property. On a personal note my son who has a significant sensory disability, will be affected massively and distressed by the disruption, daily noise and vibration while construction is under way. Clearly I am worried for my six year old child's welfare and wellbeing. We cannot even consider moving as no one would wish to buy our property as we may face many months of significant disruption and risk.

We have a right to peacefully enjoy our property and garden. Please give due consideration to this, particularly given my son loves to play in the peace of our rear garden.

We refer to the submitted plans which advise consultation and feedback incorporated into the design where possible. United Utilities has not addressed any of these concerns which is evidenced by their planning application.

We seek a refusal of the submitted application.

**Ms Mattin of 3 Florence Street -**

Thank you for your copy of the supplementary update. I was not saying that the contractors' personal vehicles were regularly accessing the site via Florence Street, my concern is the large non domestic vehicles. Please see the photographs taken this afternoon by myself, they show large heavy vehicles accessing the site by passing down Florence Street and using the alley for access. The lady who lives at 28 Harold Ave told me she is at her wits end with the noise, disturbance and stream of vehicles. She seemed visibly distressed, which I found a great concern! The visit this morning clearly did not see any vehicles passing this way but I assure you they regularly do. I would like the photographs added to the agenda.

Further pictures of plant/building machinery using Florence Street and side alley access, these were taken after 5pm this afternoon on 8 May 2017. I spoke to the gentlemen who were very pleasant and clearly just doing their job, they confirmed they could feel the ground shaking but had been directed to use this access to the site. I would like these images to be seen by the Planning Committee tomorrow as the information following today's site visit is quite misleading and appears not fully factually accurate.

A large JCB has just driven very quickly past my window at 18.34, they seem to be working late this evening.

Furthermore to my emails showing heavy vehicles up and down Florence Street during the afternoon passing over the alley way to gain access, I have just confirmed with the Land Registry Office this morning that half the alley is in fact owed by 28 Harold Avenue as the resident there thought. This means that access has to be given by right of way for residents of Harold Avenue. There are similar covenants in place on the alley ways behind Midgeland road, it is my understanding the access is for **residents only**. My own title deeds state similar for the alley way at the end of our terrace, which is why a patch of land behind my property, which is now part of the plan, was unused as there were no rights of access down the alley at all for non-residents.

I therefore would like you to verify what rights of access United Utilities has please as non-residents, I would expect it to be no vehicle access at all. The unmade road/alley is being destroyed, the disabled resident at 28 is beside herself with worry, stress and wants an end to large vehicles passing about 2 metres away from her windows and front door. For your ease in obtaining the title documents and plans I have added the document numbers.

28 Harold Ave - LAN 161999

Land to side of 28 Harold Ave - LAN 82353

Any further comments that are received before the Committee meeting will be reported in the Update Note.

**NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- local authorities should encourage effective use of land by re-using land that has previously been developed provided that it is not of high environmental value.
- local authorities should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118, 123 and 141 are considered to be most relevant to this application.

### **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

- Policy CS6: Green Infrastructure  
Policy CS7: Design  
Policy CS9: Water Management  
Policy CS12: Sustainable Neighbourhoods  
Policy CS26: Marton Moss

### **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- Policy LQ1: Lifting the Quality of Design  
Policy LQ6: Landscape Design and Biodiversity  
Policy BH3: Residential and Visitor Amenity  
Policy AS1: General Development Requirements  
Policy NE2: Countryside Areas  
Policy NE6: Protected Species  
Policy NE7: Sites and Features of Landscape, Nature Conservation and Environmental Value

## **OTHER RELEVANT/BACKGROUND DOCUMENTS:**

Lancashire and Blackpool Local Flood Risk Management Strategy 2014  
Marton Moss Characterisation Study 2009

## **ASSESSMENT:**

### **Principle of Development:**

Marton Moss is characterised by small agricultural plots, grazing land and rural housing and is semi-rural in nature.

The location of the proposed development was selected based on site availability, its capacity to hold a basin of the required size, its position north of Progress Way and following the results of network modelling, its demonstrable ability to provide a hydraulically viable solution.

Core Strategy Policy CS26 and Saved Local Plan Policy NE2 seek to retain the existing rural character of Marton Moss and prevent peripheral urban expansion and it is considered that the proposal would achieve those objectives. Although not an agricultural/horticultural use or outdoor recreational use, the proposal is considered appropriate for a rural area.

The finished and landscaped attenuation basin would be well screened and grassed over and would not form an incongruous feature in the landscape.

### **Impact on Biodiversity and Flood risk:**

There are four trees, two tree groups and smaller woody vegetation including bramble and shrubs on the site. An Arboricultural Report confirms that all of these trees are Category C (of low quality) trees. It is proposed to fell all trees/tree groups whilst retaining and pruning a tree group to the north of 71 Moss House Road along the western perimeter of the site. The removal of the trees and vegetation will result in small-scale locally negative ecological impact. This is unfortunate but their removal has already been agreed in principle by the granting of permission 13/0378, which would have resulted in this site being cleared for housing development.

However, the NPPF states that development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. As part of a replacement landscaping scheme, a substantial number of trees would be planted, along with native shrubs and hedgerow. It is considered that the replacement scheme, which includes all native species, would be far superior to the currently un-managed nature of the existing land in terms of visual amenity, habitat and would result in net gains to biodiversity which would outweigh the minimal losses. The submitted Design and Access Statement confirms that all landscaping and tree removal/protection of trees on neighbouring land will accord with the recommendations in the submitted Arboricultural Report.

The Contractor and Developer will be responsible under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitat Regulations 2010 (as amended), and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the

presence of protected species including nesting birds, bats, dormice and reptiles in the works area/surroundings, and comply fully with the law in relation to impacts associated with any works associated with the development.

