

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 26th April 2019
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework
Public / Private Public

Title: BRIAR LEA PARK, LONGTOWN – GLEESON HOMES
DEVELOPMENT
Report of: Director of Economic Development
Report Number: ED. 19/19

Purpose / Summary:

This report sets out concerns raised by neighbours in relation to an ongoing development in Longtown.

Recommendations:

Members resolve that no enforcement action be taken in relation to the finished floor levels and officers continue to monitor the development.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 In July 2017, Members resolved to give Authority to Issue approval for the erection of 100 dwellings on land to the east of Briar Lea Court, Longtown, with accesses from Brampton Road and Old Road (16/0868). Following the completion of a S106 Legal Agreement, planning permission was granted in December 2017.
- 1.2 Five dwellings would front onto the A6071, with thirteen dwellings facing onto Old Road. A new 5.5m wide road, with pavements to both sides, would link the A6071 with Old Road and this would be adjoined by dwellings and an area of open space, which would have dwellings facing onto it.
- 1.3 Three cul-de-sacs, which would be 4.8m wide, would be accessed from the main road through the site. One of these would contain seven dwellings, one would contain twelve dwellings and would contain twenty-six dwellings.
- 1.4 The dwellings would be constructed of a combination of two types of brick, yellow multi brick and red multi brick, under a dark grey plain profile concrete tiled roof. Some of the dwellings would be constructed predominantly of yellow multi brick, with others being constructed predominantly of red multi brick.
- 1.5 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of two contrasting bricks; brick sills and lintels; open porches; bay windows; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 1.6 Each dwelling would have small front gardens and rear gardens, with the front gardens being turfed and the rear gardens being made up of topsoil. A minimum of two in-curtilage parking spaces would be provided for each dwelling and these would either be provided on driveways or within garages. The driveways would be constructed of permeable crushed aggregate but the first 5m would need to be surfaced in bituminous or cement bound materials.

2. DRAINAGE

- 2.1 All of the surface water from the site would discharge into the watercourse on the opposite side of the A6071 and there would be no surface water connection to Old Road. This would be a significant improvement on the current situation, where a large amount of the surface water from the application site currently runs off into the sewer on Old Road, particularly during periods of heavy rain and causes flooding on Old Road.
- 2.2 Foul water would discharge to the public sewers. A Pre-Development Enquiry was made with United Utilities for the outline application based on 61 dwellings and United Utilities confirmed that those 61 dwellings could discharge into the system on Old Road. The current proposal, therefore, allows 61 of the 100 dwellings to discharge their foul water in to Old Road. The remaining 39 dwellings would discharge into the system located on A6071 Brampton Road.

- 2.3 The applicant has looked in detail at the existing problems with the sewer on Old Road. The current problems with the Old Road system relate to the fact that the drain is laid too flat and it has a limited number of properties discharging foul flows into it. As a consequence, the system suffers operational issues in the form of blockages. When heavy rainfall occurs this can result in localised problems, especially when the surface water element is added into the mix. By adding additional foul flows this will increase the flow down the pipe and should offer an improved position as more flow will result in less risk of blockages as a result of low flows. Additionally, by taking the surface water flows away from the Old Road system it means the foul sewer is not having to deal with surface water flows and the debris/silt that surface water brings with it.
- 2.4 The Lead Local Flood Authority was consulted on the application. It commented at the time that, the Making Space for Water Group (which is a multi-agency group who investigate flooding) has begun to investigate the surface water / public sewer drainage issue on Old Road. This involves the public sewer becoming overwhelmed with surface water, which causes it to surcharge and this prevents existing dwellings along Old Road from being able to discharge their foul effluent. Due to this issue, the Lead Local Flood Authority considers that the Local Planning Authority should re-consult with United Utilities to ensure that any foul sewage disposal to the Old Road public sewer system does not further exacerbate this issue.
- 2.5 United Utilities raised no objections to the proposed development (proposing surface water discharging into a watercourse) subject to the imposition of the following condition:
- The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Assessment, ref: RO/DS/Longtown version 3, dated September 2016 by RWO Associates, proposing surface water discharging into a watercourse. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.*
- 2.6 A condition requiring the submission of a surface water drainage scheme for approval in writing by the LPA was attached to the consent. This stated that “the drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Drainage Statement dated September 2016 and plan C001 proposing surface water discharging to a watercourse”.
- 2.7 The approved documents included an Engineering Layout (Dwg No. C001). This plan shows the foul and surface water drainage for the site and the proposed finished floor levels (FFLs) of the dwellings. Along Old Road the FFLs of the dwellings are approximately between 30cm and 120cm higher than the adjacent road.

