

**Item No 03:-**

**19/02171/COMPLY**

**Land East Of  
Bell Lane  
Poulton  
Gloucestershire**

### Item No 03:-

**Compliance with Conditions 6, 7 and 8 of Permission 15/01376/OUT - Outline planning application for the erection of up to 9 dwellings and associated access (appearance, layout, landscape and scale reserved for future consideration) at Land East Of Bell Lane Poulton Gloucestershire**

<b>Compliance with conditions application 19/02171/COMPLY</b>	
Applicant:	Rivar Ltd.
Agent:	Savills
Case Officer:	Adrian Walker
Ward Member(s):	Councillor Lisa Spivey
Committee Date:	15th January 2020
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### **Main Issues:**

(a) Flood Risk/ Drainage

#### **Reasons for Referral:**

Councillor Lisa Spivey has requested the application be heard at Committee for the following reason:

“The drainage strategy proposed concerns many of the residents, not least those neighbouring the site, who currently suffer from flooding in the Lane and surrounding area. Given the specific and profound concerns over this particular aspect of the development, I feel that the final decision merits full scrutiny by the planning committee.”

#### **1. Site Description:**

This application relates to a greenfield site measuring approximately 0.98 hectares in size. The site is located within the existing settlement of Poulton to the east of Bell Lane on previously undeveloped/agricultural land. Houses are present on the opposite (west) side of the road, to the north and south of the site but not to the east of the site.

The application site is bounded to the north, south and west by a mature hedge and tree belt. There are no Public Rights of Way (PROW) located immediately adjacent or that cross the application site. The nearest PROW is located approx. 154 metres to the south of the site at the Bell Lane junction and runs west alongside 'Elf Meadow' before separating and running south west and north-east, to Ashbrook Lane. The edge of Poulton's Conservation Area is approx. 75 metres from the site.

#### **2. Relevant Planning History:**

15/01376/OUT: Outline planning application for the erection of up to 9 dwellings and associated access (appearance, layout, landscape and scale reserved for future consideration). Refused 30.11.2016 - Allowed at appeal 11.10.2017

19/01613/FUL: Full planning application for the installation of an overland flow management strategy comprising an oversized pipe and detention basin to deliver more effective drainage attenuation. Recommended for approval, pending determination.

19/00880/REM: Reserved Matters pursuant to outline permission 15/01376/OUT (Outline planning application for the erection of up to 9 dwellings and associated access ). The Reserved Matters for which the application seeks consent are: appearance, layout, landscape and scale. The reserved matters application also seeks to discharge conditions 10 (Highways Scheme), 12 (Construction Logistics Plan), 14 (Ecological Enhancement and Landscape Management Plan), and 15 (Finished Floor Levels). Recommended for approval, pending determination.

### **3. Planning Policies:**

NPPF National Planning Policy Framework  
EN14 Managing Flood Risk

### **4. Observations of Consultees:**

Landscape Officer: Comments included within the Officer's assessment.

Lead Local Flood Authority: Information submitted to this proposal in the Overland Flow Management Statement CV8180113/CS/DW/015 Rev 1 29th March 2019, is adequate to discharge conditions 6 and 7 of planning consent 15/01376/OUT granted under appeal APP/F1610/W/17/3171382.

Drainage Officer: The details of condition 8 are acceptable in principle subject to ownership being clarified for the manholes and new pipework that will be required to construct the two connections to the existing land drain.

Thames Water: No comments received

### **5. View of Town/Parish Council:**

The Parish Council objects to the application on the following grounds:

- i. Drainage strategy resulting in open areas of water
- ii. Appearance of the swale
- iii. Maintenance of the drainage system
- iv. Safety

### **6. Other Representations:**

No other representations have been received; however, the comments of objectors regarding drainage have also been noted from the reserved matters application 19/00880/REM and the associated full planning application 19/01613/FUL.

### **7. Applicant's Supporting Information:**

Overland Flow Management Statement  
Non-Technical Drainage Summary  
Surface Water Drainage Statement

### **8. Officer's Assessment:**

#### **Background and Proposed Development**

Outline planning permission was granted at appeal in 2017 for the erection of up to 9 dwellings and associated works on this site (APP/F1610/W/17/3171382). The current application seeks to discharge conditions 6 (Scheme for surface water drainage), 7 (Implementation, adoption, maintenance and management of the sustainable drainage system/attenuation features and associated pipework), and 8 (Water butts).

