

Application Ref: 14/01789/FUL

Proposal: Filling in of ditch - part retrospective

Site: Land To The North Of 29, Maxey Road, Helpston, Peterborough

Applicant: Mr A Brotherton
Seagate Homes

Agent: Mr David Shaw
David Shaw

Referred by: **Councillor D Over and Helpston Parish Council**

Reason: Concern regarding surface water flooding and harm to the character and appearance of the surrounding area

Site visit: 09.09.2014

Case officer: Miss Louise Lovegrove

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is located at the edge of the village of Helpston, to the western side of Maxey Road. The site is currently subject to the development of five large detached residential dwellings which were granted planning permission in December 2013 under application reference 13/01069/FUL. To the south of the site is No.29 Maxey Road with the public highway forming the eastern boundary. Open countryside comprising arable fields extend to the north and west of the site with the East Coast railway line further to the north.

There was previously a drainage ditch running along Maxey Road to the front of the development site, with drainage grips (small channels) from the public highway. All mature shrubs and trees which were located along this frontage have been removed as was shown on the approved plans for the housing development. A vehicular access serving the development intersects the frontage and former drainage ditch which has been filled in without the benefit of first obtaining either planning permission or Land Drainage Consent.

Proposal

The application seeks planning permission for the in filling of the drainage ditch and alteration to the unauthorised works to create a Sustainable Drainage System (SUDs) by virtue of a swale. This swale comprises a shallow drainage ditch with perforated pipe below surrounded by pea shingle. Given that part of the works have begun, the application is part-retrospective.

It should be noted that this application is a re-submission following an earlier withdrawn application. This withdrawn application did not include the shallow drainage channel. The current application has also been amended following discussions between the Applicant and City Council's Principal Drainage Engineer. The original scheme originally sought to install drainage channels (known as grips) from the public highway into the swale however these are not considered necessary and as such, have been removed from the scheme.

Given that the application drawings have been revised, further public consultation has taken place. This consultation period does not expire until 25th November (post-publication of the Committee report) and as such, any additional representations will be provided in the Briefing Update Report.

2 Planning History

Reference	Proposal	Decision	Date
13/01069/FUL	Construction of 5 x 5 bedroom dwellings with associated roadways, hard and soft landscaping	Permitted	10/12/2013
14/01409/FUL	Filling in of ditch - Retrospective	Withdrawn	26/09/2014

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 10 - Development and Flood Risk

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

CS22 - Flood Risk

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

Peterborough Flood and Water Management SPD (2012)

Chapter 6 – Guidance on managing surface water drainage

This chapter is to assist the implementation of Policy CS22 of the Peterborough Core Strategy DPD (2011).

Peterborough Design and Development in Selected Villages SPD (2011)

Help 7 – Landscaping

New development should make provision for appropriate hard and soft landscaping; retention of existing hedgerows/mature trees; appropriate planting schemes; and amenity areas consistent with a rural village. Edge of village developments should give high priority to protection and enhancement of external views into the village.

Help 13 – Environment

Development proposals surrounding the perimeter of the village should enhance the landscape with open areas, native trees, hedgerows and shrubs to support wildlife.

4 Consultations/Representations

Drainage Team (13.11.14)

No objections - Provided installation is in line with the details proposed on the submitted drawings then the highway shall drain as expected.

Helpston Parish Council (04.11.14)

Objection - The second retrospective application was discussed with Simon Machen and Lee Collins on 22nd September 2014 and they are aware of our continued despair at developers, having received permission from City to do one thing, then do another and seek retrospective approval.

In the case of these plots, the developer has already filled the drainage ditch and piped it, possibly inadequately (we cannot see the underground works done). This took no account of the purpose of the original ditch, which was to effect "land" drainage from the nearby roads and gullies. Fortunately, with City intervention, this application was withdrawn (ref. 14/01409/FUL).

It now seems that City officers have worked with the developer to produce this latest, third retrospective application to incorporate a "swale" type dip in the ditch area so that gully drainage from the road can occur. We believe that this represents a total "roll over" to the developer by the City when what was really wanted (and originally given permission) were the linear ponds (designer's/architect's euphemism for drainage ditches) as originally shown in the original plans.

We request that the City Council Planning Department refuse this application and insist that the developer restore the original drainage ditches as shown on the original plans and which have been proven historically to be essential in this area. We would further ask for this application (if not refused by officers) to go to committee and we request that Simon Machen and Lee Collins take note of our further concerns.

Welland and Deepings Internal Drainage Board (01.08.14)

The Drainage Board do not give consent retrospectively. However, we are happy that the construction has been completed to a standard that would be accepted by the board. Should a problem develop in the future where water does not drain satisfactorily, additional work may be required.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 3

Total number of objections: 2

Total number in support: 1

One objection has been received from the occupants of No.32 Maxey Road on the following grounds:

- The ditch is the sole drainage facility for the lower portion of Maxey Road. During a recent heavy period of rain, the road near to the level crossing was flooded to a depth of 200 - 300mm (this was during a period after the ditch had been filled in).
- When the Seagate Homes site is complete there will be a risk of further surface water running off onto Maxey Road. Our property is directly opposite the access to this development and we are concerned about possible increased flood risk. We are constantly being warned of the increased risk of severe weather in the future and to fill in this ditch would remove a valuable drainage option that has existed for many years.
- The original planning application drawings showed the ditch as a water feature with stone bridge over. Why has this been changed and has it been approved by the Planning Department?
- There is also concern regarding the water that entered the ditch from higher up Maxey Road.

