

<b>Agenda Item</b>	A8
<b>Application Number</b>	21/01405/FUL
<b>Proposal</b>	Construction of a new pumping station comprising inlet and outlet headwalls and a fenced compound with control kiosk, with below-ground pipework connections and associated infrastructure
<b>Application site</b>	Proposed Pumping Station Caton Road Quernmore Lancashire
<b>Applicant</b>	Mr G Bowker
<b>Agent</b>	Mr Russell Spencer
<b>Case Officer</b>	Ms Charlotte Greenhow
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval subject to no objection from Natural England

## 1.0 Application Site and Setting

- 1.1 The application site relates to 0.07-hectare area of land located close to the southern bank of the River Lune within the Riverside Park Industrial Estate. It is situated directly adjacent to the River Lune and River Lune Millenium Footpath to the north and is separated by an approx. 2m high flood defence wall. The River Lune itself is heavily tree lined along the embankment. The site currently comprises of a gravel-surfaced parking area associated with an existing haulage business. Other industrial/warehouse units are located in close proximity. Directly adjacent to the site to the east lies an existing water course which currently dispenses downstream water from the nearby golf course and surface water from the industrial estate into the River Lune.
- 1.2 The site is located within Flood Zone 3, an Air Quality Management Area, and Mineral Safeguarding Area designation. The Duddon Estuary Special Protection Area, Morecambe Bay Ramsar Site, and Morecambe Bay Special Area of Conservation are located approximately 3.1km away. The River Lune is classed as a Biological Heritage Site. The nearest listed building is the Grade I Lancaster Canal Lune Aqueduct approximately 190m to the south-west.

## 2.0 Proposal

- 2.1 Planning permission is sought for the construction of a new pumping station comprising inlet and outlet headwalls and a fenced compound with control kiosk, with below-ground pipework connections and associated infrastructure.
- 2.2 The new pumping station compound will comprise of a below-ground valve chamber and wet well with associated pipework connections to the inlet and outlets. Access will be restricted through the installation of a 2.1m high paladin style fence, with a 1m wide pedestrian gate inserted to the

western side. The proposed valve chamber will measure approximately 2.4m x 2.4m and the proposed wet well will have an internal diameter of 3.6m, both of which will be located underground with only a ground hatch/cover visible. A new control kiosk will be installed on a concrete plinth and will measure 2.1m in width, 0.6m in depth, and 1.75m in height. This will likely be constructed from dark-green glass reinforced plastic.

- 2.3 A new pre-cast inlet will be installed in the bank of the existing drainage channel. This will comprise of a pre-cast concrete headwall structure with an integrated steel trash screen. A new pre-cast concrete outfall will be installed on the riverbank. This will include a flap valve and associated pipework and pumping infrastructure. A low 1m high timber fence will sit atop the outfall structure.

### 3.0 Site History

- 3.1 A number of applications relating to the Lancaster Flood Risk Management Scheme (FRMS) have been previously received by the Local Planning Authority. The most relevant applications include:

Application Number	Proposal	Decision
16/01039/FUL	Erection of a pump house	Granted
18/00751/FUL	Erection of flood defence walls, security fences, lighting columns, alterations to footpaths and demolition of former pumping station and storage tanks	Granted
19/00046/FUL	Creation of a car parking area, HGV loading bays, a new internal road layout, installation of a new weighbridge, erection of perimeter fencing, access gates and alterations to drainage	Granted
20/01123/PAD	Prior approval for demolition of three pump houses	Prior Approval Granted

### 4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Environment Agency	<b>No objection</b> , advice provided.
Greater Manchester Ecology Unit	<b>No objection</b> subject to conditions.
Environmental Health Public Realm Officer	<b>No objection</b> subject to contamination land condition requiring on-site investigation.
Public Rights of Way	No response within statutory timescales
Ramblers Association	No response within statutory timescales
County Highways	<b>No objections</b> . Recommends advice note in relation to the Public Right of Way.
Mineral Safeguarding	No response.
Lune River Trust	No response.
Canal and Rivers Trust	No comments.
Lead Local Flood Authority	No comments.
Cadent Gas	<b>No objection</b> . Informative note required.
Property Services	No response.

