

PLANNING APPLICATION REPORT ADDENDUM

Case Officer: Wendy Ormsby

Parish: Stokenham **Ward:** Stokenham

Application No: 3193/18/ARM

Agent/Applicant:

Miss Robyn Nicholl - Barton Willmore

101 Victoria Street

Bristol

BS1 6PU

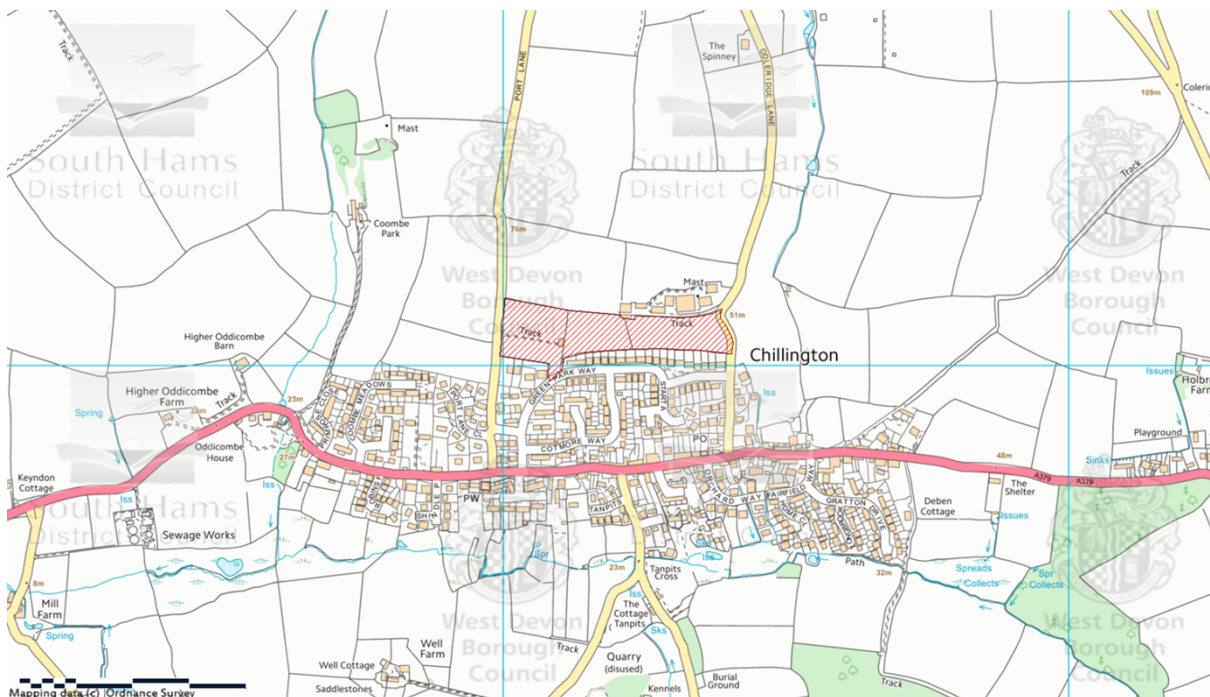
Applicant:

Acorn Property Group

C/O Agent

Site Address: Land to the rear of Green Park Way, Chillington, TQ7 2HY

Development: Reserved Matters application for the development of 63 no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA



Background

This application was considered by the Development Management Committee on 17 July 2019. It was deferred by committee for further details to be submitted relating to landscaping and drainage. At the time Devon County Council as Lead Local Flood Authority objected to the proposed surface water management scheme. Further details relating to drainage and landscaping have been submitted and this application is now referred back to the Committee.

The **officer recommendation** remains that of **Conditional Approval**, as in the original report which is attached to this addendum report, with the following further and amended conditions proposed:

Condition 2 is to be amended to include the full list of drawings and documents to be approved as part of this application. The list is at the end of this addendum report.

Condition 11 amended to read as follows:

Notwithstanding the details submitted and approved as part of this application, within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted to the Local Planning Authority for approval. *The detailed proposals shall be designed in consultation with the residents whose gardens adjoin the southern site boundary.* The approved details shall be implemented and maintained in accordance with a timetable and maintenance schedule to be agreed in writing with the LPA as part of these detailed landscape proposals. No dwelling shall be occupied until these landscaping details have been agreed in writing by the Local Planning Authority and the planting and maintenance shall then take place in accordance with the approved details.