Councillor Hiller - I have no comments to make about the above part-retrospective application if PCC drainage officers and the relevant IDB are happy with the proposed changes from that which was originally given consent.

Councillor Over - I write to confirm my previous objections and support the Parish Council's views. Previous comments relate to concern regarding flooding as the ditch carried away surface water. Any trees planned on the filled ditch will eventually damage the pipes. Ditches are a traditional feature in the area.

5 Assessment of the planning issues

The main considerations are:

- Drainage and surface water flood risk
- Impact upon visual amenity

a) Background

As detailed in Section 1 above, the application site forms the frontage to a small development of 5 large detached dwellings approved under application reference 13/01069/FUL. As part of this permission, the application site (a drainage ditch running parallel to the public highway of Maxey Road) was due to be retained as a linear pond feature, with the vehicular access running across by way of a small bridge feature. In February 2014, the Developer Seagate Homes filled in this drainage ditch without the benefit of either planning permission or Land Drainage Consent. Included as part of the in-filling works was the installation of a perforated drainage pipe surrounded by pea shingle. This was inspected by the Internal Drainage Board who commented that the works had been undertaken to an acceptable standard albeit no consent could be issued as there is no provision for retrospective approval to be given within the Land Drainage Act.

A retrospective planning application was later submitted for the works undertaken (reference 14/01409/FUL) however objections were received from the City Council's Drainage Engineer, along with Parish and Ward Councillors. The objections related to the impact of the in-filling upon the surface water drainage capacity of the perforated pipe and the knock-on impact that this would have upon surface water drainage of the public highway.

A meeting was held between Seagate Homes, the Drainage Engineer and Planning Officer to discuss the above concerns and a revised scheme was agreed to address the concerns. Accordingly, application reference 14/01409/FUL was withdrawn and the current planning application submitted which seeks to amend the unauthorised works currently in situ on the site.

b) Drainage and surface water flood risk

The current proposal seeks to retain the unauthorised perforated pipe surrounded by pea shingle but alter the groundworks associated with the in-filling by excavating some of the in-fill material to create a shallow drainage channel and ensure that the land is level with the adjacent public highway. This would create a Sustainable Drainage System (SUD) known as a swale. This proposed under-drained swale would provide an area of storage within the perforated pipe with an extra amount available within the swale (shallow channel) itself. Whilst this would have a degree of lesser capacity than the original drainage ditch, the City Council's Drainage Engineer has confirmed that this would be minimal and not materially alter the ability or capacity of drainage for the adjacent public highway.

Given that the ground level of the swale would be the same as the adjacent public highway, any surface water on the public highway would be able to drain away into the swale.

It is noted that concern has been raised with regards to the increase in impermeable surface resulting from the associated development of 5 dwellings and the impact that this may have upon increased surface water run-off rates. These concerns are noted however the proposed amendments to the drainage ditch would not significantly reduce the capacity to handle surface water run-off of the original ditch which itself was considered adequate to handle the run-off created by the adjacent development. Furthermore, Officers are seeking an amendment to the adjacent development to alter the vehicular access to be constructed of a porous material to ensure that no additional run-off results. This is to be secured through a separate discharge of condition application.

In light of the above and the proposed amendments, it is considered that the proposal would not result in any unacceptable impact to the ability of the public highway to drain and there should be no increased risk of flooding to the surrounding area. The proposal is therefore in accordance with paragraph 100 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 6 of the Peterborough Flood and Water Management SPD (2012).

c) Impact upon visual amenity

It is noted that Councillor Over has expressed concern with regards to the loss of the drainage ditch which he considers to be a traditional feature of the locality. The proposed amendments to the unauthorised works would result in a shallow swale in place of the previous ditch. Whilst this would not be to the same depth as previously, it would visually appear as a linear grassed channel and not materially differ from the previous ditch in situ. It is considered that this would still retain the verdant frontage to the development and ensure that no unacceptable harm results to the visual amenity of the streetscene and surrounding area. On this basis, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policies Help 7 and Help 13 of the Peterborough Design and Development in Selected Villages SPD (2011).

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposed amendment to create a drainage swale would not unacceptably reduce the capacity to accommodate surface water run-off and the level of the land would allow for water

to run-off from the public highway. As such, the proposal would not result in any increased flood risk to either the public highway or surrounding area, in accordance with paragraph 100 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 6 of the Peterborough Flood and Water Management SPD (2012); and

- the proposed amendments would not result in any unacceptable impact to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policies Help 7 and Help 13 of the Peterborough Design and Development in Selected Villages SPD (2011).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following condition:

- C 1 The alterations hereby permitted shall be carried out within two months of the date of this permission and in accordance with the details shown on drawing numbers 3702-P02 Revision B 'Consented/Proposed Site Layout (Ditch)' and 3702-P03 'Consented/Proposed Bridge and Fence Details'.

Reason: To ensure no unacceptable risk of surface water flooding results, in accordance with paragraph 100 of the National Planning Policy Framework (2012), Policy CS22 of the Peterborough Core Strategy DPD (2011) and Chapter 6 of the Peterborough Flood and Water Management SPD (2012).

Copy to Councillor D E Over