Towards Moss House Road, the land is approximately 4.3metres Above Ordnance Datum and the land slopes down to 4metres Above Ordnance Datum to the north towards Florence Street. The proposed basin would be excavated to a finished level of 2.7metres Above Ordnance Datum with a fall of approximately 1 in 500 towards the outlet structure at the northern end of the basin.

The basin would be grassed over and landscaped and the site would be enclosed by a 1.4metres high fence. Trees on the south west of the site would be pruned and retained but other trees would be removed.

The proposal would reduce the potential for flooding by removing surface water from the foul sewer network and pumping it away, reducing the risk of foul sewers surcharging.

**Impact on Residential Amenity:**

United Utilities has stated that the company has fully engaged landowners in discussions and feedback has been incorporated into the design where possible. There have also been three public consultation events and it has undertaken a leaflet drop around the area.

Noise levels and disturbances during construction work and maintenance work (estimated three-four visits a year) are not strictly material planning considerations. However, agreement of the details within the submitted Construction Management Plan should limit noise, disturbance and nuisance during construction. Loss of privacy during the construction period is not a material consideration.

Subsidence and damage to property is a private matter and not a planning consideration in this instance.

When the pumping station at Magnolia Point is at capacity during periods of heavy rainfall, the basin will hold the surface water until the demand on the pumping station eases and the stored water will then be processed through the pumping station in the normal way. As such, the basin would not normally be full of water and there should be no stagnating water causing smells or attracting vermin.

In terms of request for a 1.8 metres high fence to be erected at the side/rear of 4 Florence Street, it is considered that it would be unreasonable to require this by condition. There is a low fence around the site now which affords no privacy to the occupiers of 4 Florence Street. Once the works on site are completed, the use of the land as an attenuation basin will not lead to increased incidences of loss of privacy. The removal of brambles from land at the rear of 4 Florence Street does not need planning permission and cannot be controlled in this instance and any loss of security as a result is a private matter.

**Impact on Highway Safety:**

The Moss House Road access point would be upgraded and would serve as the main site entrance for access and maintenance purposes. The new access point off Florence Street, adjacent to 28 Harold Street would only be used during the construction period and when the Moss House Road access cannot be used. The Florence Street access would not be used routinely.

Traffic will increase during the construction period (anticipated to take place over the summer 2017) but thereafter, there will be no material impact on traffic given that the site should only need maintaining three-four times a year.

The applicant would need to enter into a legal agreement with joint dilapidation surveys of the existing highways concerned, the required Traffic Regulation Orders, provision of signage and detailed design of access points and alterations to the highways.

Traffic will increase during the construction period (anticipated to take place between May and September 2017) but thereafter, there will be no material impact on traffic given that the site should only need maintaining 3-4 times a year and this would normally be undertaken via the access off Moss House Road.

**CONCLUSION:**

On balance, it is considered that the benefits of the scheme in terms of improving the way that surface water is dealt with, improving bathing waters, reducing the potential for foul sewer surcharging and the native landscaping scheme proposed outweigh concerns regarding the loss of the existing landscaping and trees and other fears raised by objectors, most of which are not material planning considerations.

It is considered that the proposal would comply with paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118, 123 and 141 of the NPPF, Policies CS7, CS9, CS12 and CS26 of the Core Strategy and Policies LQ1, BH3, NE2, NE6, NE7 and AS1 of the Local Plan in terms of sustainability, design, biodiversity, landscaping, amenity and access and highway safety.

These recommendations are in accordance with the development plan and it is considered that the proposed development would meet the three dimensions of sustainable development as outlined in paragraph 7 of the NPPF. There are no other material considerations which would warrant refusal of the proposed development.

**LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal.

## **HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others.

It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

## **BACKGROUND PAPERS**

Planning Application File(s) 17/0105 can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

## **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 14th February 2017

Drawings numbered

80041518-01-MMB-MISCE-96-DR-C-90014 Rev P02  
80041518-01-MMB-PSB-97-DR-T-97101 Rev P03  
80041518-01-MMB-PSB-97-DR-T-97102 Rev P03  
80041518-01-MMB-PSB-97-DR-T-97103 Rev P03  
80041518-01-MMB-PSB-97-DR-T-97104 Rev P03  
80041518-01-MMB-PSB-97-DR-T-97105 Rev P02  
80041518-01-MMB-MISCE-97-DR-L-00004 Rev P01.1



Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work for the development hereby approved. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site in accordance with the provisions of the National Planning Policy Framework and Policy CS8 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The landscaping works shown on the submitted plans shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

Any trees, hedgerow or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within five years of planting shall be replaced within the next planting season by trees, hedgerow or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the development provides net gains in biodiversity and to ensure the site is satisfactorily landscaped in the interests of visual amenity with regards to Policies LQ1, LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The development hereby approved shall be implemented in accordance with the recommendations in the Bowland Ecology, Ecological Appraisal, BOW17/707 Blackpool South document dated January 2017.

