

COMMITTEE DATE: 09/05/2017

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.

INTRODUCTION

The application site is the north east corner of a 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 (UU). 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 subject to a separate planning application and is listed at Item 7 of the Agenda (application reference 17/0118).

SITE DESCRIPTION

The application site comprises of 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 8840sqm 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 officers from 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. Kensington's is in the process of developing land off Moss House Road and they may require access from Moss House Road for part of their site south of Moss House Road and 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.

A meeting is scheduled with the applicants on Thursday 4 May 2017. An update will be provided following on from the meeting.

Service Manager Public Protection:

Please condition that a construction management plan is required.

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 Lancashire County Archaeology Service 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 (09/0740) were required. Application 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 have been 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 have been 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. Kensington's 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 wasn't 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.

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 (AOD) and the land slopes down to 4metres AOD to the north towards Florence Street. The proposed basin would be excavated to a finished level of 2.7metres AOD 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 3-4 visits a year) are not strictly material planning considerations. However, a Construction Management Plan should be required by condition which would seek to 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 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.

In terms of the request for a 1.8metres 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 wouldn't be used routinely.

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 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.

4. 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.

5. 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.

6. 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.

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.