

## Blackpool Council - Development Management

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### Officer Report to Committee

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**Application ref:** 20/0674  
**Ward:** STANLEY  
**Application type:** FULL  
**Location:** LAND AT SQUIRES GATE INDUSTRIAL ESTATE, SQUIRES GATE LANE  
**Proposal:** Use of land as a contractors depot, incorporating land levelling, vehicle storage for up to 67 wagons, staff and customer parking, erection of workshop, concrete batching plant and aggregate bays.

**Recommendation:** REFUSE  
**Case officer:** Pippa Greenway  
**Case officer contact:** 01253 476222  
**Meeting date:** 8 June 2021

#### **1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

- 1.1 The Council Plan sets out two priorities. The first is ‘the economy: maximising growth and opportunity across Blackpool’, and the second is ‘communities: creating stronger communities and increasing resilience.
- 1.2 This application accords with the first priority in that the applicant states that it supports 100+ jobs within the area and Fylde. However it conflicts with the second priority as the proposal impacts significantly on the residential amenities of the local community in terms of noise and disturbance, air pollution and flood risk.

#### **2.0 SUMMARY OF RECOMMENDATION**

- 2.1 The proposal would compromise the aims of the Enterprise Zone to attract new, modern, hi-tech companies and their staff into the area. It would also exacerbate water pollution and flooding within the area and cause significant issues for local residents with regard to dust/air pollution, continuous noise and disturbance throughout the day, with additional impacts early morning and late night, when the area is quieter. The adverse environmental and social impacts of the proposal are considered to outweigh the economic benefits. As such the proposal does not represent sustainable development and refusal of permission is recommended.

#### **3.0 INTRODUCTION**

- 3.1 This application is before Members because of the level of public objection and because it is a major scheme of general public interest that is recommended for refusal.

#### **4.0 SITE DESCRIPTION**

- 4.1 The site comprises 2.6 hectares of land in the south east corner of Squires Gate Industrial Estate and is bounded by Squires Gate Industrial Estate and Sycamore Trading Estate to the north; the Business Park and Enterprise Zone to the west and south; and by a football ground (AFC Blackpool) and Common Edge playing fields to the east. On the opposite side of the football ground is a residential street – Oakwood Close.
- 4.2 The site either is located within a Main Industrial/Business Area and an Industrial Improvement Zone.

#### **5.0 DETAILS OF PROPOSAL**

- 5.1 The proposal is use of land as a contractors depot. In the south east section would be a storage bays for aggregates, sand, gravel top soil etc. The aggregate bays are constructed of vertical universal beams (UB's) set into the ground (max 4m high) with timber sleepers slotted into the webbing between each UB. A typical individual bay is 8m x 12m in size. To the west of this would be a section for the parking of 63 wagons; and occupying the area furthest west would be a crusher, screener and concrete batching plant. The batching plant consists of two silos (maximum height of 11.3m) and hoppers (max height 5.3m), a conveyor belt and a loading area for wagons. In the northern part of the site would be the workshop (20 m x 10 m with a ridge height of 8 m), drivers cabin/canteen, WC's, site machinery storage area and staff/visitor parking. All access to the site is from the main estate access road at the traffic light controlled junction with Squires Gate Lane; and staff/visitor car parking is segregated from wagon access.
- 5.2 The application has been supported by:
- Design and Access Statement
  - Ecological Appraisal
  - Arboricultural Constraints Appraisal
  - Flood Risk Assessment
  - Noise and Vibration Assessment
  - Phase 1 Desk Study (contaminated land)
  - Transport Statement
  - External lighting details

#### **6.0 RELEVANT PLANNING HISTORY**

- 6.1 **19/0738** Erection of a building and material storage bays; formation of bund along the eastern, southern and part of the western boundary; siting of concrete batching plant including silos, mobile crushing plant; and use of site for storage of vehicles, storage and concrete production, storage of inert soil and aggregates within Use Class B2, with associated access, landscaping, parking and ancillary facilities (retrospective application). The application was withdrawn and the current application for a larger site submitted.

