SCHEDULE A: Applications with Recommendation

17/0443

Item No: 03 Date of Committee: 15/09/2017

Appn Ref No:Applicant:Parish:17/0443Armeria (UK) LLPRockcliffe

Agent: Ward:

Architects Plus (UK) Ltd Longtown & Rockcliffe

Location: Land to North of 10 Lonning Foot, Rockcliffe, Carlisle

Proposal: Erection Of 4no. Dwellings (Reserved Matters, Pursuant To Outline

Application 14/0584)

Date of Receipt: Statutory Expiry Date 26 Week Determination

18/05/2017 13/07/2017 17/10/2017

REPORT Case Officer: Barbara Percival

ADDENDUM REPORT

This application was withdrawn from discussion at the Development Control Committee on the 11th August 2017 in order to await the further comments from the Lead Local Flood Authority in light of recent flooding events within Rockcliffe.

The report has been updated in the following section/paragraphs:

Section 4 'Summary of Representations' contains the additional representations received since the preparation of the previous report;

Section 5 'Summary of Consultation Responses' contains the updated comments from United Utilities who raise no objections to the proposal subject to compliance with the submitted surface water drainage details; and

Section 6 'Officers Report' paragraph 6.10: the report has been corrected to outline that the proposed detention basin would be located to the east of Beckside as opposed to the rear of 1 Lonning Foot; and paragraph 6.17 detailing the updated consultation response from United Utilities who do not raise any objections.

The submitted SW Drainage Plan has also been amended to remove an annotation which made reference to 'new site access road'. This proposed site access road, located to the south of 1 Lonning Foot, is subject to another planning application (reference 17/0025) currently before the Council which is currently pending a decision.

The further comments from Cumbria County Council, as Lead Local Flood Authority, in respect of the method for the disposal of surface water is reproduced below:

"The location of the proposed erection of 4 dwellings on Lonning Foot, Rockcliffe is within an area which is a known flooding hot spot. Surface water runoff is a major contributory factor to the flooding which occurs on Lonning Foot outside of the dwellings of Croft Cottage and Hamethwaite. The other major contributory factor to the flooding is the runoff from the U1070 which flows southwards and into an open gully entrance for a culvert at the frontage to Croft Cottage. This culvert then flows around Croft Cottage and towards Rockcliffe School through adjacent fields. There is a known maintenance issue within the fields adjacent to Croft Cottage which restricts the flow of the open ordinary watercourse which the culvert connects into; which restricts heavily the outfall of the culvert and in heavy precipitation events results in water backing up on the U1070. In light of these causation factors, the proposition to build 4 dwellings on the field opposite Croft Cottage must take into consideration the runoff and drainage fragilities in the vicinity.

Within drawing number B9333/01 SW Drainage Plan submitted by Bingham Yates Limited the surface water drainage system for the development is illustrated. It is apparent that the strategy for the drainage of the development is to prevent runoff from the development site and discharge any surface water to Rockcliffe Beck to the south. This is achieved through the creation of channel drains at the entrance to the driveways of the 4 dwellings and a new hedge planted within the boundary of the gardens. These drains connect into the drainage network which also consists of roof water and surface water before being discharged to Rockcliffe Beck through 150mm diameter underground pipework. The surface water is then attenuated within a detention basin which accommodates a storm event of a 1 in 100 year plus accounting for 40% for climate change. The standard most commonly used to account for climate change is 30% so this development is over designing their attenuation and future proofing the development. The flow control on the outfall of the detention basin is limited to 1.26 litres per second through a flow control valve. This is below the green field runoff rate for the development site, and the field from which the detention basin is situated, and thus is highly likely to reduce flood risk in the vicinity of the detention basin. The outfall invert level adjacent to Rockcliffe Beck has been repositioned above the EA theoretical modelled level for a 1:200 year flood occurrence (i.e. further up the northern bank of Rockcliffe Beck). The 1:200 year information is a far more severe occurrence than the stipulated design for the basin, and is the only guidance information which is available from the EA for this locality.