Dynamo	No response.
Natural England	Comments awaited, and will be reported verbally to councillors
Arboricultural Officer (via email)	<b>No objection.</b>
United Utilities	<b>No objection</b> , however, highlights that a public sewer and an easement crosses the site which may result in the modification or diversion of the site layout. Councillors will be verbally informed of this.

4.2 No public representations have been received.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design, appearance and impact on heritage
- Impacts on trees
- Ecological impacts
- Highways and access

5.2 **Principle of development (NPPF paragraphs 7-10, 11-14, 47-50, 81, 92, 94, 96 and 98, 126-131, 153, 174, 179-182; policies DM26, DM29, DM33, DM36, DM43, DM44, DM45, DM61 of the Development Management DPD, and policies SP1, SP7, SP8, EC1, EC5, EN7, EN9, SC3, T2 of the Strategic Policies and Land Allocations DPD.**

5.2.1 There is a long-established employment area along the eastern side of the cycle path that benefits from strong transport links to Lancaster City Centre, the M6 and the Port of Heysham. Serious flooding in December 2015 affected a number of parts of the district, including the immediate area around Caton Road. There was also disruption caused due to flooding at the junction of Halton Road, Mainway and Aldrens Lane during this flood event. The submission explains that while activities have gradually resumed, some businesses have moved away and those that remained have reported difficulties in securing ongoing flood insurance.

5.2.2 In response, the City Council has worked in close partnership with the Environment Agency (EA) to deliver the Caton Road, Lancaster Flood Risk Management Scheme (FRMS). The scheme entailed constructing a flood wall along the left bank of the River Lune which was completed in December 2020 and provides 2.8 kilometres of improved flood defences, significantly reducing flood risk to the area, protecting businesses, and helping to safeguard more than 2,000 jobs. However, whilst flood risk had been greatly reduced, there still remains to a residual risk of surface water flooding. This is due to the current gravity-fed outfall which can only discharge when the River Lune is below the level of outfall meaning surface water can build up behind the flood wall. As a result, the proposed pumping station will help to manage the residual risk of surface water and address existing issues with surface water drainage.

5.2.3 Based on the above, there is clear, strong justification for the proposals on the basis of protecting a designated employment site on Caton Road as well as housing and commercial units on the western bank of the river. The principle of the proposal is therefore deemed to be acceptable.

5.3 **Design, appearance and impact on heritage (NPPF paragraphs 126-132, 174, 189, 194-197, 199-202; policies DM26, DM29, DM37, DM49, DM45, DM46 of the Development Management DPD)**

5.3.1 New developments are expected to contribute to improvements and enhancements of the public realm in accordance with policy DM26. Policy DM29 states that new development should be as sustainable as possible and make a positive contribution to the surrounding landscape. These provisions are also reflected within section 12 of the NPPF which seeks to achieve well-designed places.

5.3.2 Given the nature of the development, the majority of the proposal will be concealed beneath the ground, with only the operating control kiosk, compound fence, and ground grid/covers visible within

the industrial estate. On the embankment side, the outfall head wall will be built into the side of the riverbank and will feature a 1.1m timber fence above for safety.

5.3.3 The overall development is small scale and akin to the industrial character of its surroundings. It will be mainly concealed from the adjacent public footpath by the existing flood defence wall with only the compound fence partly visible through the railings. The applicant has confirmed (via email dated 11.01.2021) that the fencing will be 'Securifor 3D' (or similar) colour 'black' (to match adjacent flood wall fencing colour) and 2.1m in height. Given its siting and similar appearance to that already in place, it is not thought that the development would appear intrusive or out of place. The industrial estate itself is restricted to the public and is only accessible via employees of the businesses in the area. In terms of the outfall head wall and safety fence, these will be mainly concealed from view from the existing vegetation and undergrowth along the riverbank. As such, it is not considered that the development would result in any harm to the visual amenity of the area.