Reason: In the interest of visual and neighbour amenity

Additional proposed conditions:

21. The Construction Management Plan to be agreed pursuant to condition 10 of planning permission 0771/16/OPA shall include details of measures to prevent contaminants from construction activities affecting the Kingsbridge to Salcombe Estuary SSSI with details of how these measures will be managed and maintained. Development shall take place in accordance with the approved details.

Reason: In the interests of biodiversity

22. The surface water drainage scheme to be agreed pursuant to condition 19 of planning permission 0771/16/OPA shall provide explicit clarification regarding how the operational phase run-off impacts have been development to prevent water quality impacts upon the Kingsbridge to Salcombe Estuary SSSI. Development shall take place in accordance with the approved details and shall be managed and maintained as such.

Reason: In the interests of biodiversity

23. No part of the development hereby permitted shall be commenced until the detailed design of the piled foundations and piled retaining walls at locations of soakaway H2 and H3 have been undertaken by a competent structural engineer and submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

Reason: This is to enable soakaways to be satisfactorily sited less than 5 m from foundations and retaining walls.

24. No part of the development hereby permitted shall be commenced until the detailed design of the overflow at the land drain/spring in the vicinity of the existing trough has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To finalise levels in the existing trough area to provide an overflow from the existing land drain / spring feature and reduce the risk of overland flow.

25. Prior to its installation a noise impact assessment of the drainage pump hereby approved shall be submitted to and approved in writing by the Local Planning Authority and, if identified as necessary, the means of how noise impact will be mitigated shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the pumping station

Reason: In the interest of residential amenity

Update on Consultation Responses:

A further response from the Parish Council, commenting on amended plans was verbally reported to the July committee as it was received after the original report was drafted and raised the following issues:

- Amendments reduce but do not eliminate issues of overlooking and overbearing impact on neighbours
- More landscaping details are needed and this should be included now not condition
- Overlooking problems are caused by building up of land – do not accept this is to manage road gradients but is to accommodate drainage tanks
- Drainage scheme is defective
- Not acceptable for drainage to be dealt with by condition
- Maintains its objection to the scheme

Since the July committee the following additional Consultation Responses have been received:

Natural England:

The application needs to consider potential impacts from contaminants during the construction phase entering the watercourse (or other pathways) that connect the site with the SSSI. Where appropriate, measures need to be put in place to prevent contaminants from construction activities affecting the SSSI

The mitigation measures will need to be underpinned by a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) that follows best practice. Mitigation measures need to be managed and maintained.

It would be useful to provide explicit clarification regarding how the operational phase run-off impacts have been developed to prevent water quality impacts upon the SSSI. We note that the engineering proposals put forward are largely devoid of any multifunctional and site specific ecological benefits. This is often the result of high density development that comprises minimal green space provision

Without this information, Natural England may need to object to the proposal

Recommend consultation with the AONB

Proposals should be reviewed in light of Government's Statement to promote biodiversity net gain.

DCC Lead Local Flood Authority:

Objection is withdrawn subject to conditions and a detailed briefing note has been provided which is included later in this report.

Update on Representations

The following additional issues submitted by 12 residents were verbally reported to the July committee but not included in the officer report as they were received after the report was drafted:

- Objection from DCC Flood Risk reported as additional information required – should be ‘objection’
- Better not to determine this application until drainage agreed
- Proposed conditions regarding landscaping, layout, planting, surfaces and finishes all relate to type and layout of drainage and cannot be agreed until drainage scheme is final
- Condition 2 does not include drawing numbers – so new drawings could be approved
- Wrong to condition things like landscaping, boundary treatments, material etc as proposed in the conditions
- Building heights of apartments behind 29 GPW remain overbearing and should be bungalows
- Heights of plots 50 & 51 remain too high behind 53 GPW – should be houses not apartments – or at least roof hipped as per Plot 46. More screening required to provide privacy – controls on external lighting required. Concerned new neighbours should not invoke high hedge complaints about their boundary.
- 47 GPW – want land removed from plot 43 and tree planting provided instead – overlooking still an issue
- Want restrictions to prevent internal changes to houses to having living accommodation upstairs and no changes to windows/doors etc . Plots 50 and 51 should be hipped
- Why is tank H2 showed sitting above natural ground level?
- Officer report now mentions 64 houses again not 63
- Can condition 6 apply to all house on southern boundary?
- Drainage does not enhance biodiversity
- Ramped access are at 1:10 – exceed recommended gradients for DDA compliance
- Steep gardens would not be safe