- 2.8 The dwellings to the rear of Briar Lea Court also have FFLs between approximately 0.33cm and 120cm higher than the boundary between the site and the dwellings on Briar Lea Court.
- 2.9 In June 2018, an application was made to discharge the surface water drainage conditions. The submitted plans showed the FFLs of the proposed dwellings on Old Road increasing by between 2.5cm and 22.5cm. The dwellings to the rear of Briar Lea Court had FFLs between 15cm and 82.5cm higher than those previously shown in the original planning application.

3. FINISHED FLOOR LEVELS

- 3.1 The dwellings are currently being constructed in accordance with the FFLs shown on the plans submitted in June 2018 (to discharge the surface water drainage conditions). The Council considers that the approved FFLs are those submitted with the main planning application and not those submitted to discharge the drainage conditions. The Council has advised the applicant that it needs to submit a S73 application in order to amend the FFLs.
- 3.2 The applicant has taken legal advice on this matter. This advises that the FFLs were not fixed by the Engineering Layout approved under the original planning application because these were “indicative only”. It considers that there is scope for them to be amended and finalised when discharging the drainage conditions and it is these drawings which show the approved FFLs.
- 3.3 The Council’s opinion was that the FFLs are those approved under the planning application (16/0868) and not through the discharge of conditions application (18/0582). As a consequence, the Council still considers that a S73 application is required to amend the approved FFLs to those that are currently being built on site.
- 3.4 The applicant has indicated that they have no intention of submitting a S73 to vary what the Council considers to be the approved FFLs, given the legal advice it has received. The Council, therefore, needs to consider whether the development that is currently being built is acceptable. If it is not considered to be acceptable the Council could take enforcement action against the applicant.
- 3.5 The FFLs have been increased in order to ensure positive drainage back to the adopted foul and surface water drainage networks adjacent to the A6071. They were amended in response to comments from United Utilities who wanted the outfall to be 300mm higher than the water level in the watercourse and reed bed. United Utilities originally wanted the outfall to be 600mm above the water level of the watercourse and reed bed but this figure was negotiated down by the developer. The lowering of the FFLs would cause clashes between the private surface and foul drainage networks hence the levels of which they have been set. The adopted drainage networks have been set to slackest gradients allowed and to minimal cover to allow for positive draining gravity networks. A gravity fed solution is favoured over the use of pumps, which can fail and lead to flooding of the surrounding area.

- 3.6 United Utilities has confirmed that it would normally ask for a 300mm freeboard for all outfalls (if possible) and this was the case with the final drainage solution for this scheme.
- 3.7 A number of objectors along Old Road, who live in bungalows, have raised concerns about the finished floor levels and the height of the dwellings and the impact that this has on their privacy and light. The following paragraphs set out the details relating to changes in levels. Drawing 1 shows the plots/addresses referred to in paragraphs 3.8 to 3.14.
- 3.8 Plots 28 to 31, which front onto Old Road would have FFLs 22.5cm higher than those approved in the original planning application. The dwellings on Plots 28 and 29 would measure 7.9m to the ridge, with the ridge heights of the dwellings being 9.3m higher than Old Road. The front elevation of Plot 28 would be between 22m and 24 away from the front elevation of 15 Old Road, with the front elevation of Plot 29 being between 21.5m and 23m away from the front elevation of 17 Old Road. The front elevation of Plot 30 (which would have a ridge height 8.42m higher than Old Road) would be a minimum of 22.5m away from the front elevation of 17 Old Road. Plot 31 would not lie opposite a dwelling but would face Bellsfield.
- 3.9 Plots 32 and 33, which have FFLs 15cm higher than those shown in the original application, would have front elevations between 21m and 22m away from the gable of 26 Bellsfield. It is acknowledged that a conservatory has been added to the gable of this dwelling but this would be partly screened by an existing solid timber fence on the boundary.
- 3.10 Plots 34 would have a ridge height 8.68m higher than Old Road, with that on Plot 35 being 8.02m higher and that on Plot 36 being 8.61m higher. These Plots would have front elevations a minimum of 27m away from the rear elevations of 24 and 25 Bellsfield.
- 3.11 Plots 37 and 38 would have a ridge height 8.4m higher than Old Road. The front elevations of these dwellings would be between 19.5m and 21m away from the front elevation of 19 Old Road.
- 3.12 Plot 39 would have a ridge height 7.66m higher than Old Road. This dwelling would have a front elevation a minimum of 22m away from the front elevation of 19 Old Road. Plot 40 would have a ridge height 8.31m higher than Old Road and would have a front elevation 20.5m away from the front elevation of 21 Old Road.
- 3.13 The highest dwelling on Old Road would have a ridge height of 9.3m. Whilst this is high for a two-storey dwelling, other house builders do have two-storey dwellings with ridge heights of 9m. The ridge would be a minimum of 26m away from the front elevations of 15 and 17 Old Road.
- 3.14 The Council's SPD on Achieving Well Designed Housing indicates that there should be a 21m separation distance between primary windows and a 12m separation distance between primary windows and blank elevations. These distances are largely met and exceeded, with the exception of Plot 37 which would have a front elevation 19.5m away from the front elevation of Plot 37 and 21 Old Road which