## 7.0 **MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- the principle of the use
- impact on residential amenity
- visual impact
- highway impact

## 8.0 **CONSULTATION RESPONSES**

8.1 **Greater Manchester Ecology Unit (GMEU):** The application is retrospective and it would appear that at the time of the survey (December 2019) the site had been cleared of all vegetation and consisted predominantly of bare ground with some recently formed bunds some of which some were partially vegetated. As such the current ecological value of habitats is low as reported in the Ecological Appraisal. However, the Ecological Appraisal in considering statutorily designated sites fails to mention the presence of the European designated sites:

- Liverpool Bay SPA (approx 3km to west)
- Ribble & Alt Estuary SPA (approx 2km to west)

As a consequence the application site falls within Natural England's SSSI Impact Risk Zone. Given the current condition and size of the site it is highly unlikely that the site would now represent Functionally Linked Land used by designated bird species. It is of note that the adjacent area to the south has supported oystercatcher, a designated feature of the Ribble and Alt Estuary SPA. However the SSSI Risk Zone also identifies a number of other potential impact features, which may result from operational activities of a proposal. Given the nature of the proposals; concrete batch plant, concrete production and aggregate crushing, I would advise that the Local Planning Authority consider the SSSI Impact Risk Zone factors and satisfy themselves whether the scale of the current proposal could result in any other impacts that might meet one of the criteria. Of particular relevance may potentially be the threshold units for water/fluid discharges, air pollution and/or water supply. Detailed analysis of such potential impacts is outside GMEU's remit, other officers within the Local Authority may be able to assist in this matter. If any of these criteria are met then there may be a need for additional analysis from the applicant.

I would strongly recommend that the LPA also consult Natural England, if this has not already been done, in order to confirm if they have any additional comments or requirements. Once the matter of the Impact Risk Zone factors has been resolved there are no additional ecological matters to address within the current application. I would recommend that the landscape scheme uses locally native species. GMEU would be willing to comment on the landscape scheme once submitted.

8.2 **Natural England:** No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

- 8.3 **United Utilities:** Recommends standard conditions relating to surface and foul water. A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. Our records also show that there is/are private water main(s) within the site. Any necessary disconnection or diversion of the private main(s) must have the approval of the pipeline owner and be carried out to our standards at the applicant's expense.
- 8.4 **Environment Agency:** We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis. Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. This objection is supported by Planning Practice Guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref. ID 34-020-20140306). Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. In this instance the justification provided by the applicant for non-connection to the mains sewerage system is deficient due to inadequate information provided.

With regard to the description of the land use applied for, we wish to clarify that a significant part of the current and proposed use involves the operation of a waste facility involving transfer and mechanical treatment of inert wastes. One part of the land that is subject to this retrospective application has been operating for over 12 months under an Environmental Permit which was issued on 12 October 2019. The permit allows Fox Brothers (Lancashire) Limited to treat up to 75,000 tonnes of waste per year to produce soil, soil substitutes and aggregate. The company has recently applied for, and been issued with a permit variation on 2 December 2020. This has expanded the permitted area, so that it is similar to the area proposed in this planning application. The permitted activities remain the same. However, based on the current situation, we have significant concerns about the waste operations in within close proximity to residential and commercial land uses:- The eastern site boundary is within 100 metres of residential housing on Oakwood Close. Since site activities commenced last year we have received a significant number of complaints about noise and dust from local residents, and we continue to do so. The extended site area which is the subject of the application has also brought the site significantly closer to commercial occupiers on the adjoining industrial estate.

We note that the applicant has sought to use the existence of an Environmental Permit as evidence that the impact of the waste operations is acceptable in this location. On page 24 of the Design & Access Statement the following statement is made: *There are Environment Agency permits in place for waste and crushing at the site. The Environment Agency operator's licence was clearly granted and there were no difficulties with this. As this government agency clearly consider impact on 25 nearby residential properties, it is considered that this operation is acceptable in this location.* We wish to stress to the planning authority that this statement is misleading. The Environmental Permitting Regulations and government guidance generally do not allow us to refuse applications for Environmental Permits on the grounds of suspected amenity impacts. It is expected that the applicant will take all appropriate measures to avoid or reduce impacts once the permit is

issued and prior to commencement of activities. However in the case of this site and operator, despite a formal request in January 2020, we have not received an adequate NIA or Noise and Vibration Management Plan which adequately assesses and mitigates the noise from the waste processing activities.

