

Application Number:	2013/396	Application Type:	Full
Proposal:	Flood risk management scheme including the construction of flood defence walls, alterations to ground levels, erection of fencing/walls and associated works	Location:	Land in the vicinity of the River Irwell between Cuba Industrial Estate and Pin Meadow, Stubbins
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	9 October 2013
Applicant:	Environment Agency	Determination Expiry Date:	22 October 2013
Agent:	Atkins Global		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Part is Council Owned Land

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee grant permission for the reasons set out in Section 9 and subject to the conditions at Section 10.

2. SITE

This application relates to land to the west side of the River Irwell in Stubbins, most particularly between Pin Meadow & Cuba Industrial Estate, including land at 'Meadow View' Memorial Garden which is owned by the Council.

The proposed development area takes in a number of landscape types. Pin Meadow is a sizeable area of open grassland enclosed by trees. From Pin Meadow to the Memorial Garden the area is in residential land use, the application site including/bounded by paths and a collection of domestic gardens with some small trees. At Stubbins Bridge, where Bolton Road North crosses the river, there is a small and well-tended Memorial Garden with some recently-planted ornamental trees. The application site also includes land bounding the river to the opposite side of Stubbins Bridge, near to another residential area and then a relatively inaccessible area of ground between the river's edge and the rear of the industrial buildings screened by trees and shrubs lining the bank top.

The majority of the site lies within the Urban Boundary of Stubbins, with that area adjacent to Alderway extending into Pin Meadow within an area of Countryside designated as Green Belt. Pin Meadow is within the Chatterton and Strongstry Conservation Area. The path extending from Pin Meadow to the Memorial Garden forms part of the Irwell Sculpture Trail.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The Environment Agency advised that:

“Both Ramsbottom and Stubbins have a long history of flooding. The most recent flood event occurred in June 2012, with other significant events in 1946, 1954, 1980, 2007 and 2009. The area initially inundated during a flooding event is the Cuba Industrial Estate located downstream of Stubbins Bridge on the right bank. Following this, the reach immediately downstream of Stubbins Bridge through to Cuba is inundated behind Dale Street, followed by the area upstream of Stubbins Bridge to Pin Meadow at the rear of Robert Street.

Overland flooding then generally flows south westerly along Bolton Road North (A676) until it goes beneath the railway bridge. At this point water can spill directly south following the path of Stubbins Lane behind the raised railway embankment, therefore into Ramsbottom town centre. Although the railway embankment offers a degree of protection against overtopping within Ramsbottom town centre, the embankment can be bypassed by flood waters originating in the Stubbins area.

In response to the recent flood event the EA has undertaken a detailed flood risk management study. In February 2013, a Project Appraisal Report (PAR) was prepared in support of an application for funding for proposals to protect 117 residential and 47 non-residential properties in Ramsbottom against flooding from the River Irwell.

This identified the need for flood defences in Stubbins along the right bank of the River Irwell. The Scheme will ensure a consistent level of protection to a 1 in 75 year flood event is provided to the area, based on the most optimum choice of flood engineering mitigation. This will address not only the flooding issues, but will also take account of the sensitive historic and environmental constraints along the River Irwell.”

The Flood Defence Scheme the EA wishes to implement is in 7 distinct parts, referred to as 'reaches' owing to their linear nature and proximity to the watercourse. Works within each 'reach' as described by the applicant are set out below:

Reach 1: Pin Meadow and Alderway (Total Length: 122 metres)

This will involve the removal of a wooden stake and slab fence and the installation of a 45 metre section of traditional reinforced concrete wall that will act as a retaining structure to the existing

footpath. The wall will tie in to the East Lancashire Railway embankment, running parallel with Alderway along the boundary of Pin Meadow, tapering off in height before footpath FP 113 meets FP 114.

With approximately 1.5 metres between Pin Meadow and Alderway, the height of the wall will reach approximately 1.8 metres at its tallest point (nearest the railway embankment on the Pin Meadow side), but will reduce to ground level as it reaches the river bank.

The walls natural finish will be in keeping with the surroundings of the adjacent Conservation Area and for safety reasons, the existing dilapidated railing will be replaced with black garden railing and reinstated on the Alderway side of the proposed wall. The railing will maintain a height of 1.1 metres above ground level on Alderway and will be of a pattern suited to the character of the area.