Since the July Committee the following further matters have been raised:

- A solicitor’s letter has been submitted suggesting an intention to judicially review the planning process
- Residents have commissioned an engineer to review the drainage proposals. The report concludes that the drainage scheme is unsatisfactory and will leave properties at risk of flood. The report is available to read in full on the web site.
- Planning condition 15, renewable energy has not been addressed.
- 47 Green park Way is 25-26 metres from plot 46 not the 38m stated at the meeting
- Dispute the claim that 12 months ground water monitoring has taken place
- Electrical pumping station is not a sustainable solution.

- Large number of documents on the web site is confusing
- Continued concern about possible ground water re-emergence
- Continued detailed criticism of the proposed drainage scheme
- Want to know who will be held liable if flooding occurs and what indemnities will be provided
- Pumping station is too close to a residential dwelling.
- Planning officer was wrong to state underbuild behind 29 and 31 GPW was 1.5m – it is between 1.3 – 1.75 m, giving a total height of 8.75m not 8.5m
- Request a meeting with residents retained drainage engineer and Council officers.

ANALYSIS

Drainage

Devon County Council as Lead Local Flood Authority (LLFA) are the statutory body responsible for Flood Risk and for major application such as this and are the authority upon which this Council must rely to provide advice and guidance regarding the surface water management of major developments.

Notwithstanding that drainage details are not a necessary part of this reserved matters application, Members deferred this application from Committee in July as the LLFA still maintained an objection to the drainage.

Following detailed liaison with the applicant's engineers the LLFA has now withdrawn its objection to the drainage proposals and has provided the following general observations and a detailed briefing note as follows:

The applicant has produced a surface water management strategy which proposes a combination of infiltration techniques, attenuation tanks, a small pump and swales to manage the surface water runoff at the site.

Three sets of ground investigation has been undertaken at the site and indicate the site has favourable conditions for infiltration which is the preferred option for surface water disposal as indicated in the surface water hierarchy. Furthermore the applicant has undertaken 12 month's worth of groundwater monitoring in line with BRE 365 and the Ciria SuDS Manual C753.

The applicant has also submitted a Maintenance Plan indicating how all aspects of the proposed surface water drainage strategy should be maintained during the life time of the development as well as an exceedance plan indicating how runoff during extreme events will be managed.

Based on the information provided, it has been shown that a satisfactory surface water management strategy has been submitted using infiltration. Responsibility remains with the developer and consultant to ensure the proposed surface water drainage network is constructed and maintained in line with the approved drawings and all liabilities remain with the applicant.

Briefing Note To Support The Removal Of Objection By DCC As The LLFA And Statutory Consultee For The Proposed Development At Chillington: Application Number 3193/18/ARM

Introduction

The aim of this briefing note is to set out how we have liaised extensively with the applicant during the past 14 months to provide an improved surface water management strategy for the site. This briefing note highlights various aspects of the proposed surface water management strategy which we were concerned with and how these issues have since been overcome.

Ground Investigations

Although a ground investigation was already undertaken in July 2015 in the form of 20 trial pits and 5 infiltration tests, we recommended that the applicant undertook further infiltration testing at the exact location and depth of proposed soakaways in line with BRE365 and Ciria SuDS Manual C753. This gives us a better understanding of the geology at the site which means the calculations for the sizing of the soakaways are more accurate and representative. The infiltration testing was undertaken in September 2018.

Additional infiltration testing was requested at the proposed depth of soakaway H1 and this was undertaken in July 2019. Results indicated a slower rate of infiltration than previous testing at a higher depth within the ground strata. Subsequently this soakaway has been re-designed based on the slower rate of infiltration which has made the soakaway much larger in plan area. Although the testing indicated slower rates of infiltration, the rate is still viable from an infiltration point of view.

The applicant undertook 12 months worth of groundwater monitoring from January 2017 to December 2017 in line with requirements stemming from BRE365 and Ciria SuDS Manual C753. The results indicate groundwater was found to be between 7.5 and 10 m below ground level and therefore once the seasonal maximum water table has been reached, groundwater is sufficiently deep at the site so it will not impact on the proposed soakaways.