The proposal as set out in the NIA is to move the crusher and screener further away from the housing estate. However, this will mean that these noise sources are then much closer to existing and future commercial occupiers as the industrial estate continues to develop. We understand, for example, that a new office/industrial premises is soon to be constructed near the western boundary of the site, and that further development is likely as the area falls within the Blackpool Airport Enterprise Zone. We consider that the currently submitted NIA does not fully address all sources and types of noise produced on site, or provide a representative assessment of the impact on all potential receptors for noise. We therefore consider that this application significantly underestimates the likely noise impact on local businesses and residents from the proposed use, and we expect the noise impacts and complaints to continue and escalate as surrounding areas become occupied. The applicant has so far been unable to demonstrate that either existing or proposed activities can be undertaken at this location without causing noise pollution. Should the proposed activities be allowed to continue and expand under the current proposals on current evidence, we believe that the operator will be unable to prevent an ongoing adverse impact on nearby residents and other occupiers.

The previous use of the proposed development site as industrial land presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary B Aquifer, and adjacent to surface watercourses. We have reviewed the submitted draft Phase 1 Desk Study report (ref. 20-01-03 Revision 1; dated September 2020; Demeter Environmental Ltd) and we would agree with the conclusions that an intrusive site investigation should be undertaken. The site is located adjacent to a plant/landfilled area that is recorded as 'Adjacent to Common Edge Road, Ref. No. K1/04/033', having taken sewage sludge for drying and being capped in 1986 with inert materials. This could potentially be contaminated as there is no evidence of the site being remediated. This might be a source of pollution that could impact upon the site, and is worthy of further assessment. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the local planning authority.

If our foul drainage objection can be overcome, we are likely to request a planning condition, in line with paragraph 170 of the National Planning Policy Framework, requiring the submission of remediation strategy to be included, as set out in Appendix A of this letter. This is because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. We consider that the submitted Phase 1 report satisfies part 1 of the condition. The applicant may therefore wish to submit further information as part of this application which could satisfy the condition, or remove the need for it.

- 8.5 **NATS Safeguarding:** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

8.6 **MOD Warton Safeguarding:** No safeguarding objection to the proposal.

8.7 **Environmental Protection:** Requests amendments/conditions:

- Install a screening fence which has acoustic properties around the perimeter of the site which will act as a barrier from the stock piles. If it is intended to move the vehicle storage closer to the perimeter of the football club, the fencing will have to be of a design that incorporates noise mitigation.
- Install acoustic fencing around the crusher and screening – this they have sourced from the quadrille site and is in use. When the crusher and screener are in use the acoustic fencing is to be in situ.
- Move the crushing, screening and concrete batch processes onto the newly acquired calor gas site (the concrete plant has been moved).
- The area which is currently used for the movement of materials will be used for the storage of vehicles (hence the screening fencing to have acoustic properties).
- Conditions for stock piles and operation
  - Hours of operation, including the movement of materials and vehicles around the site, Monday – Friday 9am – 6pm
  - Hours of operation, including the movement of materials and vehicles around the site, Saturday 9am – 1pm.
  - No hours of operation on Sunday or Bank Holidays.
  - To reduce the height of the stockpiled material to the height of the bay and the bays should be covered. If there is no bay, the height of stockpiled material shall not exceed the height of the loading shovel.
  - A Site Management Plan is to be submitted which identifies how dust migration will be managed on the site.

The plant screening on the amended plans is not what was agreed. It needs to be fencing which can mitigate noise and we are continuing to receive complaints.

8.8 **Local Highway Authority:** No objection in principle. I would consider it reasonable to limit hours and days of working in line with what is acceptable for residential amenity.