Construction within this Reach will lead to the loss of trees within Pin Meadow. Replacement planting is proposed, with species selection (Lime Trees) and suitable locations having been determined following the undertaking of the submitted Tree Survey Report.

Where Robert Street meets Alderway there is a need to raise the footpath between the boundary of Pin Meadow and the property boundary of no. 41 Robert Street to the required height of 0.3 metres (approx).

This raised footpath would be ramped appropriately giving consideration to public access and current footpath gradients. It is also proposed that the existing property boundary wall and fence is removed and replaced with a 0.3 metre high reinforced concrete wall (similar height to current concrete sections) with the timber panelling reinstated on the top of the wall. This low wall will be finished with a brick cladding so as to reflect the residential characteristic of the property.

The footpath will be appropriately re-graded throughout this section to improve its use.

The surface finish of the footpath will be crushed local stone which would subsequently allow for the self colonisation of vegetation towards the path edges.

The temporary footpath closure of FP 114 will be required whilst completing the works to this section. It is proposed that the route will be diverted along Robert Street rather than through the rear gardens and join up with Alderway near Pin Meadow. The EA are in discussions with LCC regarding the current poor state of Pin Meadow's boundary with the footpath and discussing the possibility of partnership working to improve this section whilst the Construction Contractor is on site.

Reach 2: Rear of Robert Street (Total Length: 96 metres)

The footpath will be raised in such a way as to provide the retaining element required to maintain the desired ground level rise, constrained within the existing footpath space restrictions. The surface finish will be of a crushed local stone to maintain existing character and to allow re-naturalisation/re-colonisation from garden and wild plants.

It is intended that a combination of informal ramps to rear gardens and steps to riverside gardens are incorporated to maintain adequate access.

The existing garden boundaries will be reinstated on a like for like basis to retain the existing character along this section of the footpath.

Reach 3: 2/4/6 Robert Street (Total Length: 50 metres)

In combination with the flood proofing of property frontages, the existing garden walls will be replaced with a brick faced reinforced concrete wall with flood gates. The wall would form the primary defence line, thus protecting property frontage and garden areas, with the property threshold providing the passive defence if gates are left open. The height of the wall will be as existing at approximately 0.7 metres. The surface finish of crushed local stone along Reaches 1 and 2 will be maintained.

There is also a requirement between no. 2 Robert Street and the hedge line of the 'Memorial View' Meadow Gardens to raise ground creating a ramped access to tie the ground level up with the wall height. The slope will possess a gradient of 1:12 on both sides.

Reach 4: 'Memorial View' Meadow Gardens (Total Length: 13 metres)

Tying in with the raised ground level adjacent to no. 2 Robert Street, a 0.5 metre high wall tapering to 0.3 metres, will be constructed in a similar style to the existing stone seats/benches with appropriate coping stones added to reflect the same style. The wall will act as additional seating and allow the removal of the existing timber bench and potentially move/incorporate the existing bench which faces the river. The wall would extend to the point at which ground levels are sufficient, at which point the defence would stop abruptly without tapering down so as to avoid leaving a potential trip hazard. Paved areas would be reinstated on a like for like basis.

Reach 5: South of Stubbins Bridge (Total Length: 72 metres)

Due to the existing wall and use of property boundaries, no development is required within Reach 5. The existing features will act as a defence and provide the level of protection required when combined with the remainder of the Scheme.

Reach 6: Upstream of Cuba Industrial Estate (Total Length: 55 metres)

Reach 6 will consist of a sheet piled stone clad wall which will tie in to the existing wall within Reach 5. The height of the wall will vary between 0.08 metres and 0.74 metres depending on ground levels and the proposed security fence will have a height of 1.1 metres.

To achieve the design criteria required, the pile will be a minimum of 2 metres away from the bank crest.

It will require the removal of a garage and a shed along the alignment although these are positioned within an area without any land ownership. The wall will be clad in natural stone on both sides in keeping with the character of the surrounding area, with uniform stone work in keeping with the existing wall and the landward facing side clad in a more varied size and pattern, similar to the landward facing style of wall.