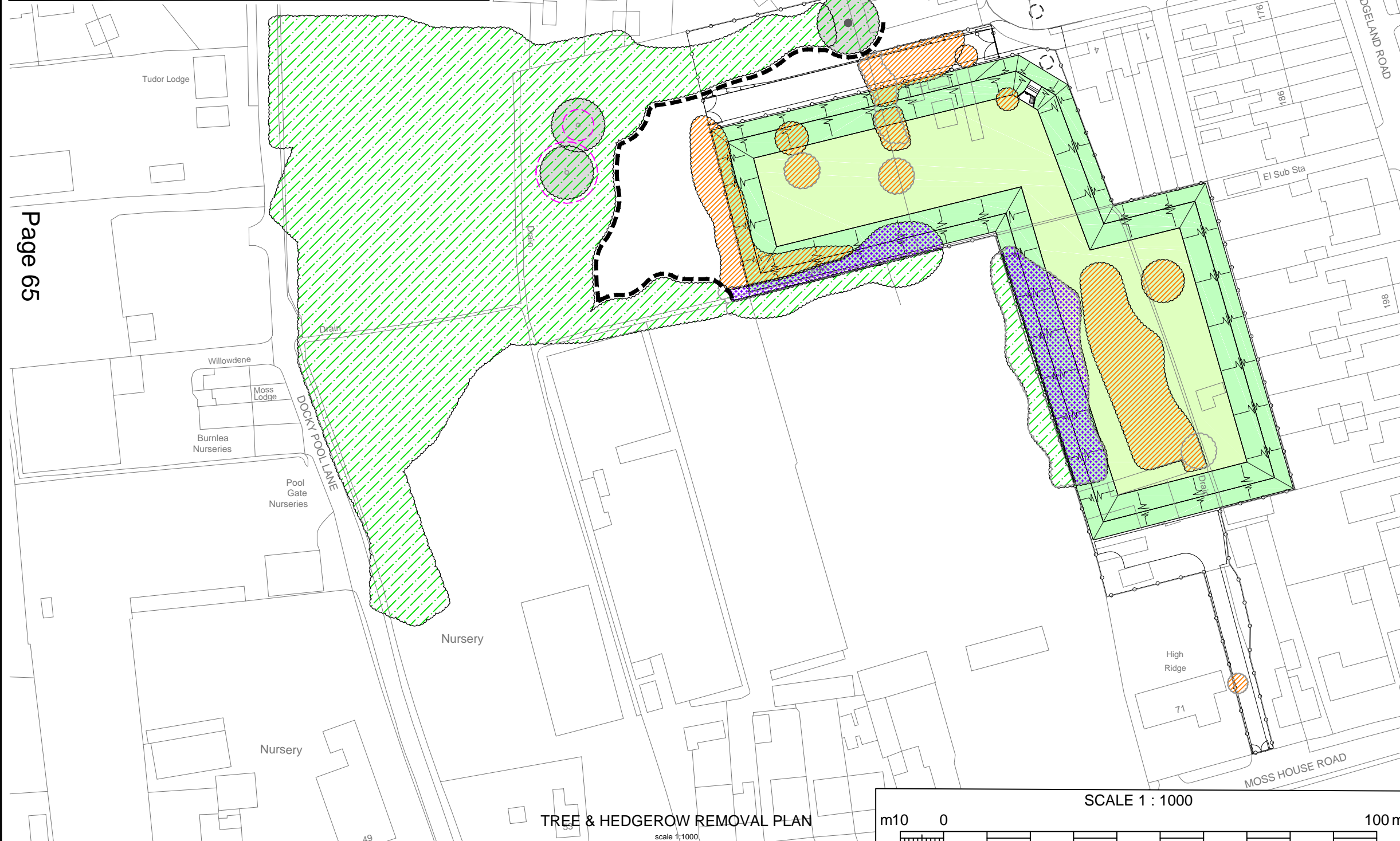
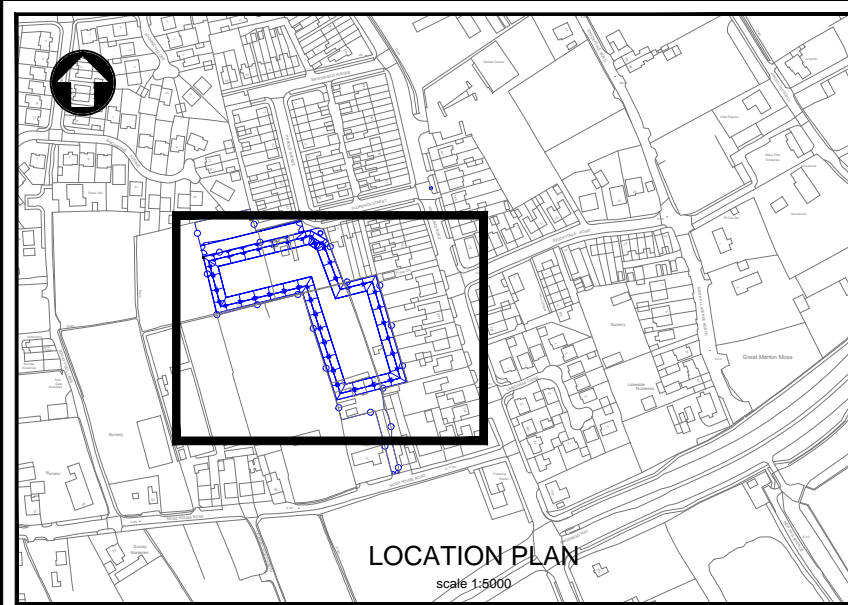
Reason: To safeguard and enhance biodiversity on and around the site in accordance with Policies LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

6. The development hereby approved shall be implemented in accordance with the details in the submitted Construction Management Plan Revision A dated 16 May 2017.