Design of Soakaways H1 and H2

We requested that the factor of safety for these soakaways should be increased from 3 to 5 in line with the Ciria SuDS Manual C753 Table 25.2 Suggested Factors of Safety. We also requested that the half drain down requirements, where the soakaway would be half emptied within 24 hours in readiness for a subsequent storm, were met for the 1 in 100 year storm event which is in excess of the requirements of the Ciria SuDS Manual C753. This has resulted in a conservative design of both the communal soakaways.

Soakaway H1 also receives a pump flow from H3 and we requested that the modelling outputs indicate the impact of this flow on the functioning of the soakaway. We were concerned regarding the installation of the deep soakaways and the potential for long term settlement or crushing. The applicant confirmed that various 2 manufacturers have products designed to operate at the required depth which have capability to manage relevant loads both vertically and horizontally.

The modelling indicates that a range of storm events from 15 mins to 7 days for the 1 in 100 year event plus 40% for climate change has been assessed in terms of the sizing of the soakaway. The applicant has used FSR rainfall which is an approved and acceptable methodology as recommended in the Ciria SuDS Manual C753.

An architect's cross section indicated that the southern section of soakaway H2 was above existing ground level. The applicant has advised that the cross section was inaccurate and

no longer valid and was merely for purposes of indicating the bank in that area. The soakaway will be situated below existing ground level and have 2.6 m of cover.

Diversion Of The Spring

Initially, the proposal was to upgrade the pipe from a 100 mm diameter pipe to a 150 mm diameter pipe. We were concerned that the upgrade would result with more flow coming off the site which would then be restricted downstream when entering an existing 100 mm pipe. Consequently, the applicant has now proposed a 100 mm pipe to ensure there is no increase in flow downstream. In addition, we have recommended an overflow from the spring which will connect into a gully on the access road to reduce the risk of overland flow running off the site towards existing properties. This will provide a betterment to the existing arrangement at the site.

Groundwater Re-Emergence

As the site is steeply sloping, we were concerned about the prospect of groundwater re-emergence of infiltrated water downstream. The applicant has reduced the risk of groundwater re-emergence by using an impermeable membrane wrapped around the sides of the two communal soakaways to aid the vertical infiltration of surface water and to reduce the lateral movement of infiltrated water. Three separate rounds of infiltration testing at the site indicates that the geology is suitable for infiltration.

During ground investigation, two pits were dug one downstream of the other and water was poured into the first trial pit to determine if it would emerge within the trial pit downstream. The results concluded that the infiltrated water travelled vertically and not laterally across the site as the water could not be seen in the trial pit downslope.

Both communal soakaways have been lowered to a similar level to Green Park Way to reduce the risk of groundwater re-emergence in this area.

The British Geological Survey borehole records indicate the clay layer extends towards the watercourse within the village which adds another level of comfort as infiltrated water can not pass through the clay layer.

Pumping Station

Due to the topography of the site, a small pump is proposed to pump surface water runoff from the access road into soakaway H1. The pump is a duty standby pump so there is a spare pump if one was to fail. There is also battery backup to provide 8 hours of power should failure occur. We have also requested that the pumping station has an alarmed system where an alert is sent to warn of a failed pump or blocked pipe. 3 The pumping station has a tank which stores flows up to the 1 in 100 year event plus an allowance of 40% for climate change. In the event of pump and battery failure, there is adequate storage at the pump for the maximum design event.

Maintenance Schedule

We were concerned how maintenance would be undertaken at the two communal soakaways considering their depth. The applicant has confirmed that both of these soakaways have a 1 m deep sump for sedimentation and have been designed to have an inspection well with monitoring points. A sucker tanker can be used to provide the routine

maintenance of the communal soakaways. There will be a channel within the crates to provide access for CCTV.

Perforated risers are proposed to limit the flow from the tanks situated under the driveways. We have asked for an increased level of maintenance for these flow control devices for the first year and for the maintenance schedule to be updated accordingly based on the performance of these devices during various seasons. For example more maintenance may be necessary during Autumn with fallen leaves.

The Maintenance Plan also provides maintenance schedules for the soakaways, exceedance swales, attenuation tanks and the pumping station. The surface water drainage will remain private and maintenance of the system will be undertaken by a private management company.

