

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	DC/2018/3424
<b>Site:</b>	Scots Lane
<b>Ward:</b>	Bablake
<b>Proposal:</b>	Submission of details to discharge condition in relation to Flood Risk Assessment and Drainage Details (condition No. 15) imposed on planning permission S73/2018/0812 and OUT/2016/2918 for residential development of up to 70 dwellings and associated landscaping.
<b>Case Officer:</b>	Shamim Chowdhury

## **SUMMARY**

This application provides details of a drainage system including foul sewage and surface water management to support the development of 69 houses on the former Coundon Reservoir on Scots Lane. Under the drainage condition (condition No. 15), the developer is required to submit drainage details for the local authority's approval prior to the occupation of the proposed residential dwellings. The drainage condition requires provision of a detailed strategy for the long-term maintenance of the sustainable urban drainage system (SuDS) and other surface water drainage systems on site. The drainage detail needs to include evidence that the receiving water bodies or sewers are capable of accepting the attenuated flows specified by the Lead Local Flood Authority and that this will not exacerbate the flood risk on or off site. The submitted drainage scheme shows that the surface water would be disposed through an existing ditch located to the northeast of the site. The existing ditch runs beyond the rear garden of No. 50 -84 (evens) Holloway Field along the edge of the Radford Allotment Gardens and connects to the Radford Brook to the north/northeast. The proposed foul drainage would run under the Radford Road Allotment Gardens and would connect to the existing combined sewer. The Local Flood Authority are satisfied with the proposed scheme and have recommended discharging the drainage condition. The ditch and allotment gardens are outside the application boundary and not under the ownership of the developer. The developer requires necessary easement for the implementation of the scheme. The easement is not a planning material consideration, therefore has not been taken into consideration in the assessment of the drainage scheme.

## **BACKGROUND**

The Planning Committee granted an outline planning permission for up to 70 houses in May 2017. A subsequent reserved matters application was reviewed by the Planning Committee for 69 houses and granted permission in June 2018. A section 73 application has also been granted by the Planning Committee in June 2018 to exclude the proposed pedestrian/cycle link over the adjacent Village Green on Holloway Field. The drainage condition (No. 15) imposed on the outline permission (OUT/2016/2918) and Section 73 application (S73/2018/0812), requires the developer to submit drainage details and obtain approval from the Planning Authority prior to occupation of the dwelling houses. Generally, discharge of condition applications do not involve public consultation and are normally determined by the officers under delegated authority. However, in this instance, given the neighbouring residents' interest in the implementation of the drainage work and their concerns, the Planning Committee recommended carrying out public consultation and bringing it back before the Planning Committee for their assessment.

## KEY FACTS

<b>Reason for report to committee:</b>	As recommended by the Planning Committee; in addition, objections have been received from more than 5 properties.
<b>Current use of site:</b>	Under construction for residential development.
<b>Proposed use of site:</b>	Residential dwelling houses.

## RECOMMENDATION

Planning committee are recommended to discharge the drainage condition (condition No. 15) imposed on planning permission ref. OUT/2016/2918 and subsequent variation of condition application, Ref. S73/2018/0812.

## REASON FOR DISCHARGE DRAINAGE CONDITION

- The submitted drainage strategy is satisfactory for the proposed development at Scots Lane, which is compliant with national and local policy and design standards.
- No surface water flooding is predicted for the site. The proposed drainage scheme for the residential development would minimise the risk of surface water flooding on and off the site.
- The foul drainage scheme is satisfactory for the proposed development and is acceptable to Severn Trent Water and Council's Flood Risk and Drainage Team.
- The drainage scheme accords with Policies: DS3, EM1, EM4, EM5 and DE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

This application seeks to discharge condition No.15 which was imposed on a planning permission OUT/2016/2918 and subsequent variation of condition application, Ref. S73/2018/0812 granted in 2017 and 2018 respectively for the residential development with associated access road and landscaping. The planning condition required the developer to submit details of drainage works to the local planning authority for approval.

### **SITE DESCRIPTION**

The application site was the former Coundon Reservoir which was decommissioned and cleared in 2011 and has re-naturalised over time. The proposed development site adjoins Radford Road Allotment gardens to the east and a village green to the northeast corner between No. 26 and No. 50 Holloway Field. The site is bound to the north by residential properties on Holloway Field and to the south by a covered reservoir operated by Severn Trent Water and beyond that by residential properties on Christchurch Road. Bablake School Playing Fields is to the west opposite the application site. A ditch runs from the northern end of the site along the rear boundary/garden of the houses (no 50 -84, evens) on Holloway Field and the southeast boundary of the Village Green. The site is located in Flood Zone 1. The general character of the area is predominantly residential with no specific designation or interest such as conservation area or Local Wildlife site.

### **PLANNING HISTORY**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
OUT/2016/2918	Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking	Approved 11/05/2017
RMM/2018/0316	Reserved matters application for the erection of 69 houses, landscaping, associated public open space and car parking served by new access onto Scots Lane (serving plots 4-69) and upgrade/improvements to existing access (serving plots 1-3). Submission of details pursuant to outline planning permission OUT/2016/2918	Approved 14/06/2018
S73/2018/0812	Removal / Variation of condition No. 6 (in part, 6(i) only) to exclude pedestrians/cycle link between the northern part of the site and the bus stop on Holloway Field: imposed upon planning permission OUT/2016/2918 for 'Outline application with all matters	Approved 14/06/2018

	reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking'.	
DC/2018/0284	Submission of details to discharge condition No.10 - details of site investigation and risk assessment, condition No. 11 and 12 - details of remediation and implementation scheme imposed on planning permission reference OUT/2016/2918 determined 11 May 2017 (decision notice issued 29/09/17) for an outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking.	Approved 22/03/2018
DC/2018/0318	Submission details to discharge condition No. 8 - Construction and Ecological Management Plan imposed on planning permission OUT/2016/2918 determined 11 May 2017 (decision notice issued 29/09/17) for an outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking.	Approved 22/03/2018
DC/2018/1049	Submission of details to discharge condition No. 6(iii) Air Quality Assessment and mitigation measures and condition No. 7 details of construction method statement, imposed on planning permission OUT/2016/2918 for Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking granted on 11/05/2017.	Approved 24/05/2018
DC/2019/0218	Submission of details to discharge condition19: Local Skills and Employment Action Plan and condition 20: Variable Message Warning Sign	Pending