8.9 **Lead Local Flood Authority:** Notwithstanding the theoretical greenfield run-off there is no evidence that the site discharges at present to watercourses or indeed any evidence or assessment of existing or previous connections. In addition it should be noted that United Utilities have drainage within the SG Industrial Estate. The concrete batching plant has all associated surface water and spillage tankered to a treatment site, any approval of this should be subject to expert third party evaluation in view of the location. The principal concern regarding drainage is the expectation that 50 litres per second can be discharged into the watercourse to the south. That watercourse runs into a system that eventually discharges under Queensway to the eastern length of Division Lane and thence to the Moss Sluice. Despite the flow to Queensway being controlled it is evident that flooding occurs within property curtilages in the eastern length of Division Lane in storms somewhat less than the design storm for this application. Adding 50 l/s to the watercourse system would simply increase the likelihood of flooding in Division Lane and is not, therefore, acceptable. On that basis a Land Drainage Consent for this proposal would be refused by the LLFA and planning permission should not be given until the issue is satisfactorily resolved - because the proposal would exacerbate flooding elsewhere. Given that the application is retrospective there is little point in seeking to control this by condition.

8.10 **Enterprise Zone Manager:** I have significant reservations about its potential adverse impact on the development of Blackpool Airport Enterprise Zone which is one of Lancashire's primary employment locations where the focus is on driving up the quality and range of employment to support the diversification and growth of the economy. I am concerned about the level of noise and dust that will be created by the use proposed. The Enterprise Zone is targeted at a number of key sectors- Food and Drink Manufacture, ICT Digital and creative – specifically data centres and advance manufacturing. For all these industrial sectors the potential for airborne particulates would be of great concern and would most likely dissuade such industry from locating anywhere near the proposed facility as development and operation of such facilities would then require additional and very expensive air filtration equipment to ensure that strict requirements on air quality could be achieved. Equally the potential for vibration would be a massive negative factor when seeking to attract Data management investment to the Enterprise Zone

These matters are of direct and immediate concern as a development is already underway on a site immediately adjacent to the applicant site where the product is to be very high grade carbon fibre mouldings for use in sensitive medical equipment (each item produced in the Multiply Facility has to be x-ray tested to ensure there are no imperfections including trapped particles ) The proposed crushing and screening plants which are likely to generate significant dust as well as noise are located on the boundary of the application site immediately adjacent to the new facility and will further heighten the risk of adverse impact.

The Enterprise Zone team are also negotiating for a food manufacturing plant adjoining the application site as well as progressing good interest from a number of data centre operations all of which may be lost. I also have concerns about the proposed vehicle parking area where the surface material seems to be indicated as road planings which may increase the risk of petrochemical contamination of the sub- surface – and would ideally require a fully sealed surface with appropriate drainage design including petrol/ oil interceptors.

In terms of storm water drainage from the site, I understand that the intention may be to seek to discharge this to the existing water courses on the south side of the application site boundary. These are private water courses owned and maintained by Blackpool Council which ultimately drain eastward toward the main river/moss sluice; this drainage system is close to capacity and all development at the Enterprise Zone will require extensive drainage attenuation measures to ensure that discharge to the wider system is no greater than green field run off rates. There have been no discussions with the applicant seeking consent to discharge to the Common Edge drainage system and as developers of the Enterprise Zone there would be no inclination to permit such drainage access to the detriment of ability to manage the wider drainage system and undertake development in accordance with the approved Enterprise Zone masterplan. Substantial on site storm water attenuation should be provided and form part of any conditions should the application be approved – together with an obligation to contribute substantial and proportionate costs to any work required to the future development of additional attenuation facilities at the Enterprise Zone and the ongoing maintenance of the drainage system. Given the proximity of residential property I would also recommend that there are restrictions on working hours. On balance the preference of the Enterprise Zone delivery team would be that planning consent be refused.

8.11 **Blackpool Airport:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

## **9.0 REPRESENTATIONS**

9.1 Press notice published: 12/11/2020

9.2 Site notice published: 04/11/2020

9.3 Neighbours notified: 16/11/2020

9.4 Forty two representations have been received from the following properties:

- Oakwood Close: 2, 4, 7, 9, 10, 12, 14, 24, 26, 32, 34, 36, 38, 40, 41, 47, 49, 50, 53, 54
- Newlyn Avenue: 41
- School Road: 1, 2,
- Squires Gate Lane: 277, 331
- Common Edge Road: 183, 199, 211, 237, 312
- Bramley Close: 3, 15
- Burbank Close: 4, 9
- Belverdale Gardens: 22
- Worthington Road: Leamington House
- MHA Moore and Smalley Skyways Commercial Campus
- Unit 8, Skyways Campus, Amy Johnson Way
- Unit 2, Skyways Campus, Amy Johnson Way

