

	<p align="center">REPORT TO PLANNING & DEVELOPMENT COMMITTEE</p> <p align="center">TO BE HELD ON THURSDAY, 4 October 2018</p>	
<p>APPLICATION REFERENCE NO:</p> <p>18/01504/FL</p>	<p>TARGET DATE:</p> <p>15 August 2018</p>	<p>GRID REF:</p> <p>511735-481301</p>

REPORT OF THE PLANNING SERVICES MANAGER – PSM/18/176

SUBJECT: Construction of Drainage Bund for McCarthy And Stone Retirement Lifestyles Ltd (c/o Agent) Site At Church Cliff Drive Filey North Yorkshire

1.0 THE PROPOSAL

1.1 This site lies to the North of Church Cliff Drive and West of Wooldale Drive along the northern boundary of Local Plan housing allocation HA24. The site is currently in agricultural use, although it forms part of the Local Plan public open space allocation OS10. It lies in the open countryside, outside of the Development Limits of Filey defined within the Local Plan.

1.2 The proposal is to create an earth bund immediately to the north of the allocated housing site in order to intercept and contain surface water run-off from the land to the north, preventing it flowing onto the housing land and ,thereby, reducing the risk of any housing development flooding. The bund would be approximately 0.6m high, 5.5 to 6.0m wide and approximately 140 metres long. It would be constructed in impermeable clay, covered with top soil and grassed.

1.3 The applicants state that the proposal will complement the approved Filey Flood Alleviation Scheme. The approved Flood Alleviation Scheme proposes a similar bund along the Southern boundary of the allocated housing site, adjacent to Church Cliff Drive. In this position it would protect Church Cliff Drive and properties to the South from overland flows, but would not be effective in reducing flood risk for any new development. By effectively moving the bund to the north it would protect both new housing and Church Cliff Drive. Surface water from the land occupied by any new housing development would be dealt with by its own separate, positive drainage system which would also reduce the risk of flooding along Church Cliff Drive.

2.0 SCREENING OPINION REQUIRED?

2.1 No

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken.

4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 Filey Town Council - A 1 in 200 year drainage system would be preferred as Filey has already had 3 x 1 in 100 year storms in 15 years and the system needs to be more robust to alleviate potential flooding. Who will be responsible for future on-going maintenance of the drainage bund? Where would water behind the bund go as it will not drain away due to the clay soil? Concern that the height of proposed bund would be insufficient.

4.2 Lead Local Flood Authority (NYCC) - As the bund isn't positively drained and infiltration is limited, it is requested that the applicant confirm exceedance routes should the limits of the bund be breached due to accumulated or prolonged rainfall. Volume control seems to adequately accommodate the 1 in 100 year storm event storm event; however the applicant hasn't integrated 40% Climate Change. It is requested that this allowance is provided, although it is predicted the volume provided would still adequately manage the runoff from the associated catchment. It is requested that the applicant confirm their long term maintenance strategy for the lifetime of development and identify who will be responsible for its maintenance and operation. Recommends conditions regarding water storage capacity details; maintenance proposals; and, details of exceedance (overflow) details.

4.3 Yorkshire Water - The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land drainage has no right of connection to the public sewer network under any circumstance. Exceedance flows should not enter the public sewer network.

4.4 Drainage and Coastal Engineers (SBC) - Awaited

4.5 Publicity - Consultation period expired on 14 August 2018.

4.6 Seven letters of objection have been received from local residents. The have made the following points:

- The proposed drainage bund is outside of the Filey Development Limits and does not meet the tests set out in paragraph 206 of the NPPF.
- This planning application is indirectly supporting the application for housing development on the adjoining site.

- This application is in direct conflict with the NPPF and the Strategic Flood Risk Assessment which states "no further developments take place until flood alleviation measures have taken place."
- The documents noted by the LLFA are out of date as a new amended plan has been submitted.
- The applicant needs to submit new calculations to comply with policies/regulations.
- The LLFA have concerns over exceedance routes and requests the applicant to confirm exceedance routes. With these reservations in mind, where will the exceedance routes be?

5.0 RELEVANT SITE HISTORY

5.1 2016 - Filey Flood Alleviation Scheme, approved.

5.2 2017 - Application for 39 retirement flats and 20 retirement bungalows, still to be determined.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan 2017

DEC 3 - The Efficient Use of Land and Buildings
HC 1 - Supporting Housing Development
HC 2 - New Housing Delivery
HC 15 - Open Space and Sports Facility Allocation
ENV 3 - Environmental Risk
ENV 6 - Development Affecting the Countryside

National Planning Policy Framework

NPPF5 - Delivering a sufficient supply of homes
NPPF11 - Making effective use of land
NPPF14 - Meeting the challenge of climate change, flooding and coastal change
NPPF15 - Conserving and enhancing the natural environment

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy and Guidance

None relevant

7.0 ASSESSMENT

7.1 The site is situated in the open countryside, outside of the defined Development Limits of Filey. Local Plan policy ENV6 restricts development in the open countryside, inter alia, to that which can be shown to be necessary in the proposed location for technical and operational reasons. It has been demonstrated that this bund is necessary to reduce flood risk to any housing development on the adjacent land which is allocated for housing from overland flows off the land to the North. Therefore, it is considered that this proposal meets the requirement of policy ENV6 in that it is necessary for technical reasons.