Reach 7: Cuba Industrial Estate (Total Length: 220 metres)

A sheet piled defence is proposed with below ground depth of 4 metres and a typical upstanding section of 0.7 metres. To ensure assimilation with the surrounding area, a rough concrete finish will be provided in keeping with the character of the existing industrial estate. This finish will also encourage the growth of lichen and mosses. The existing palisade security fence will be removed and replaced on top of the pile to a height of 1.8 metres.

Whilst this stretch of works will require the removal of bankside trees, where this is required, any tree loss will be mitigated through replanting. For health and safety reasons associated with asbestos present in some locations on the Site, this replanting will be carried out without excavation. The accompanying Tree Survey indicates that the trees in this area are fairly scrubby and should regenerate fairly readily from being cut back to access and install the new piling. Given the potential issue of asbestos within the bank, restocking of willow withies will be undertaken and

allowed to shoot in line with recommendations within the accompanying Arboricultural Assessment.

Management of the Works

The applicant has advised that construction works will be limited to the following hours:

- Monday to Friday: 07.30 to 18.30
- Saturday: 08.00 to 14.00

No working on Sundays or Bank Holidays without prior consent from RBC.

The proposed hours for delivery of materials will be limited to :

- Monday to Friday: 08.00 to 17.00
- Saturday: 08.00 to 14.00

No deliveries on Sundays or Bank Holidays.

For works close to residential properties, plant and working methods will be used which minimise disruption to local residents as far as is reasonably practicable.

Routeing and Plant Movement

The preferred routing for construction vehicles for those Reaches upstream of Stubbins Bridge will be via the A676, along Robert Street and Alderway. For Reaches downstream of Stubbins Bridge, it is intended that vehicles would access site via Cuba Industrial Estate.

Implementation of this route will be agreed with the Highways Authority to ensure minimal impact upon the surrounding area.

Decommissioning

In line with standard EA operating practice, the raised defences will require significant maintenance and remedial works at the end of a 50 year period. Routine inspections and maintenance activities will be carried out during the interim period; the lifespan of the flood defence gates before requiring replacement is typically 10 years, with rubber seals and fittings inspected and replaced after 5 years.

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- An Environmental Report:
- Flood Risk Assessment;
- Heritage Statement;
- Ecological Technical Note (detailing protected species surveys);
- Arboricultural Assessment; and
- Ground Investigation Summary.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Section 9 Protecting Green Belt Land

Section 10 Meeting the Challenges of Climate Change, Flooding, etc

Section 11 Conserving and Enhancing the Natural Environment

Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 6 South West

Policy 1	General Development Locations and Principles
Policy 16	Preserving and Enhancing the Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Chatterton and Strongstry Conservation Area Appraisal and Management Plan (2011)

6. CONSULTATION RESPONSES

RBC (Conservation)

The proposals constitute ‘less than substantial harm’ and the likely harmful impacts to heritage assets/townscape are outweighed by the public benefits the scheme will bring in terms of flood risk mitigation. The applicant has sought to ‘off set’ or mitigate the harmful impacts through the choice of appropriate materials, design and layout of footpath re-instatement, new walls, planting and through building recording. This approach is commendable in its attempt to reflect the historic context of the area and minimise disturbance to sensitive heritage assets within it.

Nevertheless, the Conservation Officer has recommended a small number of clarifications/amendments to the scheme relating to both materials and design. Most particularly:

- 1) At Pin Meadow removal of mature trees should be minimized, the length of new flood defence wall faced with coursed natural local stone and re-instated garden boundaries enhanced by use of stone as well as timber panels.
- 2) In the Memorial Garden the new flood defence wall should be the continuation of the existing curvilinear wall/seat.

RBC (Environmental Health)

No objection subject to conditions regarding hours of construction and deliveries

RBC (Property Services)

The developers will need to get separate agreement irrespective of any planning permission for the carrying out of any works on Council owned assets.

LCC (Rights of Way)

No objection.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 13/09/13 and eight site notices were posted on 6/09/13 and 101 letters were sent to neighbours on 5/09/13.

One objection, one comment and four letters of support have been received.