Therefore in light of the above information submitted by Bingham Yates Limited they have considered the flooding issues in the locality of the development and designed their development accordingly. The surface water drainage system propositioned limits surface water runoff from the development site and channels the majority of the water into Rockcliffe Beck. This is highly likely to reduce flood risk on the U1070, at Croft Cottage and Hamethwaite. It would have been easier for the developer to discharge the surface water from the development into the ordinary watercourse which flows around Croft Cottage; but instead they have considered the issues and are discharging into Rockcliffe Beck. This will be a major improvement on the current situation on site. The developer has also considered the flood risk at the discharge point into Rockcliffe Beck as they plan to discharge well below the greenfield runoff

rate for the site at 1.26 l/s. Therefore to conclude the drainage strategy submitted as part of this application is more than satisfactory and will help to reduce flood risk on the U1070. Furthermore, the future maintenance of the detention basin and associated pipework would be maintained by a management company of which the future residents of the dwellings would pay an annual fee towards".

1. Recommendation

1.1 It is recommended that this application is approved.

2. Main Issues

- 2.1 Whether the scale, design and appearance of the dwellings are acceptable
- 2.2 Impact of the proposal on the living conditions of neighbouring residents
- 2.3 Method for the disposal of surface water
- 2.4 Method for the disposal of foul water
- 2.5 Other Matters

3. Application Details

The Site

- 3.1 The application site is located on the eastern side of the Rockcliffe to Todhills county highway on the north-eastern periphery of Rockcliffe. Immediately to the north and east lies agricultural land with an access track serving the agricultural land running along its southern boundary with number 10 Lonning Foot, a two storey semi-detached dwelling, located beyond the track. To the west of the application site, on the opposite side of the road, are three detached single storey dwellings, Croft Cottage, Hamethwaite and The Saltings together with Treyarnon, a two storey detached dwelling.
- 3.2 The boundaries of the proposed site are delineated by mature hedgerows with sporadic trees.

Background

- 3.3 The principle of development has been established since 2015 when Members of the Development Control Committee granted outline planning permission, subject to the completion of a Section 106 Agreement, for the erection of 4no. dwellings at its meeting on the 29th August 2014.
- 3.4 In 2016, an application for full planning permission was partially granted for the erection of 4no. dwellings (reserved matters for access and landscaping); together with information to discharge conditions 4 (visibility splays); 5 (means of access); 6 (surface water discharge); 10 (scheme of tree and hedge protection); 11 (detailed landscaping scheme) and 12 (provision of foul and surface waters) pursuant to outline permission 14/0584 (application reference 15/1067).

Conditions 6 and 12 were unable to be discharged due to the following reason:

"The proposed discharge of surface water via an outfall into Rockcliffe Beck Main River is unacceptable as the outfall is located within Flood Zone 3. The proposed method for the discharge of surface water from the development via an outfall in Rockcliffe Beck is unacceptable due to is location within Flood Zone 3. The proposal represents an unacceptable form of development as the surface water run-off is likely to exacerbate existing flooding problems. As such, the proposal because of the future risk of flooding thereby undermines the provisions of the National Planning Policy Framework, Policy CP10 of the Carlisle District Local Plan 2001-2016 and Policy CC5 of the emerging Carlisle District Local Plan 2015-2030 (submission draft and proposed modifications) all of which seek to that development proposals do not exacerbate existing flooding problems".

The Proposal

3.5 The application before Members seeks reserved matters approval for the scale, layout and appearance of the proposed dwellings granted under outline planning approval 14/0584.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of nine neighbouring properties and the posting of a Site Notice. In response, six representations of objection has been received.
- 4.2 The representations identify the following issues:
 - 1. object to surface water discharge from the site entering the Rockcliffe Beck which is in Flood Zone 3;
 - 2. potential to exacerbate flooding downstream;
 - 3. there is an alternative rather than discharging into Rockcliffe Beck;
 - 4. the Environment Agency recommended refusal of the application in 2015 due to outflow entering Rockcliffe Beck;
 - 5. proposal fails to demonstrate compliance with Policies CC4 and CC5 of the local plan;
 - 6. questions the location and safety of holding area;
 - 7. concerns that stagnant water will attract insects;
 - 8. properties should reflect surrounding properties;
 - 9. proposal would affect property values
 - 10. impact on highway safety as no footpath proposed and no weight restriction on construction traffic:
- 4.3 In response to additional information for surface water drainage five representations of objection have been received.
- 4.4 The representations identify the following issues:

- 1. the additional details do not address previous objections;
- Rockcliffe Beck has recently been designated a main river and renamed Rockcliffe Beck Main River due to the increased rate of flow by upstream drainage schemes;
- proposal fails again to demonstrate compliance with Policies CC4 and CC5 of the local plan;
- during recent heavy rain, the field drains onto Lonning Foot and adds significantly to the volume of water that crosses the road into the existing drainage system;
- 5. existing problems with drainage ditches and field drains within the vicinity.