	<p>imposed on planning permission OUT/2016/2918 for Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking granted on 11/05/2017.</p>	
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## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The revised NPPF published on February 2019 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. In assessing flood risk from a proposed development in the determination of a planning application, the new NPPF suggests that the local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy EM1: Planning for Climate Change Adaptation

Policy EM4 Flood Risk Management

Policy EM5 Sustainable Drainage Systems (SuDS)

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Delivering a More Sustainable City

## **CONSULTATION**

**Severn Trent Water** – Severn Trent Water are satisfied with the submitted drainage details and confirm that the drainage condition can be discharged. Severn Trent Water pointed out that the foul drainage is proposed to connect into the public sewer, which would be subject to a formal section 106 sewer connection approval. As the foul drainage route travels through third party land the applicant will require permission from the land owner or apply for a S98 sewer requisition with Severn Trent Water.

Severn Trent Water have no comment or objection on the surface water discharge into a ditch course.

**Flood Risk and Drainage** – satisfied with the submitted drainage scheme and recommend to discharge the condition.

Immediate neighbours and local councillors have been notified; three site notices were posted on 21 December 2018.

11 letters of objection have been received raising concerns mainly on the surface water drainage which is proposed to discharge into an existing ditch. The resident's concern on surface water flooding is the only material planning consideration in this case. The residents also consider that the application does not give details about how the ditch would be re-graded to carry the surface water from the development.

Apart from the above the residents have raised the following concerns which are not material planning consideration:

- a) Risk of subsidence
- b) Erosion will destabilise the banks of the ditch
- c) Who will be responsible for the ongoing maintenance of the ditch
- d) Ownership of the ditch bank is yet to be established and who has the riparian responsibility
- e) Dispose surface water into the ditch could affect the rear garden/property which back on to the ditch.

Cllr Glenn Williams considers that the residents need clarification on what their potential responsibilities will be if the drainage is going through a ditch to the rear of their properties. This is the 'riparian rights and responsibilities' that must be properly communicated with residents before any decision is made

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are whether the proposed drainage scheme will allow for satisfactory drainage of the site and whether the proposed foul sewer is capable of serving the development.

### **Flood Risk and Drainage**

Policy EM4 states that all major developments must be assessed in respect of the level of flood risk from all sources. If development in areas at risk of flooding is the only option following the application of the sequential test, it will only be permitted where the criteria set out in Policy EM4 are met. However, the application site is not within flood zone 2 or 3, i.e. not susceptible to flooding, therefore, a sequential test was not required.

The drainage scheme shows that the surface water which would result from the roofs of the houses and associated hard surfaces would drain towards the northeast corner of the site to connect to an existing ditch. The existing ditch is fairly shallow and varies in depth. A balancing pond would also be part of the surface water drainage scheme which would help to control the flow of water into the ditch to a maximum level (to a flow of 6.3litre/second). This is to ensure there would be no overflow of the surface water through the ditch and to minimise risk of surface water flooding on the adjacent land above the ditch bank. The scheme shows that a headwall would be constructed at the point where surface water drainage pipe joins the existing ditch and the balancing pond. A headwall is a concrete structure installed at the outlet of a drain or culvert that functions as a retaining wall to protection against erosion, or as a means to divert flow. In addition, the proposal shows that the existing ditch would be re-graded. It is necessary to state that the

construction of a headwall to an existing watercourse/ditch and re-grading a ditch or watercourse requires Land Drainage Consent and is outside planning control. The submitted surface water drainage details demonstrate that the surface water runoff rate from the site will be restricted to a maximum of 6.3l/s, which is equivalent to the QBar greenfield rate minus 20%. The strategy has been supported with hydraulic calculations and an adequate flood routing plan. The Councils Flood Risk and Drainage Officer is satisfied with the scheme and recommends to discharge the drainage condition.

The Councils Flood Risk and Drainage Officer is aware that matters relating to works to the receiving drainage ditch are being managed through the ordinary watercourse consenting process, through the Land Drainage Act 1991.

The proposed foul sewer would run towards the north east corner of the site and extend to the east under the allotment gardens to connect to an existing combined sewer pipe. The Lead Local Flood Authority and Severn Trent Water is satisfied with the proposed foul drainage scheme. As the foul sewer is proposed to connect into the public sewer, it is subject to a formal section 106 sewer connection approval, which is outside planning jurisdiction. As the foul drainage route travels through third party land the applicant will require permission from the land owner or apply for a S98 sewer requisition with Severn Trent Water.

Residents' concerns on riparian responsibility and maintenance of the watercourse/ditch have been noted. However, the riparian responsibilities and maintenance are land drainage matters or matters of common law and not a material planning consideration. Therefore these matters cannot be afforded any weight in the assessment of this discharge of condition application and refusal of this application on these grounds would not be justified.

### **Conclusion**

The proposed drainage scheme is considered to be acceptable and address the surface water and foul drainage adequately. It is considered that the drainage scheme would minimise the potential risk of flooding on and off the site. The reason for Coventry City Council discharging the drainage condition is because the drainage scheme is in accordance with Policies DS3, EM1, EM4, EM5 and DE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.