9.5 These representations raise the following issues:

- Light pollution – the floodlights are on all night and there are serious health implications associated with the lack of sleep, additionally the severe impact that a disrupted night's sleep has on a child's education and future prospects.
- Noise pollution - Horrendous noise of the crusher in operation, severe noise pollution in the form of heavy plant machinery manoeuvring around the site, wagon horns blasting, continuous beeping of reversing vehicles, and a constant high pitch noise. This type of noise is not appropriate in a residential area. In the Spring/Summer gardens will not be usable, nor will the option to have windows open to let in fresh air due to the constant noise pollution caused by this awful site. The Environmental noise survey (BS4142) has also determined that noise from the activities at the site would result in an indication of Significant Adverse Impact.
- Air pollution - Increased heavy goods vehicle traffic attending the site and pumping out diesel fumes. Severe dust pollution since the site has been in operation, cars and house are continually covered in dust. There are health implications for residents breathing in dust and diesel. The sand storage is stacked well above the west stand of the football ground of AFC Blackpool, the dust will affect the young footballers training there on a daily basis. The children at the two schools in close proximity to this site are breathing in the dust/fumes during school hours on a daily basis.
- Environmental pollution - Earth has been allowed to spill around the trees and bushes along the boundary to a depth which in many cases is likely to bring about the premature failure of those plants. This lack of consideration in regard to the security of the site and well-being of adjacent flora does not inspire any confidence in the company's proposals to screen their site with barrier fencing and trees.

- Visual pollution - Walking or playing on the field loses its pleasure when the plant is in operation due to this disturbance and the towers are unsightly and so high they are visible above the trees. The limited greenbelt should be protected and playing fields, keeping our children fit and healthy, should not be affected by this.
- Excessive traffic on local roads - On the lights junction at Squires Gate Lane where the lorries gain access and exit, the noise has increased tremendously and our house moves when they come out sometimes in convoy. They start early morning and are entering & exiting all day repeatedly so there is no rest. Crossing the road now is increasingly dangerous for people walking to the shops.
- The Transport Statement and the Design and Access Statement state that the site will be used as 'weekend parking' for 30 of the 65 heavy goods vehicles, which during the week, work out of the applicant's sites in the south of England. I can't see how this use of the site 'serves the needs of the region'. The concept of bringing rubble from other locations to this one site to be processed and then redistributed all around the county is an environmental outrage, this process should be done on the building site where the hardcore is to be used and save the environmental damage of all this unnecessary road transport. I can only speculate as to the damage these very heavy trucks will have to the actual roadway and our environment.
- This type of attraction is not one needed on an enterprise zone. Multi-Ply Components Ltd manufacture components for x-ray and medical industry and they work in a clean room environment, are they aware of the dirt and filth the company is going to be subjected to from their new neighbour? The cement factory would also pose a risk to high tech firms (dust ingress to expensive IT equipment) therefore putting off the kind of companies we should be looking to attract and as a consequence put any future employment at risk which potentially could be thousands on new employees. In conclusion this site is having a direct impact on the quality and wellbeing of an already established neighbourhood and I feel it will also have a negative impact on any future developments and employment on the new Enterprise Zone.

## **10.0 RELEVANT PLANNING POLICY**

### **10.1 National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- Section 6 – building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 – Facilitating the sustainable use of minerals

### **10.2 National Planning Practice Guidance (NPPG)**

10.2.1 The NPPG expands upon and offers clarity on the points of policy set out in the NPPF.

### **10.3 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.3.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS3 Economic Development and Employment
- CS7 Quality of Design
- CS9 Water Management
- CS24 South Blackpool Employment Growth
- CS27 South Blackpool Transport & Connectivity

### **10.4 Blackpool Local Plan 2011-2016 (saved policies)**

10.4.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1 Lifting the Quality of Design
- BH3 Residential Amenity
- BH4 Public Health and Safety
- DE1 Industrial and Business Land Provision
- DE2 Industrial Improvement Zones
- AS1 General Development Requirements
- AS7 Aerodrome Safeguarding