5.3.4 The proposed development will lie approximately 190m away from the Grade I Listed Lancaster Canal Lune Aqueduct to the south-west. However, given its overall small scale, the fact the majority of the development is located underground, and its siting within an existing industrial estate with a number of industrial/warehouse uses in the close proximity, it is not thought that the development would result in any harm to the character, setting or significance of this heritage asset.

#### 5.4 **Impact on trees (NPPF paragraphs 131, 174, 180; policies DM44, DM45, DM46 of the Development Management DPD)**

5.4.1 The application has been accompanied by an Arboricultural Report. This highlights that the development will result in the loss of one category C tree as well as a number of smaller self-set trees, briars and shrubs. In terms of this, it is noted that the application site is not located within a Conservation Area nor are the trees protected under a Tree Preservation Order. In addition, a category C tree is recognised as an unremarkable specimen of very limited merit that only offers low or temporary benefit.

5.4.2 The Arboricultural officer was consulted on the scheme and presented no objections; citing that the route chosen appears to have kept tree losses to a minimum and the proposed tree protected is appropriate and will protect the retained trees in the area. However, details of a landscaping scheme have been requested including compensation for the felled tree and the reinstatement of the flood defence wall planting. This was relayed to the agent, who instead specified that the removal of the proposed category C tree has no implications for tree cover at the site and so no compensatory planting is considered necessary in this case. Furthermore, it was deemed that the overall benefits of the proposed development in reducing flood risk to one of Lancaster's important employment sites is considered to outweigh the minor tree removal. It was however confirmed that the flood defence wall planting will be reinstated following completion of the works.

5.4.3 Taking all of this into account, on balance, given the small-scale nature of the development and the overarching necessity for an improved water drainage system, it is not thought that the loss of this tree and subsequent small area of vegetation would result in any significant harm to the landscape character of the area. However, a condition to ensure that the flood defence wall planting is reinstated following completion of the works is recommended, in the interests of the amenity of the area.

#### 5.5 **Ecological impacts (NPPF paragraphs 174, 175, 179-182; policies DM29, DM33, DM44, DM45, DM46 of the Development Management DPD)**

5.5.1 The site is located partly within and adjacent to the River Lune Biological Heritage Site (BHS) which is a non-statutory designated site for nature conservation and the application is supported by an ecology appraisal of the site. The habitats present within site comprise semi-natural and plantation broadleaved woodland, scrub, grassland, inundation habitat and the River Lune. The habitats provide opportunities for commuting and foraging bats, breeding birds, otter and common species of reptile. Several mature trees located along or adjacent to the cycle/footpath provide opportunities for roosting bats and nesting birds.

5.5.2 Policy DM44 seeks to ensure that where adverse effects are unavoidable, development proposals should ensure that such effects are minimised and provide appropriate mitigation and compensation

measures. Section 15 of the NPPF also seeks to ensure that any impacts on habitats and biodiversity are adequately mitigated.