7.2 It is reasonable to question why the bund cannot be provided within the area allocated for housing, rather than in the open countryside. This is likely to result in a reduction in the number of houses provided on the site, which would conflict with Local Plan and National Planning Policies concerned with making efficient use of land and the delivery of housing. Local Plan policy DEC3 requires proposals to make efficient use of land; policy HC1 encourages new opportunities for housing development; and, policy HC2 sets out proposals for the delivery of new housing, including the allocation of the land immediately to the South of the proposed bund. These local policies continue to reflect the revised NPPF which advocates delivering a sufficient supply of homes and making effective use of land. If essential infrastructure can reasonably be provided outside of allocated sites, without harm to other interests, it helps to ensure that the housing land is used more efficiently and more houses are delivered. A reduction in the number of units on a site may also affect its viability and have an adverse impact on other aspects of the development, such as affordable housing provision. It would not be practical to site this type of infrastructure in private rear gardens or other curtilage space as it needs to be retained and maintained over the lifetime of the development.

7.3 Local Plan policy ENV3 expects development proposals to mitigate against environmental risk; seek opportunities from new development that may help to reduce the causes and impacts of flooding; and, using mitigation measures where possible in order to facilitate development in areas of sensitive drainage. This proposal meets all of these objectives. Irrespective of whether the Filey Flood Alleviation Scheme is implemented, this proposal will reduce the risk of flooding along Church Cliff Drive and it will allow housing to be delivered on an allocated site within a Critical Drainage Area.

7.4 There are no objections to the scheme from two of the drainage consultees, North Yorkshire County Council, as Lead Local Flood Authority, and Yorkshire Water. The LLFA have requested more information about the storage capacity behind the bund, maintenance proposals, and where water would flow in the unlikely event that the storage capacity was ever exceeded; they have, however, advised that these matters can be satisfactorily dealt with by condition. The comments of the Councils Drainage Engineers are awaited. They were responsible for commissioning the design of the Filey Flood Alleviation Scheme. However, on the basis of the information supplied by the applicants and the comments of the LLFA, your officers are satisfied that this proposal would not compromise the operation of the FAS and would work in tandem with it.

7.5 At a maximum height of 0.6m, with a domed profile and grassed surface, the structure will barely be perceptible within the wider landscape, especially when

screened from Church Cliff Drive by housing and viewed from the north against the back drop of housing. Therefore, the adverse impact on the character and appearance of the landscape will be negligible.

7.6 Due to its relatively small scale, form and position close to the boundary, it is not considered that the structure would interfere with or prejudice the implementation of the public open space allocation within which it is located. The Local Plan expects this area (OS10) to be laid out as natural and semi-natural green space; this proposal is compatible with that. Furthermore, parts of the approved Flood Alleviation scheme will also lie within this area of allocated open space and similar flood prevention measures have been permitted in areas of public open space, for example to the North of Eastfield.

POSITIVE & PROACTIVE STATEMENT

The following steps were taken in an effort to achieve a positive outcome to this application.

This structure was shown on the planning application for housing development on adjacent land but did not lie within the application site and form part of that application. The Local Planning Authority negotiated with the applicants and gave them procedural advice in order to allow this proposal to be submitted in a separate planning application which could be considered in parallel, with the potential to use Grampian conditions to tie the two planning applications together if appropriate.

RECOMMENDATION

PERMISSION BE GRANTED, subject to the following condition(s)

1 The development hereby approved shall be carried out in accordance with the following plans:

Flood Prevention Measures NE-2429-03-DE-020

Plans and Sections Through Proposed Bund NE-2429-03-DE-021

Location Plan 1256-DB3-S02-00-DR-A-SK101 rev A

Reason: To avoid doubt

2 Development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the storage provided will accommodate a minimum 1 in 100 year plus climate change critical storm event.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere in accordance with policy ENV3 of the Scarborough Borough Local Plan.

3 No development shall take place until a maintenance scheme for the lifetime of the development hereby approved has been submitted to and approved in writing by the local planning authority. Details with regard to the maintenance and management of the approved scheme shall include; drawings showing any surface water assets to be vested with the statutory undertaker and subsequently maintained at their expense and/or any other arrangements to secure the operation of the approved scheme throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in accordance with policy DEC3 of the Scarborough Borough Local Plan.

4 No development shall take place until an Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with policy ENV3 of the Scarborough Borough Local Plan.

David Walker

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR N READ ON 01723 232483 email nick.read@scarborough.gov.uk



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