Reason: In the interests of highway safety, the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

### **Advice Notes to Developer**

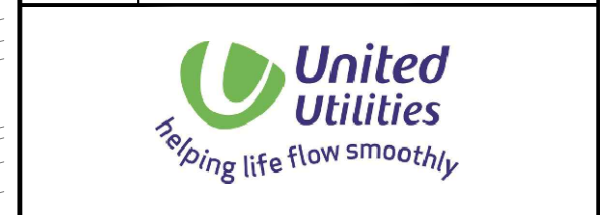
1. The grant of planning permission will require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Highways and Traffic Management Services, 3rd floor, Number One, Bickerstaffe Square (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
2. The Developer and their Contractors should be aware of their responsibilities under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitat Regulations 2010 (as amended) and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice, amphibians and reptiles in the works area/surroundings and comply fully with the law in relation to impacts associated with the approved development.
3. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.



- NOTES**
- ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES AOD UNLESS NOTED OTHERWISE.
  - NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING.
- LEGEND**
- PROPOSED ATTENUATION BASIN
  - APPROXIMATE EXTENT OF EXISTING TREE'S & SHRUBS
  - TREE PROTECTION FENCE
  - TREE'S TO BE RETAINED BUT REQUIRE PRUNING
  - TREE'S & SHRUBS TO BE REMOVED PRIOR TO CONSTRUCTION
  - TREE ROOT PROTECTION AREA
  - EXISTING TREE TO BE RETAINED
- O.S. MAP REFERENCE OF CENTRE OF AREA SHOWN  
333270 mE 432693 mN

**CURRENT ISSUE INFORMATION**

P02	PC	KC	CMc	Issued for Project Review	19/01/17
VERSION	AUTH	CHKD	REVD	REASON FOR ISSUE	DATE
S2		Issued for Information			
SUITABILITY CODE	SUITABILITY DESCRIPTION				



BLACKPOOL SOUTH STRATEGY LENNOX GATE PS & SUR WAT  
MARTON MOSS 3 ATTENUATION BASIN 01  
TREE & HEDGEROW REMOVAL PLAN

Page 65

This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank





This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank





This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank





This page is intentionally left blank

COMMITTEE DATE: [13/06/2017](#)

**Application Reference:** 17/0118

WARD: Stanley  
DATE REGISTERED: 21/02/17  
LOCAL PLAN ALLOCATION: Countryside Area

APPLICATION TYPE: Full Planning Permission  
APPLICANT: United Utilities

**PROPOSAL:** Construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments.

**LOCATION:** LAND TO REAR OF CHAPEL HOUSE, CHAPEL ROAD, BLACKPOOL, FY4 5HU

---

**Summary of Recommendation:** Grant Permission

## **CASE OFFICER**

Ms C Johnson

## **BLACKPOOL COUNCIL PLAN 2015 -2020**

This application accords with **Priority one of the Plan** - The economy: Maximising growth and opportunity across Blackpool in terms of providing the needed infrastructure to support growth and make improvements to the environment, including improving the quality of bathing waters along the Fylde Coast.

## **SUMMARY OF RECOMMENDATION**

This proposal involves the removal of seven trees, four tree groups (and part of a fifth tree group) and a hedgerow in order to construct the basin. An Arboricultural Report confirms that only one of these trees is a Grade B tree (of moderate quality) and that the rest are either Category C (of low quality) or Category U (requires felling) and that the hedgerow is species poor, non-native ornamental privet which is in poor condition. In its favour, part of one tree group would be retained and a replacement landscaping scheme would include a hedgerow comprising native species and the planting of shrubs and trees (including Silver Birch, Field Maple and Crab Apple). On balance, it is considered that there would be a net benefit to biodiversity and the benefits of preventing surface water from entering and potentially surcharging the foul sewer system and the associated improvements to bathing waters weigh significantly in favour of the proposal.

## UPDATE

This application was deferred by the Planning Committee at its meeting on the 9 May 2017 pending the submission of a Construction Management Plan (CMP) for the site.

The Construction Management Plan has been produced with the concerns raised by objectors in mind and includes site specific rules, including:

- All visitors shall sign the visitors register.
- Anyone working on site shall receive a site safety induction.
- All the drivers including sub-contractors must adhere to a **5 mph** site speed limit and a **10 mph** speed limit on the immediate approaches to site MM2.
- No delivery vehicle to reverse without a banksman.
- All the workforce and visitors to adhere to the pedestrian walkways on site.
- All operatives attend a daily safety briefing at the beginning of the shift.

The Construction Management Plan also includes details of dust mitigation measures, noise control, road sweeping arrangements, construction traffic routing along with the contact details of the site managers. The hours and days of work are also included:

- Mondays-Fridays (open and close site 07:30 and 18:30, site operations 08:00 – 18:00)
- Saturdays- 08:00-13:00 (open and close site 08:00 and 13:00)
- Sundays- No work to be carried out Sundays and Bank Holidays.

The Head of Highways and Traffic Management has been consulted and comments will be reported in the Update Note. No concerns have been raised by the Council's Environmental Protection Officer.

A condition requiring that the development proceeds in accordance with the agreed details in the Construction Management Plan is considered necessary in the interests of highway safety and residential amenity. However, the Construction Management Plan is a live document and can be updated if necessary, if unpredicted issues arise during the construction process.

## INTRODUCTION

Members will be aware that United Utilities is working along the Fylde Coast to improve the quality of the bathing water by removing large volumes of clean surface water from the foul sewer system, to ensure that spills of untreated foul water into the sea are minimised. The scheme is known as the Surface Water Separation Scheme. This is a requirement by the Environment Agency's National Environment Programme (NEP) and the European Union Bathing Waters' Directive.

A number of surface water attenuation basins are proposed around Marton Moss to store surface water during periods of heavy rainfall. The water would then discharge to the new Magnolia Pumping Station (application reference 16/0860) and into the sea via the existing

Harrowside Outfall. A similar scheme proposed for land at the rear of 71 Moss House Road is reported at Agenda Item 7 (application reference 17/0105).