- 5.5.3 The submission includes an Ecological Impact Assessment and the ecological impacts have been considered by Environment Agency and the Greater Manchester Ecology Unit (GMEU) who are satisfied with the proposed mitigation measures. The case officer has also carried out a Habitats Regulations Assessment and an Appropriate Assessment in respect of the proposal. There will inevitably be a small risk of disruption during the construction phase with temporary disturbance to the River Lune and loss of bankside habitat connectivity. Further disturbance is also anticipated during the operational stage of the development. However, given the small scale of the development and provided that the mitigation measures proposed within the Ecological Impact Assessment are followed, it is considered that there would be no likely significant effects on the adjacent Biological Heritage Site or the nationally designated sites which lay downstream of the proposal site.
- 5.5.4 In terms of protected species, bats and otters have been identified as being present in relation to the development. The data submitted indicates that 40 records of bats were identified within 2km of the application site and four low potential trees for roosting bats were identified within 50m of the application site. However, none will be directly impacted upon by the development. The development will be carried out under a Precautionary Method of Working (PMW) and a number of mitigation measures have been put forward within the document. In addition, the footpath and buildings located within the industrial estate are well lit and subject to regular disturbance via noise and vibration from vehicles and pedestrians. As such, it is considered that both the construction phase and operational phase of the development would not increase disturbance levels significantly above the current baseline. GMEU also raise no concerns in this regard, subject to the implementation of species-specific mitigation measures attached as a condition.
- 5.5.5 The submitted Ecological Impact Assessment sets out that 21 records of otters were identified within 1km of the application site and potential resting sites were present within 50m of the application site (via drone survey). However, upon further inspection, no evidence of otters was recorded at any of these locations nor was there any evidence of otters or otter holts along the stretch of River Lune within 50m of the application site in the monthly otter monitoring process. In addition, given that the River Lune floods regularly and is subject to disturbance via noise, it is unlikely that the otters would be significantly impacted by the proposal. GMEU also raise no concerns in this regard, subject to the implementation of species-specific mitigation measures attached as a condition.
- 5.5.6 Notwithstanding the above, no comments have yet been received by Natural England. As set out above, whilst it is unlikely that the development would give rise to any significant ecological impacts, the approval of this scheme is subject to Natural England raising no objections. Furthermore, any recommended conditions will need to be considered and added to the grant of permission.
- 5.6 **Highways and Access** (NPPF paragraphs 97-100, 130; policies DM26, DM61 of the Development Management DPD; policy SC3 of the Strategic Policies and Land Allocations DPD).
- 5.6.1 The adjacent River Lune Millennium Footpath is a well-established and popular cycle/footpath along the eastern bank of the river. As per the submitted Open Space Assessment, this cycle/footpath will be kept open at all times during construction works. No excavations works are expected to take place upon the footpath itself, with all works taking place within the proposed compound area (within the industrial estate itself) and riverbank area. Materials will also be stored away, either within the compound area or on the land which separates the footpath from the riverbank. As such, the developments would not impact upon the footpath or affect its accessibility in any way.
- 5.6.2 The scheme has also been reviewed by County Highways and the Public Realm Officer. Both consultees are satisfied that the works can be carried out without interruption to the footpath and thus raise no objections. However, an advice note has been recommended to remind the applicant that the grant of planning permission does not entitle a development to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be subject of an Order under the appropriate Act.

## **6.0 Conclusion and Planning Balance**

6.1 In conclusion, the proposed development seeks to manage the residual risk of surface water and address existing issues with surface water drainage within the area. As such, there is clear justification for the proposal. While clarity is sought regarding the compensation of the felled tree, it is considered that the submission has addressed the key issues arising from the proposal. It is considered that the scheme will provide appropriate ecological mitigation and will not impact unduly on designated heritage assets, although comments from statutory consultees are required before the decision can be issued. In addition, while it is accepted that there will be disruption to accessibility during the construction period, this must be balanced against the significant benefits that would be secured in the long term, particularly to an important employment area for the district. It is considered that on balance, permission should be granted.

### **Recommendation**

That subject to no objection from Natural England that Planning Permission BE GRANTED subject to the following conditions:

<b>Condition no.</b>	<b>Description</b>	<b>Type</b>
1	Standard timescales	Standard
2	Approved Plans	Standard
3	Implementation of ecological mitigation measures set out in the Ecological Impact Assessment	Standard
4	Hours of construction Mon to Fri 0800-1800 and Sat 0800-1400 (no night-time working)	Control
5	Standard contaminated land condition requiring on-site investigation in accordance with the Phase 1 findings, remediation method, final report and completion certificate is required	Pre-commencement
6	Implementation of approved Arboricultural Details and reinstatement of flood defence planting	Control

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None.