5m Rule of Thumb

We queried the siting of soakaways H1 and H2 within 5 m of properties/foundations and retaining walls. The Ciria SuDS Manual C753 states that where infiltration is proposed closer than 5 m from buildings or structures an assessment should be approved by a suitably qualified professional such as a registered ground engineering adviser. The applicant has confirmation from Integrate Limited, in their letter dated 9th August 2019, that based on the ground investigation carried out to date and the use of suitably designed piled foundations by a competent structural engineer, soakaways can be situated closer than 5 m to buildings and retaining walls.

Conclusion

After much consideration and deliberation we believe that the proposed surface water management scheme will provide a betterment compared to the existing surface water regime where runoff pours off the site during heavy rainfall events due to the presence of the impermeable clay layer. The runoff will be picked up, conveyed and stored on the site itself for all events up to the 1 in 100 year storm event plus an allowance of 40% for climate change. The drainage strategy follows best practice by utilising infiltration techniques which are the preferred method of surface water disposal as stated in the surface water hierarchy. The design of the proposed surface water network is conservative taking into consideration the gradient of the site.

We have worked closely with Acorn Developments, Rise Structures and a geologist to improve the proposed surface water drainage strategy. We have also taken on board local knowledge from the residents of Chillington. We no longer have any reason to maintain our objection to the application.

Based on the detailed comments above Officers are satisfied that it has been demonstrated that the site can be adequately drained.

Landscaping

A full set of revised hard and soft landscaping drawings have been provided. The applicant has provided the following summary of the proposed changes:

South eastern boundary near Coleridge Lane

Additional Betula pendula within native planting area below Plots 46 & 50-51 moved south closer to boundary to take account of revised soakaway and offset extent.

Additional Betula pendula tree added to native planting area, below Plot 46, and near the boundary with the rear garden to number 51 along Green Park Way.

Southern boundary with Green Park Way

Additional trees shown along boundary with rear gardens of numbers 33, 35, 37, 39. (New proposed trees along this boundary include 3 No. Malus sylvestris, and 4 No. Betula pendula to the 6 previously).

To the rear of Plots 29-37, the planting has been updated to reflect the revised attenuation tank size. The planting species have been amended to low water demand species and deep-rooted species removed. The planting mix includes native Viburnum opulus and Cornus sanguinea with underplanting of Hedera helix.

On the southern boundary of this area, the tree planting has been relocated to the rear gardens of numbers 33, 35, 37, 39, due to the easement zone to the pipes for the attenuation tank.

The planting species have been amended to low water demand and deep-rooted species removed to the boundary with the rear gardens of property numbers 27, 29, and 31 due to the proximity of the attenuation tank. The planting mix includes native Corylus avellana, Cornus sanguinea and Viburnum opulus.

South western boundary near Port Lane

Additional trees shown along the boundary with rear gardens of the properties between Port Lane and Green Park Way (Acer camepstre).

Boundary with Property Number 17 Green Park Way

1 No. additional Betula pendula has been shown to the rear garden boundary with property number 17 along Green Park Way to help with the boundary planting and containment of views. The additional tree in this area provides a variety in the tree species with varying character, form, shape and maturity. The existing oak trees already provide substantial containment of views however with the additional Betula pendula and the already proposed 1 No. Quercus robur and 1 No. Prunus avium 'Plena' these will provide a mixed natural

buffer. The understory planting in this area also offers considerable variety in structure and height with evergreen species present such as ilex aquifolium used to provide screening and a setting to the substation.

Whilst the revised landscaping scheme provides what is considered to be an improved boundary treatment for the residents neighbouring the site, if any concern remains, the applicant is willing to accept a condition requiring that full details of the boundary planting to be submitted and agreed with the Council. This could include additional consultation if necessary.

The revised plans have been assessed by the Council's Landscape Specialist who considers the proposals to be satisfactory both in terms of visual impact and as a screening function.

Nevertheless the applicant has offered to enter into a direct consultation process with the adjoining residents to discuss the planting on the southern boundary further and it is recommended this be secured via a planning condition.

On this basis the proposed landscaping proposals are acceptable.

Other matters

The issues raised by Natural England regarding potential for contamination of the Kingsbridge to Salcombe Estuary SSSI are addressed through planning conditions.

Residents have employed a qualified engineer to assess the drainage proposals and his report is critical of the drainage scheme. A meeting has been requested with Council Officers to discuss drainage but has not taken place.