### **SITE DESCRIPTION**

The application site is a green field previously used as nurseries (Chapel Road/Sunny View nurseries) on the south side of Chapel Road.

The site has an area of 9970sqm and is largely undeveloped although there are various containers/ramshackle sheds on the land, concentrated around the western boundary. To the north is Chapel House, to the east is Pen-y-Bont (mixed residential and commercial stables), to the south is the rear garden associated with The Swifts on Jubilee Lane North and Chapel Road Nurseries to the west. There is a wet ditch which runs along the middle of the site which is approximately 1metre wide. The site is accessed informally off Chapel Road between Chapel House and Chapel Road Nurseries.

The area is part residential with larger houses on large plots, small scale nurseries and stables/ paddocks/grazing land.

The site is allocated Countryside Area on the Proposals Map to the Local Plan and Marton Moss on the Policies Maps to the Core Strategy. To the north of the site, there is the Chapel Road Field Biological Heritage Site (strip of hedgerow along the southern boundary of the field).

### **DETAILS OF PROPOSAL**

The application is for the construction of an attenuation basin, inlet weir and outlet structures, headwall structure and access road off Chapel Road with associated landscaping and boundary treatments. The attenuation basin would be roughly square with dimensions of approximately 95metres x 120metres. It would be a 1.5metres-1.9metres deep grassed depression and would be enclosed by 1.4metres high post and rail fencing.

The application is accompanied by an Arboricultural Report, an Ecology Report and a Design and Access and Planning Statement.

### **MAIN PLANNING ISSUES**

The main planning issues are considered to be:

- principle of development
- impact on biodiversity and flood risk
- impact on residential amenity
- impact on highway safety

These issues will be discussed in the assessment section of this report.

## **CONSULTATIONS**

### **Head of Highways and Traffic Management:**

I have no objection to this proposal. Discussions have been ongoing with our NRSWA officers, the proposal is as per their conversations. The applicant should contact Highways and Transportation for the provision of the vehicle access.

### **Service Manager Public Protection:**

No objection to the Construction Management Plan.

Testing has been carried out on the site it and shows that there is no elevated level of contamination. Therefore no further information is requested in relation to land contamination.

### **Sustainability Manager:**

I would like to see the addition of a small percentage of Alder Buckthorn (*Frangula alnus*) into the native hedgerow planting specification. This would encourage the further spread of Brimstone butterflies into the Fylde coast area.

*(Amended plans have been received and include Alder Buckthorn as requested)*

**Coastal and Environmental Partnership Investments:** No comments received at the time of writing this report any comments received will be reported in the Update Note.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

## **PUBLICITY AND REPRESENTATIONS**

Site notice displayed: 06 March 2017

Neighbours notified: 27 February 2017

Objections have been received from residents at Runnel Nurseries, Chapel Road, Chapel House, Chapel Road, Sunnyview, Chapel Road and Arfryn, Aberarth, Aberaeron. The comments are summarised below:

- The proposed basin is an open structure. This could attract children to play, explore or bathe in the area.
- This structure has not been tried or tested elsewhere and is a first time design by United Utilities.
- The close proximity to dwellings poses a risk to land movement and we are concerned regarding the risk of subsidence.
- There is no evidence that this construction will not pose a risk of flooding to the area. This is an open construction where will the excess rain water flow? Can United Utilities confirm that this will not result in posing a risk to flooding our dwellings.
- We are extremely concerned regarding the smell and pest infestations that will occur due to stagnant dirty water and the increase of rats in the area, beyond the control of United Utilities.

- The noise levels and disturbances during construction work and maintenance of the SUD thereafter, by maintenance vehicles entering the area, and the possibility of more noise thereafter.
- Risk of Subsidence or flooding having an impact on property insurance.
- The effect of highway safety and parking. Chapel Road has now developed into an extremely busy road due to the increased volume of traffic structures and new development within the area.
- Noise from the site will disrupt and frighten nearby stabled horses or horses in the adjacent paddock.
- Workers will be able to see over fences and directly into residential properties leading to a loss of privacy.
- Driveways will be blocked or destroyed by vans and machinery being parked or driven over.
- The loss of trees and other nature being destroyed will cause of loss of privacy.
- Vermin from the land will be displaced, infesting neighbouring land if they have nowhere to go.
- The smell of the water may also attract vermin towards property.
- Will the water be fenced off safely and securely to prevent young children accessing the site?
- The siting and design of the proposed United Utilities SUD is completely inappropriate to the Health and Safety of residential occupants.
- Land will be statutorily acquired which will at periods during each year cause undue nuisance, smell, pest infestation and other unforeseen problems which are beyond the control of United Utilities.
- The close proximity to dwellings should require the proposed SUD to at least be covered with a suitable dome type cover to prevent unauthorised access, significantly reduce smells and pest infestations, together with unnecessary additional rainfall entering the holding lagoon.
- We consider that there are suitable alternative locations to site the proposed structure which is away from dwelling houses.
- There has been a complete lack of consultation with the affected property owners.
- United Utilities has only sought to make offers to acquire the subject land, without addressing any legitimate concerns or proposals to alter their scheme.
- The location is not suitable for such a required volume of storage.
- We seek a refusal of the submitted application until proper neighbour consultation has taken place to address all concerns.
- Construction should be carried out between 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 on a Saturday and not at all on Sundays and bank holidays.
- Measures should be implemented to calm traffic during the construction phase but not sleeping policemen.
- Residents should be consulted on a Traffic Management Plan which should be required by condition.
- Access should be kept free outside Runnell Nurseries, particularly when works to lay buried sewers are being carried out.
- Signage informing drivers of a concealed entrance is necessary.
- Dust during construction would damage amenity and health.