### **10.5 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.5.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- DM7: Provision of Employment Land and Existing Employment sites
- DM8: Blackpool Airport Enterprise Zone
- DM21: Public Health & Safety
- DM39: Transport Requirements for New Development
- DM40: Aerodrome Safeguarding

### **10.6 Other Relevant Policy Guidance**

10.6.1 Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies - Part One September 2013

10.6.2 Policy DM2 - Development Management

Development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the proposal's setting, baseline

environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards. In accordance with Policy CS5 and CS9 of the Core Strategy developments will be supported for minerals or waste developments where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that the proposals will, where appropriate, make a positive contribution to the:

- Local and wider economy
- Historic environment
- Biodiversity, geodiversity and landscape character
- Residential amenity of those living nearby
- Reduction of carbon emissions
- Reduction in the length and number of journeys made.

This will be achieved through for example:

- The quality of design, layout, form, scale and appearance of buildings
- The control of emissions from the proposal including dust, noise, light and water.
- Restoration within agreed time limits, to a beneficial after use and the management of landscaping and tree planting.
- The control of the numbers, frequency, timing and routing of transport related to the development.

## **11.0 ASSESSMENT**

### **11.1 Principle**

11.1.1 The Squires Gate and Sycamore Estates are part of a major concentration of employment in south Blackpool together with the adjoining Blackpool Business Park and Blackpool Retail Park. Under policy DE1, the estates are considered suitable for Offices, research/development, light/general industry and warehousing. Policy DE2 expresses the desire for major redevelopment and enhancement of the older estates as an extension of the Blackpool Business Park to provide modern quality premises to help attract inward investment and expansion space for existing local firms. It is considered that the proposal is contrary to Policy DE2 because the proposal does not provide modern quality premises.

11.1.2 An Improvement Zone plan was to be prepared for the two estates and adjoining lands and set out a strategy for their enhancement and retention as a prime business location. However this has been superseded more recently by the Enterprise Zone designation. Blackpool Airport Enterprise Zone status was approved in November 2015 and the site became operational in April 2016. The status of the Enterprise Zone is valid for 25 years and provides business incentives of rate relief up to £275,000 over a period of five years and Enhanced Capital Allowance. The site covers 144 hectares of which around 62 hectares lie within Blackpool Borough and 82 hectares in Fylde. The site incorporates the existing Category III airport buildings and surrounding business and employment lands; areas of open space and sports playing fields.

11.1.3 The overall delivery of the Enterprise Zone is guided by the Blackpool Airport Enterprise Zone Masterplan, which establishes the development and design framework for the site and determines the appropriate mix, quantum and location of development to deliver the objectives of the Enterprise Zone. A preliminary Masterplan was published in September 2018 and includes this site within Zone D which is proposed for a mix of industrial,

commercial and innovative uses that improve the arrival experience into the Airport and build on the industry and innovation strengths of the Enterprise Zone.

11.1.4 Policy DM8 is supportive of the sustainable development of the Enterprise Zone to create more businesses and jobs and attract international investment with positive benefits for the sub-regional economy and increasing the contribution to national growth. The list of uses suitable within the Enterprise Zone comprises energy industry, advanced manufacturing and engineering, food and drink manufacture and the digital and creative sector. Outside these target sectors, other E(g) (light industry and offices) (formerly B1), B2 (general industry) and B8 (warehousing and distribution) uses will be considered where this promotes job creation and industry diversification provided it does not compromise the development of the target sectors.

11.1.5 Whilst a B2 use would normally be in accordance with policy DE1; given the investment in the Enterprise Zone and the targeting of, hi-tech, dust and vibration sensitive uses, it is considered that this particular proposal is not compatible here. The Enterprise Zone Manager's comments on the principle of the use are valid, the potential noise and dust generated would compromise the development of the targeted sectors and would be contrary to Policy DE2.

## **11.2 Impact on residential amenity**

11.2.1 The eastern site boundary is within 100 metres of residential housing on Oakwood Close. Since site activities commenced last year, the Environment Agency (in addition to the council) have received a significant number of complaints about noise and dust from local residents, and continue to do so. The extended site area which is the subject of the application has also brought the site significantly closer to commercial occupiers on the adjoining industrial estate.