The objection is from a resident of Robert Street - they will have problems with their wheelchair when seeking to move between their two areas of garden as ramps are not proposed to both sides of the raised footpath which is intended. [This objection has been forwarded to the EA in order that it can liaise directly with the resident concerned]

The letters of support are from residents on Robert Street and Alderwood. They are pleased with the scheme and consider the initial disruption caused by the works will be

minimal compared to the damage that flooding could cause and the works will provide peace of mind for many residents. They also support the removal of trees along Pin Meadow as they overhang properties and the footpath, with branches often falling onto those areas. Their removal would also enhance views into the meadow.

Comment has been received from the owner of the land opposite Cuba Industrial Estate - they request that the river bank on the Cuba Industrial Estate Side is moved back to its original position, as when the old factory was demolished many years ago the demolition hardcore was deposited in the river channel, thus restricting the river channel and increasing flooding onto his land. [This has been forwarded to the EA]

8. **ASSESSMENT**

The main considerations of the application are :

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

Principle

Both national and local Planning Policy is supportive of proposals to guard against flooding/reduce flood risk.

Engineering operations are not considered inappropriate development in the Green Belt providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

In this instance I do not consider that the scheme would conflict with the purposes of having included the land at Pin Meadow within the Green Belt, but the retaining wall and tree loss proposed here would, to a relatively modest extent, reduce the essentially open and rural of the Green Belt.

I am satisfied that the need for enhancement of flood defences is sufficient to outweigh this harm. This being the case, there is considered to be no objection in principle to the proposal.

Visual Amenity

Works within the different reaches give rise to somewhat different considerations. Besides consideration of impact on Townscape and the Countryside/Green Belt, Pin Meadow lies within a Conservation Area, consequently S.72 of the T&CP (Listed Buildings & Conservation Areas) Act 1990 requires that the Council pay special attention to the desirability of preserving or enhancing its particular character/appearance.

Reach 1 (Pin Meadow and Alderway)

The loss of some of the mature trees on the southern boundary of the meadow would be unavoidable in implementing this scheme. The Conservation Area Character Appraisal indicates that, collectively, they do contribute positively to the character and appearance of the area. Accordingly, it is regrettable if any have to be removed to accommodate the proposed works. However, the quality of the trees ranges from Low – Moderate. Subject to suitable replacements I consider that the benefits of the scheme would outweigh the harm caused by the loss of 7 trees within Pin Meadow. The EA is proposing to plant back Limes and this is considered an appropriate species in this location.

I concur with the Conservation Officer that the proposed boundary treatments to this sensitive area of the scheme could and should be improved by the removal of proposed railings to the area of the wall to the rear of Alderway and by providing a more appropriate finish to the walls within this reach. I consider this could be conditioned.

Reach 2 (Rear of Robert Street)

The footpath would be raised in this area up to 30cm. Again, I am satisfied that the raising of levels along this stretch of footpath would not unduly harm the character and appearance of the area and the mix of ramps and steps to the residents' gardens is both appropriate and necessary. Further details of boundary treatments to this area can be conditioned.

Reach 3 (2/4/6 Robert Street)

I am satisfied that the replacement walls and the creation of a slope to the side of No.2 would not be so significant as to harm the character and appearance of the area or detract from views to this area from across the River.

Reach 4 ('Meadow View' Memorial Garden)

I concur with the views of the Conservation Officer who states that the new stone wall to be constructed adjacent to the footpath and grassed area "...should take the form of the existing stone seating and incorporate its curvilinear design into the flood defence system, utilising matching materials to form a continuous low stone wall which would itself become an integrated design feature of the memorial gardens. The terminus of the new extended stone seating/ flood defence wall should abut the existing stone gate piers and avoid truncating the beds and borders of the Memorial gardens." Further information/amended plans in relation to this are awaited from the applicant; I am satisfied that the final details can in any case be agreed by condition.

Reach 5 (South of Stubbins Bridge)

No work is proposed to this section

Reach 6 (Upstream of Cuba Industrial Estate)

I am satisfied that as the sheet-piled wall is to be clad in natural stone it will be in character with that area and not cause unacceptable harm to it. Works within this reach will require the removal of a garage and a shed. Their loss from a planning perspective would not harm the appearance of the area.