- Excavated soils should not be stored against boundary fences and should not be allowed to migrate to neighbouring properties.
- It is unclear whether the entire site is to be secured.
- A condition requiring the upkeep of the access road post-construction is necessary.

Any further comments that are received before the Committee meeting will be reported in the Update Note.

United Utilities has responded to some of these concerns and the response is summarised below:

- The attenuation basin will only ever store flows arising from surface water runoff, which does not require treatment, for short periods of time during storm events and will not therefore pose any risk to human health or safety or attract pests or vermin.
- Hydraulic modelling of the system demonstrates that for more than 95% of the time, the basins will be empty. At basin MM2 (south of Chapel Road), there is a probability that the basin may partially fill for short periods during any given year but will only reach maximum capacity once in every thirty years.
- The system has been designed to meet the future capacity requirements with the provision of approximately 20,000m<sup>3</sup> of additional storage via a number of basins which is sufficient to ensure that the flood risk in the area will not increase.
- Due to the proposed basin being in a predominantly rural location, the fencing has been designed to be in keeping with the character of the area. Also, as there will be no dangerous moving parts within the construction compound or application site, the 1.4m high post and rail fencing will provide a suitable level of security, with no requirement for industrial security fencing over 1.8m in height. This is how we also treat fencing at our Reservoir sites.
- The maximum depth of material to be excavated, will be in the region of 1.5metres, (with falls to the outlet structure), this is not a sufficient amount of excavation to impact on the integrity of surrounding structures. The entire basin areas will be seeded in grass to prevent soil erosion, maintaining the integrity of the basin and surrounding land.
- The existing vegetation will be retained and screen planting will be used where possible to ensure, (as a minimum), the standard level of privacy and security is maintained for the residents of neighbouring land.
- Once the site becomes operational, the site will be visited infrequently (three-four times a year) for site maintenance to ensure any adverse effects on the local amenity are minimised.
- Every effort will be made to limit the impact of construction on the local community:
- Construction hours will be limited to between 08:00 and 18:00 Mondays to Fridays and between 08:00 and 13:00 on Saturdays;
- All sites have an allocated contractors compound, providing adequate off-road parking and storage areas for plant and machinery, limiting the impacts of construction traffic on local roads and ensuring highway safety; and
- Additional mitigation measures have been included in the Construction Environmental Management Plan (CEMP) which has been produced for this site.



## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) came into force in March 2012 and constitutes guidance for local planning authorities and decision-takers as a material consideration in determining applications.

The core planning principles in the NPPF include:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- local authorities should encourage effective use of land by re-using land that has previously been developed provided that it is not of high environmental value.
- local authorities should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118 and 123 are considered to be most relevant to this application.

## **BLACKPOOL LOCAL PLAN PART 1: CORE STRATEGY**

The Blackpool Local Plan: Part 1 - Core Strategy was adopted by the Council in January 2016. The policies in the Core Strategy that are most relevant to this application are:

- Policy CS6: Green Infrastructure**  
**Policy CS7: Design**  
**Policy CS9: Water Management**  
**Policy CS12: Sustainable Neighbourhoods**  
**Policy CS26: Marton Moss**

## **SAVED POLICIES: BLACKPOOL LOCAL PLAN 2001-2016**

The Blackpool Local Plan was adopted in June 2006. A number of policies in the Blackpool Local Plan (2006) have now been superseded by policies in the Core Strategy (these are listed in Appendix B of the Core Strategy). Other policies in the Blackpool Local Plan are saved until the Local Part 2: Site Allocations and Development Management Policies is produced.

The following policies are most relevant to this application:

- Policy LQ1: Lifting the Quality of Design**  
**Policy LQ6: Landscape Design and Biodiversity**  
**Policy BH3: Residential and Visitor Amenity**  
**Policy AS1: General Development Requirements**

**Policy NE2: Countryside Areas**  
**Policy NE6: Protected Species**  
**Policy NE7: Sites and Features of Landscape, Nature Conservation and Environmental Value**

**OTHER RELEVANT/BACKGROUND DOCUMENTS:**

Lancashire and Blackpool Local Flood Risk Management Strategy 2014  
Marton Moss Characterisation Study 2009

**ASSESSMENT**

**Principle of Development:**

Marton Moss is characterised by small agricultural plots, grazing land and rural housing and is semi-rural in nature.

The location of the proposed development was selected based on site availability, its capacity to hold a basin of the required size, its position north of Progress Way and following the results of network modelling, its demonstrable ability to provide a hydraulically viable solution.

Core Strategy Policy CS26 and Saved Local Plan Policy NE2 seek to retain the existing rural character of Marton Moss and prevent peripheral urban expansion and it is considered that the proposal would achieve those objectives. Although not an agricultural/horticultural use or outdoor recreational use, the proposal is considered appropriate for a rural area.

The finished and landscaped attenuation basin would be well screened and grassed over and would not form an incongruous feature in the landscape.

**Impact on Biodiversity and Flood risk:**

There are seven individual trees, five tree groups and one hedgerow on and around the site along with bramble and shrubs. With the exception of one Grade B tree on the eastern boundary, the rest are poor quality with one which requires felling whether the development goes ahead or not. With the exception of part of a tree group to the south of the site boundary, it is proposed to fell all trees/tree groups and the hedgerow in order to construct the basin. The hedgerow marks the boundary Pen-y-Bont to the east of the site and therefore does not receive statutory protection under The Hedgerow Regulations 1997. In any case, the hedgerow is species poor, non-native ornamental privet and is either outgrown or in poor condition due to intensive management or livestock grazing. The hedgerow does however provide a valuable habitat corridor and its removal will result in small-scale locally negative ecological impact. A replacement landscaping scheme is required to mitigate the loss of the hedgerow and a Grade B tree.