The statutory body responsible for flood risk is DCC as Lead Local Flood Authority and as such it is the advice from the LLFA that this Council must have regard to. Detailed comments on drainage including the resident's engineers report have been provided to the LLFA and they will have made their recommendations in light of these comments. Officers did not consider there would be any merit in a meeting when it is the guidance from the LLFA that should be followed.

Conclusion

This reserved matters application was deferred to allow further details regarding drainage and landscaping to be submitted and, in particular, to wait until the holding objection from DCC as LLFA was withdrawn.

DCC as LLFA have now withdrawn their objection and a satisfactory drainage scheme has been agreed. Further, satisfactory landscape details have been provided.

As such it is recommended that conditional approval be granted for this reserved matters application.

Drawings and document list for Condition 2

PL-01	Location Plan
PL-03 Rev H	Planning Layout
PL-07-01 Rev D	Proposed Underbuild Sheet 1
PL-07-02 Rev F	Proposed Underbuild Sheet 2
PL-07-03 Rev F	Proposed Underbuild Sheet 3
PL-06 Rev. B	Proposed Finished Floor Levels Plan
HT-3B-02	House Type Planning Drawings
HT-3B-03	House Type Planning Drawings
HT-3B-04	House Type Planning Drawings
HT-3B-05	House Type Planning Drawings
HT-3B-06	House Type Planning Drawings
HT-3B-07 Rev A	House Type Planning Drawings
HT-3B-08 Rev B	House Type Planning Drawings
HT-04-01	House Type Planning Drawings
HT-04-02	House Type Planning Drawings
HT-04-03	House Type Planning Drawings
APT-01 Rev D	Affordable Apartment 01 Planning Drawings
APT-02 Rev A	Affordable Apartment 02 Planning Drawings
HT-1B-01+3b-01	Affordable Housetype Planning Drawings
HT-2B-01 Rev C	Affordable Housetype Planning Drawings
HT-2B-02 Rev A	Affordable Housetype Planning Drawings
HT-3B-01 Rev B	Affordable Housetype Planning Drawings
GAR-01 G	Garage Planning Drawings
STORE-01	Refuse/Recycling and Cycle Store Drawings
E-01 Rev C	Section through 47 Green Park Way
SE-03	Section through Plots 44-46
SE-04 Rev A	Section through APT-01
SE-05 Rev A	Design Iterations
SE-06 Rev A	Site sections through Plots 48-51

Design and Access Statement

Landscape drawings:

28809_BRL-PL001 Rev J - Hard & Soft Landscape Location Plan

28809_BRL-PL002 Rev J - Hard & Soft Landscape Plan, Sheet 1

28809_BRL-PL003 Rev J - Hard & Soft Landscape Plan, Sheet 2

28809_BRL-PL004 Rev J - Hard & Soft Landscape Plan, Sheet 3

28809_BRL-PL200 Rev J - Planting Location Plan

28809_BRL-PL201 Rev J - Planting Plan, Sheet 1

28809_BRL-PL202 Rev J - Planting Plan, Sheet 2

28809_BRL-PL203 Rev J - Planting Plan, Sheet 3

Drainage Documents:

Drainage and Road Strategy Report Version C2 dated 27.02.2019

Drainage Maintenance Plan Version C4 dated 28.08.19

18026/200 Rev I - Drainage Strategy Sheet 1

18026/201 Rev I - Drainage Strategy Sheet 2

18026/202 Rev E - Drainage Strategy Sheet 3

18026 Rev C2 – Drainage Maintenance Plan dated 12th August 2019

Soakaway Calculations H1 Rev C

Letter Report on Soakaway testing by Integrale dated 9/09/19

Engineering Drawings:

18026/100 Rev B – Highway Layout Sheet 1 of 2

18026/101 Rev B – Highway Layout Sheet 2 of 2

18026/102 Rev B – Road Details

18026/103 Rev B – Road Longitudinal Sections Sheet 1 of 2 – no rev B

18026/104 Rev B – Road Longitudinal Sections Sheet 1 of 2

18026/105 Rev B – Site Cross Sections Sheet 1 of 6

18026/106 Rev B – Site Cross Sections Sheet 2 of 6

18026/107 Rev B – Site Cross Sections Sheet 3 of 6

18026/108 Rev B – Site Cross Sections Sheet 4 of 6

18026/109 Rev B – Site Cross Sections Sheet 5 of 6