would have a front elevation 20.5m away from the front elevation of Plot 40. These separation distances are considered to be acceptable, given that the front elevations of the bungalows on Old Road are already overlooked from the footpath that runs to the front of the properties and which in some cases is only 8m away.

- 3.15 The FFLs of Plots 1 to 17, which lie to the rear of dwellings on Briar Lea Court (. Drawing 2 shows the plots/addresses referred to in paragraphs 3.15 to 3.18), have also increased by between 15cm and 82.5cm. Taking into account the change in levels, Plot 4 would have the highest ridge height which would be 9.2m higher than the land at the site boundary. This dwelling would not directly face 16 and 17 Briar Lea Court and would be a minimum of 20m from 17 Briar Lea Court and over 25m from the rear elevation of 16 Briar Lea Court. No. 16 Briar Lea Court would also look towards Plot 5 (ridge height 8.3m higher than of land on the site boundary) but there would be a minimum separation distance of over 25m.
- 3.16 Nos. 13 and 14 Briar Lea Court would have elevations facing Plots 6 to 13. The ridge heights of these dwellings would be between 8.3m to 9.1m higher than the land on the site boundary. The minimum separation distances would be a minimum of 23m but would largely exceed this.
- 3.17 No. 12 Briar Lea Court would be a minimum of 25m from the rear elevations of Plots 14 and 15; 11 Briar Lea Court would have an elevation facing the rear elevation of Plot 16 which would be a minimum of 22m away, with the ridge being a minimum of 25m away; whilst 10 Briar Lea Court would be a minimum of 25.5m away from the rear elevation of Plot 16 and a minimum of 27m from the rear elevation of Plot 17.
- 3.18 Plot 1 lies adjacent to 19 Briar Lea Court which has a conservatory attached to the rear elevation. This dwelling has been increased in height by 0.45m and has a ridge height 8.8m higher than the land at the site boundary. Whilst the dwelling on Plot 1 has some impact on the conservatory at certain times of the day this would not be significant enough to warrant refusal of the application, given that the conservatory is fully glazed.
- 3.19 The increased FFLs on the site mean that the gradient of some of the rear gardens that slope down towards the boundary with Briar Lea Court has been increased. The Lead Local Flood Authority (LLFA) consider that these increased gradients have the potential to increase surface water run-off from the rear gardens of the new dwellings. The LLFA considers that a filter drain (which would connect into the surface water drainage system) should be installed along the site boundary to prevent any surface water running into the gardens of the dwellings on Briar Lea Court. The applicant has agreed to do this and intend to submit a non-material amendment to deal with this issue.
- 3.20 Whilst the Council considers that the FFLs of the dwellings are higher than those approved in the original planning application, they are considered to be acceptable and as a consequence it would not be expedient to take enforcement action in this case.

4. OTHER MATTERS

- 4.1 Local residents have raised a number of other issues with the development and these are considered below.

Surface water discharging into sewer

- 4.2 Concerns have been raised about surface water from the site discharging into the sewer in Old Road, which floods during periods of heavy rain. The surface water from the development is being discharged to the watercourse that lies on the opposite side of the A6071 to the site. The FFLs on the site have been increased to ensure that surface water drainage operates as intended. The only surface water that would discharge into Old Road would be some run-off from the 5m sections of the driveways that are to be finished in tarmac or a bound surface and this would not be significant.