5. Summary of Consultation Responses

<u>Cumbria County Council - (Highways & Lead Local Flood Authority):</u> - the calculations regarding the surface water drainage seem to be within acceptable parameters. The discharge rate of 1.26 l/s accounting for a 1 in 100 year event, not considering climate change, is acceptable and is a representative figure of the greenfield runoff for the site. Also agree that the maximum storage required for the site is 84m3;

Rockcliffe Parish Council: - wish to 'object' to the development for the following reasons:-

Surface water discharge arrangements

This is due to the increasing high and regular incidents of flooding within several areas of Rockcliffe village. Notably in the following locations:-

- a) Rockcliffe Beck Main River bridge;
- b) Flood zone 3 areas of the Rockcliffe Beck Main River and land abutting these areas:
- c) Lonning Foot in the road and surrounding properties opposite the development plot concerned.

Maintenance arrangements for surrounding field drains

Concerns have also been raised on the current maintenance arrangements for surrounding field drains and the blocking of a drainage ditch beside Croft Cottage, Lonning Foot. Surface water discharge from the development plot and surrounding area drains into the ditch that eventually flows into the River Eden via the fields behind Blencarn Park properties behind Ordnance Cottage.

As a result of the above Rockcliffe Parish Council cannot support any application that does not deal with arrangements to dispose of surface water discharge on site, until adequate preventative measures are put into place which prevent the regular flooding occurrences that are occurring in the village;

<u>Historic England - North West Office</u>: - do not wish to offer any comments; <u>Hadrians Wall Heritage Limited</u>: - no response received;

Environment Agency: - it is not in EAs remit to comment on the adequacy of the proposed surface water drainage system, however wish to comment as per the below. It is noted that despite comments in EAs letter referenced NO/2016/108644/01-L01 and dated 18 March 2016, that there is still a proposal to discharge surface water drainage from this development via a new outfall into Rockcliffe Beck, Main River. However, it would appear that

the proposal now includes an attenuation basin and a flow control chamber. with a flow control device and a proposal to limit the discharge rate. The supporting calculations has determined the 1:100 yr. greenfield runoff rate for the site is 1.26 l/s. The annotation on the drawing suggests that the maximum outflow from the attenuation basin will be limited to this figure. EA are not clear what if any purpose this attenuation is intended to serve as there appears no supporting justification. The EA no longer comments on the technical design aspects for the disposal of surface water. It will be for the LPA and Cumbria County Council, in their role as Lead Local Flood Authority to decide if there is enough information on the design criteria of the attenuation basin and flow control device to demonstrate whether it is technically feasible and acceptable to restrict to such a low figure and not potentially cause other attendant problems. Should the proposal be acceptable in principal, the drainage requirements for the proposed development will have to include detailed maintenance and management arrangements (utilising management companies) for the lifetime of the development and be secured by way of planning conditions and/or planning obligations and agreed with the Local Planning Authority. Since EA originally commented on 18 March 2016, Schedule 25 of Environmental Permitting Regulations (England and Wales) 2016 have replaced existing flood defence legislation and the applicant could potentially apply for an exemption (FRA12) for a 150mm outfall, providing they can comply with conditions of the exemption;

<u>United Utilities</u>: - no objection subject to compliance with submitted surface water drainage details.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, IP6, CC4 and CC5 of the Carlisle District Local Plan 2015-2030. A further material consideration is the Supplementary Planning Document (SPD) adopted by the City Council, 'Achieving Well Designed Housing'.
- 6.3 The proposal raises the following planning issues:
 - 1. Whether The Scale, Design And Appearance Of The Dwelling Are Acceptable
- 6.4 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale and use of materials which respect and, where possible, enhance the distinctive character of townscape and

landscape. This theme is reiterated in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing.