11.2.2 The proposal as set out in the Noise Impact Assessment (NIA) is to move the crusher and screener further away from the housing estate. However, this will mean that these noise sources are then much closer to existing and future commercial occupiers as the industrial estate continues to develop. A new office/industrial premises is soon to be constructed near the western boundary of the site, and further development is likely as the area falls within the Blackpool Airport Enterprise Zone. The NIA does not fully address all sources and types of noise produced on site, or provide a representative assessment of the impact on all potential receptors for noise. For example, there is no assessment of the impact of the noise generated by 60+ diesel engines within a short time period early in the morning. This application significantly underestimates the likely noise impact on local businesses and residents from the proposed use, and noise impacts and complaints will only continue and escalate as surrounding areas become occupied.

11.2.3 The applicant has so far been unable to demonstrate that either existing or proposed activities can be undertaken at this location without causing noise pollution. Should the proposed activities be allowed to continue and expand under the current proposals on current evidence, the operator will be unable to prevent an ongoing adverse impact on nearby residents and other occupiers. As such, the proposal would result in significant noise impacts, regardless of the proposed mitigation measures such as proposed acoustic walling. No mitigation has been proposed for the noise from HGV diesel engines.

- 11.2.4 With regard to dust, materials are stored within open bays within the site, these are not covered and the materials are stacked high enough to be visible to residents. In addition, dust from the crusher operates at a higher level. There does not seem to be an adequate dampening or covering system in operation. Also, there are complaints about air quality with regard to the smell of diesel. In the absence of an Air Quality Assessment, the imposition of conditions to ensure that dust and diesel particulates are controlled is not considered appropriate.
- 11.2.5 The Head of Environmental Protection has suggested operating times to control the hours during which neighbours are subjected to noise. Currently, the site is working seven days per week and neighbours complain that the diesel wagons start up at 5:30 am. The Design and Access Statement, states that the wagons leave the site at 5.30-6am; with local drivers returning between 4.30 – 6.30pm daily. The operation also runs on Sundays. This is not compatible with the Head of Environmental Protection's requirement for the earliest start of 7am and no Sunday working. As such, the proposal results in significant adverse impact on the amenities of residential neighbours and on occupants of commercial units on the business park.

### **11.3 Environmental impact - air, water and land quality**

- 11.3.1 As discussed above (11.2.4), the proposal would be likely to have an adverse impact on air quality. In addition, reports have already been received regarding the leaching of hydrocarbons from the site into the local waterways. The land quality has also been degraded by the covering of most of the site with concrete. There are proposals for bunding around the south and eastern boundaries however this will not add significantly to environmental quality as the operations will be visible above them.

### **11.4 Visual impact**

- 11.4.1 The proposed operations, particularly the silos and crushing machines, as well as the uncovered aggregate bays would be highly visible from the adjacent sports pitches and the playing fields which are used by sports organisations and walkers. In this regard they present an intrusive backdrop and coupled with the noise and dust, interfere with the enjoyment of the adjacent area.

### **11.5 Drainage and flood risk**

- 11.5.1 As stated previously, there are already hydrocarbons leaching out from the site and polluting the surrounding ditches. The Council's drainage officer recommends refusal on the basis that there is insufficient capacity to connect to the existing system and, if connected, the proposal would increase the likelihood of flooding in Division Lane, which would compromise their residential amenity. The Environment Agency have also objected on the grounds that private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. As such, the recommendation is for refusal as there is no opportunity for the applicant to resolve the drainage issue by connecting to the Council's system; and there is no analysis of the potentials for connecting the foul system to the public network.

11.5.2 The Council's Enterprise Zone Manager has also flagged up that the surface water drainage is to private water courses owned and maintained by Blackpool Council which is close to capacity and all development at the Enterprise Zone will require extensive drainage attenuation measures to ensure that discharge to the wider system is no greater than green field run off rates. The Council would not permit such drainage access to the detriment of ability to manage the wider drainage system and undertake development in accordance with the approved Enterprise Zone masterplan. Attenuation should be provided on site, together with an obligation to contribute substantial and proportionate costs to any work required to the future development of additional attenuation facilities at the Enterprise Zone and the ongoing maintenance of the drainage system.

