

Parish: Aiskew

Ward: Bedale

1

Committee date: 18 October 2018

Officer dealing: Miss Charlotte Cornforth

Target date: 1 October 2018

18/01413/FUL

Creation of new detention basin

At land south of Bedale Rose Avenue, Leeming Bar

For Mulberry Homes Yorkshire Limited

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

Background

- 1.1 Mulberry Homes (Yorkshire) appointed Southdale as lead contractor to build out the residential development. Southdale went into administration and the contract was a design and build contract with a major part of the contract being to obtain road and sewer adoptions.
- 1.2 Mulberry Homes (Yorkshire) was therefore asked to take over the S104 agreements for drainage with Yorkshire Water and highways with North Yorkshire County Council. Unfortunately, this could not be delivered and thus there is now a requirement to find an alternative location for the detention basin. An earlier application for the formation of the detention basin on the designated area of public open space has been withdrawn (Reference 18/01413/FUL) following officer advice.
- 1.3 As a result of ongoing dialogue with the adjoining landowner, agreement has been reached for the applicant to acquire land adjacent to the new residential development which will serve as the detention basin in times of extreme rainfall. It is the formation of this detention basin, that is the subject of this planning application.

Site and Application

- 1.4 The application site is located to the south of the recently constructed dwellings at the site known as 'Leeming Gate'. The site is located to the east of existing dwellings that front onto Leeming Lane. It is the intention to provide 2 access points into the site, one from the adjoining residential area and the other from the adjoining agricultural land. The boundary treatment of the detention basin will be a post and rail fence with gates providing access into and out of the site. In order to prevent animals encroaching into the area, the fence will be stock proof.
- 1.5 The purpose of the detention basin is to manage the exceedance flows from the attenuation tank located in the north east corner of the housing development. The attenuation tank provides surface water storage up to and including the 1 in 30 year storm event. Therefore, the majority of the time the basin will be viewed as a depression in the ground with no standing water. The basin will only contain water in the case of exceedance flows from the attenuation tank.
- 1.6 Storm events which cause exceedance from the attenuation tank will be directed towards the detention basin via a perforated pipe at the base of a 600mm wide gravel trench. Flooding during a 1 in 100 year storm event will first occur from the manhole labelled S31 located to the north west of the public open space. A new sewer

connection will be installed immediately below the cover slab to direct surface water exceedance flows to back up and into the pipe and fall via a 1:500 gradient towards the detention basin.

- 1.7 The minimum storage is 500 cubic metres. The base of the detention basin will be a loamy soil mix and will be set at a level of 33.285m AOD (Above Ordnance Datum). Sections have been provided as part of the planning application submission as well as detailed drawing showing the detention basin and the overall infiltration depression for the flood exceedance events.
- 1.8 The siting of the detention basin has been amended to take account of the Yorkshire Water sewer and easement area in the vicinity.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

Application on the designated public open space on the 'Leeming Gate Site'

- 2.1 17/02737/FUL - Construction of a detention pond; Application withdrawn 01.09.2018.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP17 - Promoting high quality design
Core Policy CP19 - Recreational facilities and amenity open space
Core Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP6 - Utilities and infrastructure
Development Policy DP32 - General design
Development Policy DP37 - Open space, sport and recreation
Development Policy DP43 - Flooding and floodplains

National Planning Policy Framework – published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – the Councillors on the Aiskew and Leeming Bar PC had a very long discussion regarding the siting of the basin because the positioning of the basin did not make any sense due to any over flow from the tank would need to be pumped up to the basin because it was on higher ground.
- 4.2 Yorkshire Water – with regard to the initial scheme, Yorkshire Water stating the following:

On the Statutory Sewer Map, there is a 225 mm diameter Yorkshire Water maintained overflow pipe recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. A stand-off distance of 3 (three) metres is required at each side of the sewer centre-line. i.e. a protected strip width of 6 metres.

The site layout details submitted on drawing 17T2182-102 (revision P1) dated 21/06/2018 that has been prepared by Billingham George & Partners are NOT acceptable to Yorkshire Water as it appears that the detention basin will be installed over the line of public sewer crossing the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I

strongly advise that, prior to determination of this application; the site layout is amended to allow for adequate protection of the sewers.