The NPPF states that development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. As part of a replacement landscaping scheme, trees would be planted, along with native shrubs and hedgerow. It is considered that the replacement scheme, which includes all native species, would be far superior to the

currently un-managed nature of the existing land in terms of visual amenity, habitat and would result in net gains to biodiversity which would outweigh the minimal losses. The submitted Design and Access Statement confirms that all landscaping and tree removal/protection of trees on neighbouring land will accord with the recommendations in the submitted Arboricultural Report.

The Contractor and Developer will be responsible under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitat Regulations 2010 (as amended), and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice and reptiles in the works area/surroundings, and comply fully with the law in relation to impacts associated with any works associated with the development.

The land is approximately 4.6metres Above Ordnance Datum and the proposed basin would be excavated to a finished level of 2.7metres Above Ordnance Datum with a fall of approximately 1 in 500 towards the outlet structure at the southern end of the basin.

The basin would be grassed over and landscaped and the site would be enclosed by a 1.4metres high fence, behind which will be trees, shrubs or hedgerow and this should deter unauthorised access on to the land and would help screen the site. This fencing detail is similar to fencing used around reservoirs.

The proposal would reduce the potential for flooding by removing surface water from the foul sewer network and pumping it away, reducing the risk of foul sewers surcharging.

When the pumping station at Magnolia Point is at capacity during periods of heavy rainfall, the basin will hold the surface water until the demand on the pumping station eases and the stored water will then be processed though the pumping station in the normal way. As such, the basin would not normally be full of water and there should be no stagnating water causing smells or attracting vermin.

One of the objections suggests covering the basin with a dome to prevent unauthorised access, reduce smells and pest infestations and prevent unnecessary rainfall entering the basin. However, this would increase surface water runoff and would have potential to cause localised flooding to surrounding property. Rainwater falling in to the basin would be pumped away along with surface water from the surrounding area which would normally be directed into the combined sewer.

**Impact on residential amenity:**

United Utilities has stated that the company has fully engaged landowners in discussions and feedback has been incorporated into the design where possible. There have also been three public consultation events and it has undertaken a leaflet drop around the area.

Noise levels and disturbances during construction work and maintenance work (estimated three-four visits a year) are not strictly material planning considerations. However, agreement of the details within the submitted Construction Management Plan should limit

noise, disturbance and nuisance during construction. Loss of privacy during the construction period is not a material consideration.

Subsidence and damage to property is a private matter and not a planning consideration in this instance.

**Impact on highway safety:**

The gates to the site would be set in to the site along a new access road, by approximately 40metres. This is considered sufficient for cars/vans to pull in off Chapel Road and park whilst the gates are opened. Traffic will increase during the construction period (anticipated to take place over the summer 2017) but thereafter, there will be no material impact on traffic given that the site should only need maintaining three-four times a year.

**CONCLUSION**

On balance, it is considered that the benefits of the scheme in terms of improving the way that surface water is dealt with, improving bathing waters, reducing the potential for foul sewer surcharging and the native landscaping scheme proposed outweigh concerns re the loss of the existing landscaping and trees and other fears raised by objectors, most of which are not material planning considerations.

It is considered that the proposal would comply with paragraphs 7, 8, 9, 14, 17, 56, 93, 94, 99, 103, 109, 118 and 123 of the NPPF, Policies CS7, CS9, CS12 and CS26 of the Core Strategy and Policies LQ1, BH3, NE2, NE6, NE7 and AS1 of the Local Plan in terms of sustainability, design, biodiversity, landscaping, amenity and access and highway safety.

These recommendations are in accordance with the development plan and it is considered that the proposed development would meet the three dimensions of sustainable development as outlined in paragraph 7 of the NPPF. There are no other material considerations which would warrant refusal of the proposed development.

**LEGAL AGREEMENT AND/OR DEVELOPER FINANCIAL CONTRIBUTION**

The grant of planning permission may require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal.

**HUMAN RIGHTS ACT**

Under Article eight and Article one of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others.

It is not considered that the application raises any human rights issues.

## **CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the Council's general duty, in all its functions, to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998

## **BACKGROUND PAPERS**

Planning Application File(s) 17/0118 can be accessed via the link below:

<http://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

**Recommended Decision:** Grant Permission

## **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out, except where modified by the conditions attached to this permission, in accordance with the planning application received by the Local Planning Authority including the following plans:

Location Plan stamped as received by the Council on 21/02/2017.

Drawings numbered

80041518-01-MMB-PSB-97-DR-T-97003 REV P02  
80041518-01-MMB-PSB-97-DR-T-97004 REV P03  
80041518-01-MMB-PSB-97-DR-T-97005 REV P02  
80041518-01-MMB-PSB-97-DR-T-97006 REV P02  
80041518-01-MMB-PSB-97-DR-T-97007 REV P02  
80041518-01-MMB-PSB-97-DR-T-97001 REV P02  
80041518-01-MMB-PSB-97-DR-T-97002 REV P02  
80041518-01-MMB-MISCE-97-DR-L-00011 REV P01.2  
80041518-01-MMB-MISCE-97-DR-L-00011 REV P01.1  
80041518-01-MMB-MISCE-97-DR-L-00003 REV P02

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied as to the details of the permission.

3. The landscaping works shown on the submitted plans shall be carried out in accordance with the approved details within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing by the Local Planning Authority (whichever is sooner.)