## **11.6 Access, highway safety and parking**

11.6.1 The application proposal would see at least six permanent staff at the site on a daily basis, for vehicle repairs (workshop) and washing, operating the concrete batching plant and aggregate bays. Typically, there are 61 HGV drivers who operate from the site driving wagons. A number of these would pick up their wagons around 5.30am – 6am on Monday and proceed to contracts in the Midlands and Greater London; they would return on a Friday evening at approximately 5.30 pm -6 pm. Other drivers would work on local contract work, leaving the site around 6am and returning between 4.30pm – 6.30pm daily. A few wagons would be left on site during the day - spare vehicles have to be available in case of breakdowns etc. The vehicle range includes tippers (the majority) and low-loaders for transporting plant and machinery. Plant operators working at other sites accounts for a further 20 jobs. In total (with the 14 office staff at Whitehills), there are about 101 employees.

11.6.2 The Head of Transportation has not raised any objection to the proposal. The Transport Statement indicates that there are adequate parking spaces for employees at the site and the traffic light controlled junction with Squires Gate Lane is sufficient to cope with access/egress. There are no highway safety concerns with regard to this proposal.

## **11.7 Other Issues**

11.7.1 There are no biodiversity impacts, although the applicant has not explored any opportunities to improve biodiversity on the site. The Arboricultural Appraisal considers that most of the existing trees around the south and east boundaries are category C which have at least 10 years life left in them. The site plan indicates that new screen planting around these boundaries and conditions could be imposed to require more densely planted native species in order to improve the habitat.

11.7.2 The application has 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 (as amended).

11.7.3 Under Article 8 and Article 1 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. This application does not raise any specific human rights issues.

## **11.8 Sustainability and planning balance appraisal**

- 11.8.1 Sustainability comprises economic, environmental and social components.
- 11.8.2 Economically the scheme would support 101 jobs, which the applicant states are, in the main, local. These in turn help to support local shops and services.
- 11.8.3 Environmentally, the environmental quality would be materially affected in terms of dust, noise and floodlights, there would be a significant detrimental impact on drainage in the area and a higher potential risk of pollution of the water courses from the private sewage system.
- 11.8.4 Socially, there would be very significant adverse impacts for the area with regard to flood risk and impact on residential amenity.
- 11.8.5 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the environmental and social components. The impact of a large number of HGV's travelling weekly up and down the country is also not insignificant in terms of sustainable development. No other material planning considerations have been identified that would outweigh this view.

## **12.0 FINANCIAL CONSIDERATIONS**

- 12.1 The use would generate Business Rates income but this is not a material planning consideration and no weight should be attached to it.

## **13.0 CONCLUSION**

- 13.1 The proposal would detract from the aims of attracting new, modern, hi tech companies and their staff into the Enterprise Zone. It would also exacerbate water pollution and flooding within the area and cause significant issues for local residents with regard to dust/air pollution, continuous noise and disturbance throughout the day, with additional impacts early morning and late night, when the area is quieter. The adverse environmental and social impacts of the proposal are considered to outweigh the economic benefits. As such the proposal does not represent sustainable development and refusal of permission is recommended.

## **14.0 RECOMMENDATION**

- 14.1 Refuse for the following reasons:
  - 1 The proposal does not constitute redevelopment to modern business/industrial facilities supporting the Blackpool Business Park/Enterprise Zone. As such it has a detrimental impact on the areas potential to attract modern, hi-tech industries, due to the noise and dust pollution generated on site. The proposal is thereby contrary to Policy CS24 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy DE2 of the Blackpool Local Plan 2001 - 2016.

- 2 The proposal would have a significant adverse impact on residential amenity in terms of noise (HGV engines, concrete crusher etc), air (dust, diesel fumes) particularly at unsociable times - late evening and early morning. As such, the proposal would be contrary to Policy CS7 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policy BH3 of the Blackpool Local Plan 2001-2016.
  
- 3 The proposal would result in off-site pollution of the water environment and increased risk of flooding, to the detriment of the environment and residential amenity. As such, the proposal would be contrary to Policy CS9 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and Policies BH3 and BH4 of the Blackpool Local Plan 2001-2016.