A re-submitted drawing should show the site-surveyed position of the public sewer crossing the site and the required building stand-off from public sewer, or an agreed alternative scheme such as an agreed diversion of the pipe. A proposal by the developer to alter/divert a public sewer will be subject to YW requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

With regard to the revised scheme, they have advised that a condition regarding no piped discharge water from the development shall be carried out prior to the completion of the surface water drainage works. With regard to waste water, they have stated that while the revised position of the basin is now acceptable (three metres away from the Yorkshire Water maintained overflow pipe), the drainage details submitted on drawing 17T2182-102 (revision P3) dated 06/09/2018 that has been prepared by BGP require clarification.

a) the submitted drawing should show surface water drainage proposals both on and off site. The applicant must note that this surface water network will not be adopted by Yorkshire Water given the presence of the perforated overflow pipe. This is due to the risk posed by land drainage entering the network.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team.

- 4.3 Environment Agency – no comments to make. Changes to the Planning Practice Guidance (Flood Risk) and the new DMPO which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development.
- 4.4 North Yorkshire County Council SUDS – The County Council has latterly been consulted on the revised drawings and at the time of writing their consultation response is awaited.
- 4.5 Public comments – 3 letters of support and 3 letters of objection have been received from local residents. These are regarding the initial scheme and the revised scheme.

A summary of the letters of support include:

- The construction of the detention pond on what is currently unused land, provides a practical solution to the issue. The construction of the pipe to the rear of my does not cause me any concern, so long as it is done in a way as to not damage any adjoining land.
- This is the best solution for a situation that has gone on long enough and affected several families.
- have no problems with a pipe running at the back of my property to the new detention pond. The site of the new detention pond is currently unsightly waste land and having the detention pond there can only be an improvement. Water will only be present after a massive storm occurrence and so won't be of danger the rest of the time.

A summary of the letters of objection include:

- There is a possibility of stagnant water which can have a nasty smell and carries an abundance of flies
- In the event of a flash flood and a breach of the so called storage area, has the applicant considered how many properties will be affected by flood water?

- Concerns that the volume of water will exceed the planned limits and will turn the basin into a pond
- Prefer the development to be in the estate rather than behind my bungalow
- Surplus soil should be removed from the site and there should be written agreement of this
- The high water table will make the proposed design unfit for purpose and will simply shift the flood risk elsewhere

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) Principle of development; (ii) Residential Amenity; (iii) Flooding and Drainage

Principle

- 5.2 Policy DP6 of the adopted Development Policies DPD states that: “Proposals for new development must be capable of being accommodated by existing or planned services (whether supplied by utility providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. These systems will include off-site service infrastructure, surface water, sewage disposal, water and sewerage facilities, flood risk defences and control facilities, power and any other public services.”
- 5.3 The proposed development is considered to be necessary in order to ensure protection from flooding for the residents of the existing recently completed development and other residential properties in the vicinity.
- 5.4 In case of exceedance flow from the attenuation tank, predicted in anything above the 1 in 30 year event, the detention basin would introduce an additional control by diverting excess surface water into the detention basin. Once the event has passed, the water held in the basin would drain back into the system and discharge through the normal surface water arrangements.
- 5.5 There are no significant changes to the ground levels. There are limited public viewpoints of the detention basin from public vantage points. The boundary treatments of a post and rail fence are considered appropriate to the village context. It is considered that the proposal will not harm the immediate locality.

Residential Amenity

- 5.6 Policy DP1 of the adopted Development Policies DPD requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. This policy stipulates that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings and not unacceptably affect the amenity of residents or occupants.
- 5.7 The proposed development close to neighbouring dwellings is considered to be relatively minor and will not have any significant detrimental impact on the amenity of neighbouring residents.
- 5.8 The gently sloping sides to the basin mean that any person entering the basin when it contains water will be aware of increasing depth of water rather than stepping into deep water, if the sides were steeper.

Drainage and Flooding

- 5.9 The County Council SUDS team, as Lead Local Flood Authority, has been consulted on the revised layout. Their response will be reported to Planning Committee through the Committee up-date.
- 5.10 The purpose of the attenuation basin is to provide storage volume in the event of rainfall volumes that exceed the surface water storage volume available in the underground surface water piped sewerage system.
- 5.11 From a technical perspective the characteristics of the design are tried and tested and so should ensure that the basin is dry when not used for storm surface water storage. The basin will dry out rapidly once the stored storm surface water has drained away.
- 5.12 Subject to the views of the County Council SUDS team, the proposed development is considered to be a sensible and well designed response to the issue of surface water management for this site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be commenced within 6 months of the date of this permission. The development shall then be completed within 2 years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 17T2182-102 Rev P3 and 17T2182-103 P2 received by Hambleton District Council on 13 September 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that local properties are adequately protected.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP6 and DP43.