Flooding of Old Road

- 4.3 There has been some flooding of Old Road during construction works. As a consequence, the applicant has installed bunds along the site boundary (as advised by the LLFA) to prevent surface water discharging onto Old Road during the construction phase.

Level of Parking

- 4.4 Concerns have been raised about the level of parking proposed, particularly for the dwellings along Old Road. The level of parking has been approved under the original planning application and has been agreed with the Local Highway Authority. Each dwelling on Old Road would have a minimum of two off road car parking spaces, with a number of the dwellings having three off-road spaces. Across the whole site, the parking provision includes 60 detached garages; 31 integral garages; 185 on plot parking spaces; and 4 visitor parking spaces, which equates to 280 parking spaces for the 100 dwellings.

Through Road

- 4.5 Residents have raised concerns about the access onto Old Road which residents consider will cause problems due to the narrowness of the road. The access onto Old Road has been approved. The Local Highway Authority favoured a second vehicle access onto Old Road. The Council's Heritage Officer was also keen to see a second access created onto Old Road in order to improve the sites connectivity and to create a more integrated development. Residents have requested that the speed limit on Old Road should be reduced to 20mph and this issue will be raised with the Local Highway Authority through their County Councillor.

Bin Storage

- 4.6 Concerns have been raised about the storage of bins once the development is complete, with residents fearing that they would be left on the pavement along Old Road, due to the steepness of driveways and the use of aggregate on sections of the driveways. The steepest driveway along Old Road is 1:10 which would not be

steep enough to prevent residents wheeling bins from the dwellings to the roadside. Whilst the driveways would contain sections of crushed aggregate bins could still be wheeled across this.

Road Sweeping

- 4.7 The state of Old Road has been raised by residents and photographs have been forwarded to the Planning Department which show mud and soil/ debris on and adjacent to Old Road. Electricity North West were responsible for this mess and the Local Highway Authority contacted them and asked them to clean the road which has been done. Construction vehicles are using the access from the A6071 and the developer needs to ensure that this road is kept clean during the construction phase. The approved Construction Management Plan requires a wheel wash facility to be provided to wash down vehicles prior to their leaving the site.

Access for people with disabilities

- 4.8 Residents have queried whether the increased FFLs of the dwellings are in breach of the Disability Discrimination Act. The dwellings need to be approved by a Building Inspector who will consider access to the dwellings. The National House Building Council are dealing with Building Control matters on this site.

Construction Litter

- 4.9 Photographs have been supplied of plastic and polystyrene in a field that adjoins the site to the east. Metal scaffolding brackets have also been observed in this field. This matter has been raised with the Site Manager who is responsible for the day to day running of the site.

Street Lighting

- 4.10 Residents have raised concerns about street lighting and the impact that this would have on existing residents. The location and intensity of any street lighting would be determined by the County Council as part of the process of adopting the roads. The impact of any lighting on existing residents would be considered as part of this process.

Construction traffic

- 4.11 A number of complaints have been received about construction traffic using Old Road, in breach of the approved Construction Management Plan. This issue has been raised with the Site Manager who has been made aware that construction vehicles have to use the A6017 to access and egress the site.

Site Security

- 4.12 Residents have also raised issues about the suitability of the site security fence and have submitted photographs of a plank of wood sticking out into Old Road through the fence; and the bases of the fences projecting into the highway. The fence is typical of fenced used to secure building sites. The issue about the plank of wood

and the bases of the fences encroaching onto the highway have been raised with the Site Manager.

Conclusion

- 4.13 The issues outlined above are not peculiar to this developer and happen on other housing sites during construction. The Council will continue to monitor the above issues and any other issues that are raised by local residents.

5. CONSULTATION

- 5.1 A meeting has taken place with residents about the FFLs and other matters that they have raised concerns about. The issues raised in this meeting, and in three letters that were handed to officers at the meeting, are covered in this report. The applicant has not submitted a revised planning application as requested by the Council and so residents have not been formally consulted. The developer has offered to meet residents on future issues as the site develops.

6. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 6.1 Members resolve that no enforcement action be taken in relation to the finished floor levels and officers continue to monitor the development.

7. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 7.1 The development will address future housing needs.

