

COMMITTEE DATE: [09/05/2017](#)

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.

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 ref 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 subject to a separate planning application and is listed at Item 6 of the Agenda. (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 1 metre 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 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:

Please condition that a construction management plan is required.

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 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: 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 20,000m³ 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 (3-4 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 07:30 and 19:00 Monday to Friday 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 will be included in the Construction Environmental Management Plan (CEMP) which will be produced for each 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 doesn't 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 (AOD) and 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 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 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.

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 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.

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 3-4 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 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 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. 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. 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.

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.

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.