The relevant conditions state:

6) *Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The strategy shall address how the overland flow drains to oversized pipes inside the boundary and measures to ensure overland flow routes and interception drainage will be kept clear from any obstructions. The scheme shall be completed in accordance with the approved details before the development is first occupied.*

7) *No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system/attenuation features and associated pipework shall have been submitted to and approved in writing by the local planning authority. Those details shall include:*

v. *a timetable for its implementation;*

vi. *appropriate means of access; and,*

vii. *a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.*

*The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.*

8) *Prior to the first occupation of the dwellings, surface water attenuation/storage works for the dwellings shall be provided by the installation of a functioning water butt (minimum capacity 200 litres) in accordance with positions to be shown on plans to be submitted and approved in writing by the local planning authority. The water butts shall be retained as such thereafter.*

## **Policy Context**

The following Local Plan policies are considered to be relevant to the application:

Local Plan Policy EN14 Managing Flood Risk does not support development that would result in an unacceptable increase in flood risk and should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.

Section 14 of the NPPF acknowledges that planning has a key role in minimising the vulnerability and providing resilience to the impacts of climate change, including factors such as flood risk.

## **Flood Risk/Drainage**

The Lead Local Flood Authority and Drainage Officer have assessed the documents provided and raised no objections. When asked about the objections raised by local residents they provided the following response;

'One of the objections is based on the impermeable area being identified as 40%. Objectors are under the understanding that this means that surface drainage calculations for the remainder of the site are based on an expectation that it will soakaway, this is a misunderstanding. The identification of impermeable area is the area that will change from the green field condition due to it being buildings or impermeably paved areas. The remainder is modelled as draining in the way it did as a green field site.

Paragraph 6.10 of the Non-technical Drainage summary states that the drainage characteristics are based on soil parameters defined in the Flood Estimation Handbook, this is an accepted method for modelling surface water flow.

Another objection is based on the use of over ground attenuation storage. The objection seems to be based on health and safety issues and the belief that the attenuation features will become "at best a swamp". Open attenuation features are a widely used feature of Sustainable Drainage

Systems, their popularity is based on ease of maintenance compared to underground schemes and the opportunity they offer for amenity and encouragement of bio diversity. The feature will only hold water in times of high rainfall, for most of the time it will be a dry grass lined depression. The cross sections in drawing 8180113/SK14 show that following a 1:1 rainfall event the pond will have a maximum depth of 0.49m at the deepest point, closest to the outfall. This is the maximum depth before the pond drains down after the event.

The main benefit of overland surface water drainage systems is that it can be easily and clearly identified when there might be any potential problems or blockages in the system. The LLFA would always favour the use of overland surface water management to underground "out of site out of mind" solutions that would be susceptible to siltation and, in limestone geology areas, calcification over the lifetime of the development both problems that are never identified until the system fails and are very expensive to resolve.

With regard to health and safety issues, there are large numbers of similar features on developments all over the country and none have yet proven to be a health and safety issue. It is difficult to identify what the perceived health and safety issue might be.

I would suggest that all the points raised by objectors are addressed in the Non-Technical Drainage Summary. While objectors may disagree with some of the wording the LLFA is satisfied that the proposed surface water drainage scheme is suitable for the development proposed.'

With regards to the management of the drainage system, a robust maintenance and management plan (included in Appendix H of the Non-technical Drainage Summary) has been developed which specifies the maintenance activities which are required. A private management company will be appointed to carry out these works in accordance with this plan for the lifetime of the development. This will prevent any perceived reduction in visual amenity, build-up of pollutants or sediments, or the reduction in storage capacity over time.

The maintenance strip for the off-site swale has been coordinated with the architect, such that a strip of land will be utilised for access to maintain the swale and pipe system, thereby maximising the size of the rear gardens. This is located entirely within the land ownership boundary.

As such the proposal is considered to be in accordance with Local Plan policy EN14 and section 14 of the NPPF.

## **9. Conclusion:**

It is considered that the submitted details are acceptable and satisfy the requirements of the respective conditions.

## **10. Proposed condition:**


1. This decision relates to the following plans and documents:

CV8180113-SK10 P1, 18-04-L04 Rev C, 18-04-L04 Rev C, Overland Flow Management Statement, and Non-technical Drainage Statement



**NOTES**

1. This drawing to be read in conjunction with all relevant documents and specifications
2. Reproduced from Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office, Crown copyright.
3. Boundaries based on Land Registry Title Plan number GR327858, and Davies Landscape Architects' drawing number 1115-A-P-100-01a.

Rev	Description	Date	Chkd
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Client:			
<b>RIVAR LTD.</b>			
Project:			
Bell Lane Poulton			
Title:			
Transfer Plan			
Project Engineer: C Salt		Scale: 1:1250 @A3	
Project Director: J Hanlon		Date: Apr 2018	
Status:			
Drawing No. CV8180113-SK10			Rev P1

## **Non-Technical Drainage Summary**

- For this document please see Appendix attached to Item 02 - 19/01613/FUL