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**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **Planning Application 16/0868**

CORPORATE IMPLICATIONS:

LEGAL – As set out in paragraph 3.19 of the Report, the Council should only consider enforcement action when it considers it is expedient to do so. Enforcement action should not be taken to regularise an administrative situation and any action taken should be

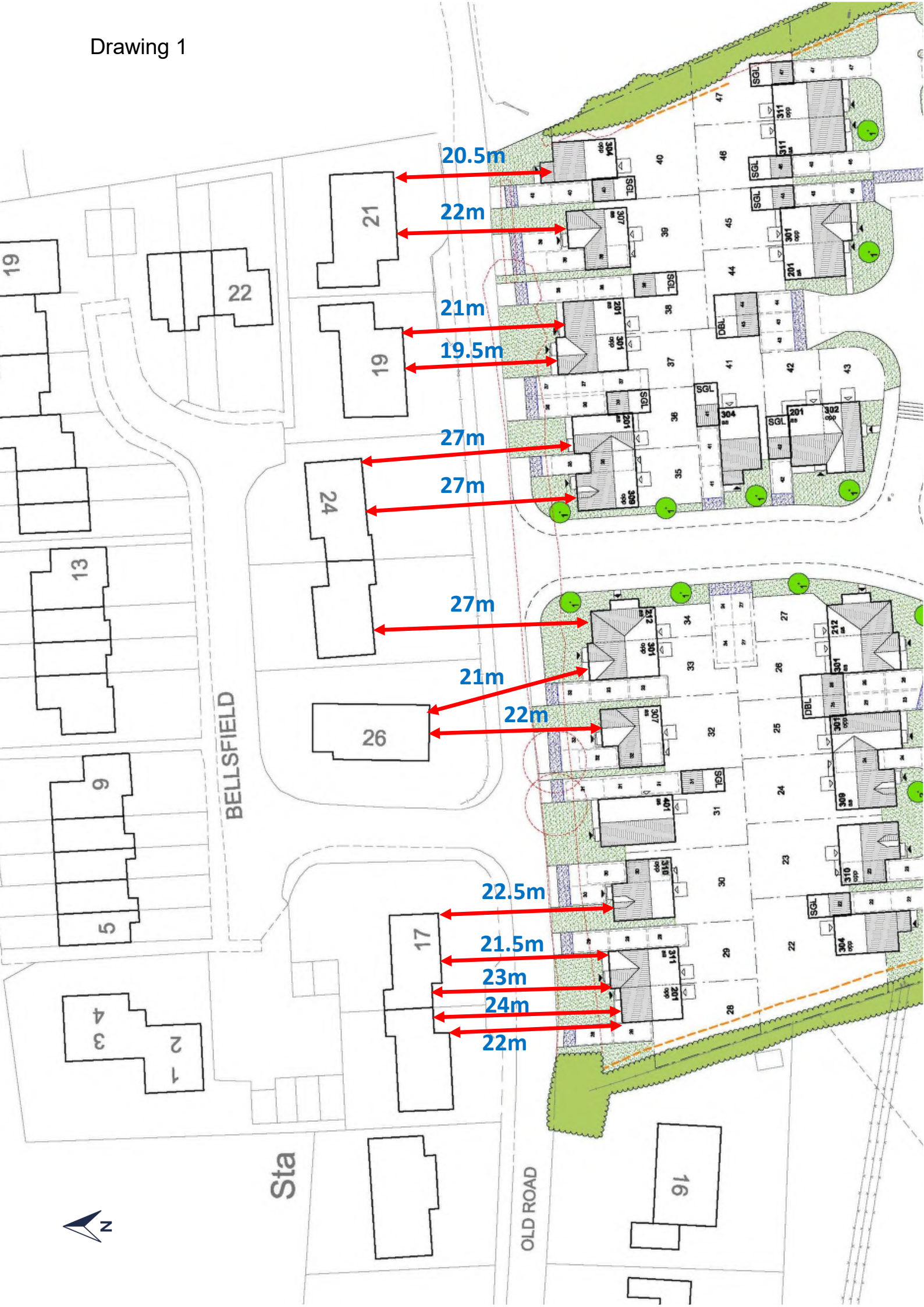
proportionate, taking account of the potential impact on health, housing needs and welfare of those involved. The Council's legal view as regards the FFL will require further analysis before any action was taken.

FINANCE – n/a

EQUALITY – These are addressed in the report

INFORMATION GOVERNANCE – n/a

Drawing 1





Drawing 2