Any trees, hedgerow or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, hedgerow or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the development provides net gains in biodiversity and to ensure the site is satisfactorily landscaped in the interests of visual amenity with regards to Policies LQ1, LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

4. The development hereby approved shall be implemented in accordance with the recommendations in the Bowland Ecology, Ecological Appraisal, BOW17/707 Blackpool South document dated January 2017.

Reason: To safeguard and enhance biodiversity on and around the site in accordance with Policies LQ6 and NE6 of the Blackpool Local Plan 2001-2016 and Policies CS7, CS9 and CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

5. The development hereby approved shall be implemented in accordance with the details in the submitted Construction Management Plan Rev A dated 24 May 2017.

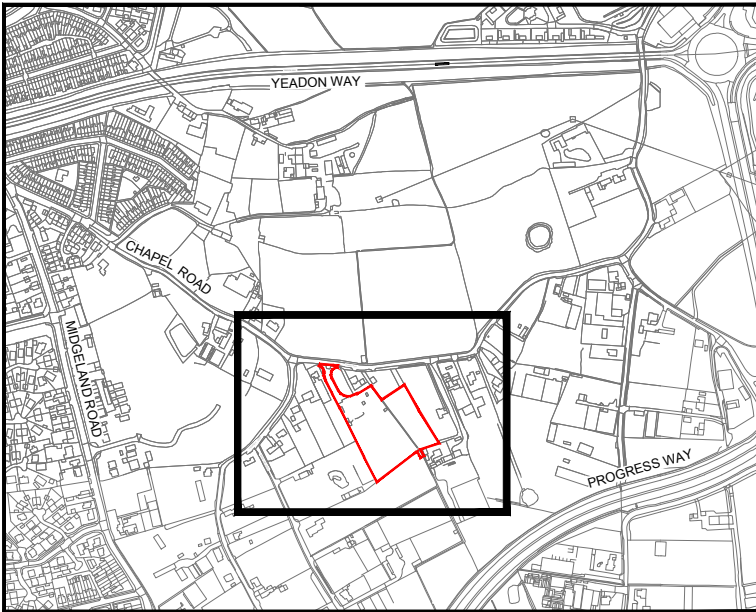
Reason: In the interests of highway safety, the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policies LQ1 and BH3 of the Blackpool Local Plan 2001-2016 and Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027.

## Advice Notes to Developer

1. The grant of planning permission may require the developer to enter into an appropriate Legal Agreement with Blackpool Borough Council acting as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway relating to this proposal. The applicant is advised to contact the Council's Highways and Traffic Management Services, 3rd floor, Number One, Bickerstaffe Square (Tel 01253 477477) in the first instance to ascertain the details of such an agreement and the information provided.
2. The Developer and their Contractors should be aware of their responsibilities under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitat Regulations 2010 (as amended) and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice, amphibians and reptiles in the works area/surroundings and comply fully with the law in relation to impacts associated with the approved development.
3. Please note this approval relates specifically to the details indicated on the approved plans and documents, and to the requirement to satisfy all conditions of the approval. Any variation from this approval needs to be agreed in writing by the Local Planning Authority prior to works commencing and may require the submission of a revised application. Any works carried out without such written agreement or approval would render the development as unauthorised and liable to legal proceedings.

This page is intentionally left blank





LOCATION PLAN  
SCALE 1:5000



**NOTES**

- All dimensions in millimetres and all levels in metres AOD unless noted otherwise.
- No dimensions are to be scaled from this drawing.
- To be read in conjunction with Blackpool South, Surface Water Management Attenuation Basin MM2 AB01 Arboricultural Report, February 2017.

**LEGEND**

- 90 Tree reference
- Approximate extent of canopy
- Tree Root Protection Area (RPA)
- Tree to be removed
- Temporary Protection Barrier

**Individual Trees**

- Ungraded
- Grade A Trees
- Grade B Trees
- Grade C Trees
- Grade U Trees to be removed for reasons of sound arboricultural management

**Tree Groups and Hedges**

- ▨ Grade A trees
- ▨ Grade B trees
- ▨ Grade C trees
- Temporary working area boundary

SCALE 1:500  
m10 0 50m

**CURRENT ISSUE INFORMATION**

P01.2	PW	CU	DL	Group 4 and 5 added	10/02/17
VERSION	AUTH	CHKD	REVD	REASON FOR ISSUE	DATE
S2	Issued for Information				
SUITABILITY CODE	SUITABILITY DESCRIPTION				



BLACKPOOL SOUTH STRATEGY LENNOX GATE PS & SUR WAT  
MARTON MOSS 2 ATTENUATION BASIN 01  
TREE PROTECTION PLAN

SCALE 1:500	SHEET SIZE A1
DRAWING NUMBER 80041518-01-MMB-MISCE-97-DR-L-00011	REVISION P01.2

© The copyright of this document, which contains information of a proprietary nature, is vested in United Utilities Water Limited. The content of this document may not be used for purposes other than that for which it has been supplied and may not be reproduced, either wholly or in part, in any way whatsoever. It may not be used, or its contents divulged to any other person whatsoever without the prior written permission of United Utilities Water Limited.  
© Mott MacDonald Bentley Limited. This document should not be relied on or used in circumstances other than those for which it was originally prepared and for which Mott MacDonald Bentley Ltd was commissioned. Mott MacDonald Bentley Ltd accepts no responsibility for this document to any other party other than the person by whom it was commissioned.  
Copyright Acknowledgement: Use of Ordnance Survey map data sanctioned by the controller of H.M. Stationery Office. OS Licence Number 100019326. Crown copyright reserved. Unauthorised production infringes copyright.

This page is intentionally left blank