6.5 When assessing the vernacular of the area, it is evident that there are a number of differing house types and styles within the immediate vicinity. The submitted scheme proposes the use of traditional materials such as random coursed local stone walls and detailing with slate roofs. Furthermore, the proposal would achieve adequate amenity space and off-street parking to serve the proposed dwellings. Accordingly, the proposed dwellings would not form a discordant feature within the streetscene.

2. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.6 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against toss of privacy a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.7 The proposed dwellings have been so orientated within the individual plots that the minimum distances exceed the minimum distances between primary windows outlined in the SPD. Accordingly, the proposal would not have a detrimental impact on the living conditions of neighbouring properties through loss of light, loss of privacy or over dominance.

3. Method For The Disposal Of Surface Water Drainage

- 6.8 In respect of surface water drainage, objections from third parties have raised objections which have been reproduced for Members. In summary the objections centre on: the likelihood of the development exacerbating existing surface water flooding within the vicinity and Rockcliffe Beck area; location and safety of detention basin; no alternative method for the disposal of surface water from the development has been explored. The Parish Council, in its consultation response, also raised concerns about the potential of the application to exacerbate surface water flooding.
- 6.9 There is a clear policy requirement to provide adequate provision for surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. Policy CC5 of the local plan highlights that surface water management is a key principle of sustainable development. Sustainable drainage systems (SUDs) aim to reduce flooding by using devices or a series of complementary devices to control surface water run-off as near to its source as possible. Surface water should be

managed at source, not transferred; and discharged in the following order of priority: 1. into the ground (infiltration at source); 2. attenuated discharge to a surface water body; 3. attenuated discharge to surface water sewer, highway drain or another drainage system; and as a last resort 4. attenuated discharge to a combined sewer.

- 6.10 The submitted details illustrate that the surface water from the development would be piped into a detention basin, located to the east of Beckside (south of the application site) prior to it entering an outfall into Rockcliffe Beck. In light of the hierarchy for the disposal of surface water outlined in the foregoing paragraph, clarification was sought as to why the use of soakaways was not incorporated into the scheme as opposed to the submitted method.
- 6.11 Further details have subsequently been received from Bingham Yates (Consulting Engineers) which detail that: "5no. trial holes were excavated within the proposed development site which found that generally up to 500mm of top soil/organic material was present at the surface, overlying sandy clay, and typically seepage/standing water ultimately accumulated in the excavations at approximately 1250mm below the surface after a 60 minutes maximum on the basis of the above, we consider that the likelihood of there being an efficient direct infiltration into the ground is unlikely, and we recommend that a soakaway solution should not be pursued". Clarification was also sought as to the location of the proposed detention basin. The justification provided was that: "the location was chosen as it was an available unobtrusive and used area of scrubland beside the beck".
- 6.12 In light of the foregoing and based on the recommended hierarchy for surface water disposal, the next available option is for the disposal of surface water from the proposed development via an attenuated discharge to a surface water body to be attenuated below greenfield runoff rate.
- 6.13 The Environment Agency (EA) has also been consulted as it had previously raised objections to the disposal of surface water from the site into Rockcliffe Beck, although as the consultation response outlines it is not within their remit to comment on the technical design of surface water drainage systems. The EA has also confirmed that since its original comment on the 18th March 2016, Schedule 25 of the Environmental Permitting Regulations (England and Wales) 2016 have replaced existing flood defence legislation and the applicant could potentially apply for an exemption (FRA12) for a 150mm outfall, providing they can comply with conditions of the exemption.
- 6.14 Cumbria County Council has also been consulted on the additional information under its remit as Lead Local Flood Authority and has subsequently confirmed that the calculations regarding the surface water drainage seem to be within acceptable parameters. The discharge rate of 1.26 l/s accounting for a 1 in 100 year event, not considering climate change, is acceptable and is a representative figure of the greenfield runoff for the site. The LLFA also agree that the maximum storage required for the site is 84 cubic metres.

6.15 The objections of both the Parish Council and third parties are respected; however, in light of the views of the Lead Local Flood Authority it would be difficult to substantiate a refusal of the application on the proposed method for the disposal of surface water drainage system to Rockcliffe Beck. Furthermore, the application would have the potential to mitigate surface water runoff from the proposed development site as the surface water from the hard surfaces around the dwellings would also enter the proposed surface water system and not discharge as it currently does onto the highway.