Reach 7 (Cuba Industrial Estate)

I am satisfied that the works proposed would not have an unduly harmful effect on the character and appearance of the area subject to appropriate replanting and landscaping.

Subject to the conditions set out below, the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Before submission of the application the EA has done a good deal itself to liaise directly with local residents and inform them what is intended/take on-board their comments. As a consequence a scheme which will involve a significant degree of disturbance during its construction has resulted in more letters of support than objection.

I am satisfied from the information provided that the scheme would not result in a loss of light, privacy or outlook to residents that would be considered harmful to their amenities. There have been no objections from residents in this regard.

Construction works would have the propensity to be quite disruptive, particularly in terms of noise. Accordingly it is considered appropriate to impose a condition restricting hours of

construction, which would include vehicle movements.

Access / Parking

When complete the proposed scheme would not significantly alter existing parking and traffic movements. However, there will inevitably be a degree of disruption caused during the course of construction works. Accordingly, it is considered appropriate to require by way of a condition submission of a Construction and Traffic Management Plan in order to minimise impacts.

9. SUMMARY REASON FOR APPROVAL

The flood defence works forming a part of the proposed flood risk management scheme are considered to constitute very special circumstances to outweigh the finding of inappropriate development within the Green Belt, and subject to conditions the scheme is considered acceptable in terms of its effect on the character and appearance of the Chatterton and Strongstry Conservation Area, visual amenity, neighbour amenity and highway safety. The scheme has been determined having regard most particularly Policies 7/9/10/11/12 of the NPPF, and Policies 1/16/18/19/22/23/24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Committee grant Permission subject to the Conditions set out below.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. Notwithstanding what is shown on the approved drawings and in the submitted Tree Report and arboricultural solutions matrix, no works shall be commenced in Reach 1 (including felling of trees) until full details have been submitted and approved in writing by the Local Planning Authority of : the position, construction & surface-finish of any walls, associated railings and garden boundary treatments; additional/alterd paths/steps/hard-surfaced areas and associated drainage; the trees/shrubs to be removed within Pin Meadow, the replacement trees/shrubs to be planted, protection to be afforded to retained trees for the duration of construction works and changes of ground level/works within their root protection areas. The approved scheme shall be implemented and adhered to unless a variation is first agreed in writing by the Local Planning Authority. Any new planting which dies, is removed or becomes seriously damaged or diseased within 5 years of planting shall be replaced in the next available planting season with others of the same siting/size/species unless a variation is first agreed in writing by the Local Planning Authority.
Reason: To protect visual amenity, heritage and recreational amenity, in accordance with Policies in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.
3. Notwithstanding what is shown on the approved drawings and in the submitted Tree Report and arboricultural solutions matrix, no works shall be commenced in Reach 4 (including felling of trees) until full details have been submitted and approved in writing by the Local Planning Authority of : the position, construction & surface-finish of any walls; additional/alterd paths/steps/hard-surfaced areas and associated drainage; the trees/shrubs to be removed, the replacement trees/shrubs to be planted, protection to be afforded to retained trees for the duration of construction works and changes of

ground level/works within their root protection areas. The approved scheme shall be implemented and adhered to unless a variation is first agreed in writing by the Local Planning Authority. Any new planting which dies, is removed or becomes seriously damaged or diseased within 5 years of planting shall be replaced in the next available planting season with others of the same siting/size/species unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To protect visual amenity, heritage and recreational amenity, in accordance with Policies in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

4. Samples of stone facing materials to be used for all walls comprised in the development hereby approved shall be submitted to and first agreed in writing by the LPA. The approved materials shall be used, unless a variation is otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy 1 and 24 of the Council's Core Strategy DPD.

5. Prior to the commencement of development a Construction and Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of: the construction / material storage compound and associated hardstandings for the parking of vehicles; & reinstatement of these areas upon completion of the works. The approved Plan shall be implemented and adhered to, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and in the interests of pedestrian/highway safety, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

6. Any demolition/ground / construction works associated with the development hereby approved shall not take place except between the hours of 7:30am and 18.30pm Monday to Friday and 8:00am and 14:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority. Any deliveries of materials shall not take place except between the hours of 08:00am and 17:00pm Monday to Friday and 8:00am and 14:00pm on Saturdays, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.