4. Method For The Disposal Of Foul Drainage

- 6.16 Foul and surface water drainage are managed through two different systems and must be considered separately. Policy IP6 outlines that it is the responsibility of the developer to demonstrate how foul drainage from the site will be managed.
- 6.17 The submitted drawings illustrate that the foul drainage from the proposed development would enter the mains sewer. United Utilities has confirmed that they do not raise any objection in respect of the proposed method for the disposal of foul drainage.

5. Other Matters

- 6.18 Objections has been raised by third parties in respect of highway safety due to lack of pavements and request weight restrictions be placed on any construction traffic to the proposed development. The access (highway) arrangements are not part of this application as they were dealt with under a previous application (application reference 15/1067). Nevertheless, Members should be aware that a 1.8 metre wide pavement would be provided along the frontage of the site. In respect of weight restrictions for construction traffic, the Highway Authority, at the time of dealing with the outline application did not request the imposition of a condition requiring weight restrictions for construction traffic.
- 6.19 Objection in respect of the safety of the detention pond and the potential for stagnant water to attract insects has also been raised. The detention basin would only contain standing water during extreme weather conditions and would be fenced off.
- 6.20 Another issue raised was the potential loss of value to surrounding properties. This is not a material planning consideration.
- 6.21 Further objections have been raised in respect of flooding issues/land drainage management within Rockcliffe. The objections of third parties are acknowledge; however, flooding issues arising from other land/drainage routes which the application would not affect cannot be considered as part of this application.

Conclusion

- 6.22 The proposal seeks reserved matters approval to satisfy several conditions attached to an outline planning approval (application reference 14/0584) for the erection of 4no. dwellings. The submitted information satisfies: condition 6 (measures to prevent surface water discharging onto the highway); condition 12 (method of the disposal of foul and surface water drainage); condition 13 (materials); condition 14 (hard surface finishes to external areas); and 15 (boundary treatment); condition 17 (floor levels) and are compliant with the objectives of the NPPF, PPG, relevant local plan policies and SPDs.
- 6.23 Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2014, an application was withdrawn for erection of 1no. dwelling (Outline) (application reference 14/0164).
- 7.2 In 2015, outline planning permission was granted for erection of 4no. dwellings (application reference 14/0584).
- 7.3 In 2016, an application for full planning permission was partially granted for the erection of 4no. dwellings (reserved matters for access and landscaping); and information submitted to discharge conditions 4 (visibility splays); 5 (means of access); 6 (surface water discharge); 10 (scheme of tree and hedge protection); 11 (detailed landscaping scheme) and 12 (provision of foul and surface waters) pursuant to outline permission 14/0584 (application reference 15/1067).

Condition 6 was refused full planning permission due to the following reason:

"The proposed discharge of surface water via an outfall into Rockcliffe Beck Main River is unacceptable as the outfall is located within Flood Zone 3. The proposed method for the discharge of surface water from the development via an outfall in Rockcliffe Beck is unacceptable due to is location within Flood Zone 3. The proposal represents an unacceptable form of development as the surface water run-off is likely to exacerbate existing flooding problems. As such, the proposal because of the future risk of flooding thereby undermines the provisions of the National Planning Policy Framework, Policy CP10 of the Carlisle District Local Plan 2001-2016 and Policy CC5 of the emerging Carlisle District Local Plan 2015-2030 (submission draft and proposed modifications) all of which seek to that development proposals do not exacerbate existing flooding problems".

8. Recommendation: Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 6 (part), 12 (part), 13, 14, 15 and 17 attached to the outline planning consent to develop the site.

- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form received 18th May 2017;
 - 2. plots 1 & 4 proposed plans and elevations received 18th May 2017 (Drawing No. 13062-08);
 - 3. plot 2 & 3 proposed plans and elevations received 18th May 2017 (Drawing No. 13062-09);
 - 4. block plan & site elevations received 18th May 2017 (Drawing No. 13062-10);
 - 5. proposed site plan received 18th May 2017 (Drawing No. 13072-11);
 - 6. sw drainage calculation sheet compiled by Bingham Yates Limited received 18th May 2017;
 - 7. sw drainage plan received 10th August 2017 (Drawing No. B9333/01 Rev D);
 - 8. future maintenance of surface water drainage system and detention basin received 29th August 2017;
 - 9. the Notice of Decision; and
 - 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.









