

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE**

20 AUGUST 2015

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.5(2)

**SITE MEETING
APPLICATION NO. 15/0576 –
ENGINEERING OPERATIONS TO
CONSTRUCT A SURFACE WATER
DRAINAGE SCHEME TO SERVE 21 NO.
RESIDENTIAL DWELLINGS – LAND AT
PLEASANT HEIGHTS, PORTH**

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1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No. 28(1) (Development Control Committee, 16 July 2015), a site inspection was undertaken on Friday, 31 July 2015 to consider highways, health and safety and land drainage issues.
- 3.2 The meeting was attended by the Chair of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Member - County Borough Councillor (Mrs) S.J.Jones.
- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, L.De Vet, M.Griffiths, P.Jarman, S.Rees, G.P.Thomas, (Mrs) J.S.Ward, P.Wasley and E.Webster and Non-Committee/Local Member – County Borough Councillor (Mrs) M.E.Davies.

- 3.4 Members viewed the application site and were informed by the Development Control Officer that full planning permission was being sought for the construction of a surface water drainage scheme to serve 21 dwellings. The proposal was for an alternative drainage scheme to that approved in the terms of the planning permission currently being implemented at the site.
- 3.5 Members noted that the current planning permission for the development of Pleasant Heights Phase 2 was granted on 8 September 2006 for a total of 31 detached dwellings plus associated highway infrastructure, drainage and retaining wall structures and was subject to a number of conditions one of which required the submission of an adequate drainage scheme, a timetable for its implantation and arrangements for the management and maintenance of the drainage for the lifetime of the development. In accordance with that condition, a full drainage plan and management arrangements were submitted prior to the commencement of the development and the condition was finally discharged by the Council on 4 April 2011 with the development commencing on site soon after.
- 3.6 The context and justification for the new drainage proposal, as set out by the applicant, was that the currently consented drainage surface and land drainage design for the development was considered to be overly complex, difficult to build and maintain and very expensive to construct. Due to the constraints of the steeply sloping site and the lack of flat land, the consented drainage system employed a significant amount of buried surface water storage (attenuation) tanks, a flow control device and a single discharged point to an existing off-site drainage system. A maximum post-development discharge rate from the site to the existing down stream drainage system had been agreed. The applicant considered that the form of the consented drainage and attenuation system did not represent the most reasonable and practical means of surface water drainage in terms of up to date guidance. The alternative drainage scheme now proposed sought to relocate all the required storage volume to one single flat area on the site in place of 10 of the proposed 31 houses which would be omitted to facilitate the construction of the new storage facility.
- 3.7 Members viewed the area where the open grassed swale would be located. The swale would extend for approximately 70m in length across the slope more or less midway between the access highway serving Pleasant Heights and the narrow access lane to the rear of Turberville Road. The swale would be 4.4m in width, including 1.2m wide gravel maintenance strips each side and would have a side slope gradient of 1 in 2. During the peak storm event, in an average year, the swale was likely to be holding 300 mm depth of water. During a one in ten year peak storm event, the swale would be holding around 700 mm of water and

would only be full of its design limit during a 1 in 100 year critical storm event.

- 3.8 Members were informed that the surface water drainage infrastructure and the freehold of the land which it occupied would be passed to a private management Company specialising in the operation, management and maintenance of sustainable drainage systems. The private management Company would operate a management and maintenance agreement between themselves and the residents of the 21 houses that comprise the Phase 2 development with an annual fee paid by each resident to the Company for regular maintenance and eventually capital works. It was understood that the applicant had offered these arrangements because a legal agreement with the relevant parties was already in place to manage and maintain the consented drainage scheme. However, it was abundantly evident from the representations made by neighbouring residents that the management arrangements for the proposed scheme were of significant concern, especially as their properties were the most vulnerable to flooding in the event of failure of the drainage scheme. It appeared that public confidence in the drainage scheme might be greater if it was to be adopted and managed by a public body. The Transportation Section had indicated that the Council, as Highway Authority, would be prepared to adopt the swale subject to conditions and a commuted sum. At the present time, the applicant was considering his options in this regard.
- 3.9 Members noted that at the time of submission of the application, six of the dwellings to be served by the proposed scheme had been constructed and occupied and another two dwellings were under construction. Development had proceeded without complying with the condition attached to the current planning consent that required the phased construction of the currently consented drainage scheme in accordance with the approved plans prior to the occupation of dwellings on that phase. In the absence of adequate drainage arrangements, a Breach of Condition Notice was served on the developer in November 2014 preventing the occupation of any more dwellings on the Phase 2 development until adequate drainage was installed and operational. That Notice remains in force though this did not preclude consideration in the meantime of the alternative drainage strategy.
- 3.10 Members also noted that a key consideration was the adequacy of the proposed alternative drainage design strategy to safeguard against flood risk which was especially important given the location and proximity of the proposed drainage works in relation to neighbouring dwellings in The Rise and Turberville Road.

- 3.11 With regard to consequences for public safety, Members were advised that the creation of an open swale in an elevated position on a hillside in close proximity to residential properties that sit below the site had given rise to the expression of considerable concerns by neighbouring residents as the swale could, in effect, create an artificial body of standing water to a maximum depth of almost 2 metres which posed an inherent hazard to public safety. The Development Control Officer stated that whilst the fears of residents were understandable, it was pertinent to make clear that at most times the swale was likely to contain no more than a narrow flowing channel of water in a ditch at the bottom of the swale and it was only in severe and extreme flood events that there would be a standing body of water.
- 3.12 Reference was made to hazards to public safety associated with an open water feature in close proximity to neighbouring houses and a public right of way. The applicant had acknowledged concerns raised by local residents but had decided against the provision of buoyancy aids for use in an emergency as they were likely to be stolen or vandalised. The applicant had advised that the land on which the swale would be located would remain in private ownership and measures would be taken to remind the public of this fact to discourage unlawful access.

APPENDIX 1

APPLICATION NO: 15/0576/10 (PB)
APPLICANT: PW Watts Developments
DEVELOPMENT: Engineering operations to construct a surface water drainage scheme to serve 21 no. residential dwellings.
LOCATION: LAND AT PLEASANT HEIGHTS, PORTH
DATE REGISTERED: 28/04/2015
ELECTORAL DIVISION: Porth

RECOMMENDATION: APPROVE

REASONS:

The application proposal for an alternative surface water drainage design scheme is considered acceptable because it will achieve a demonstrable reduction in flood risk arising from the residential development currently under construction at Pleasant Heights compared to the undeveloped state. Also, adequate arrangements are capable of being put in place to secure the management and maintenance of the drainage over the lifetime of the development. Although the proposal will impact upon the landform of the hillside slope at this location, but not to a significant degree especially in comparison with the currently consented drainage scheme. There is an element of hazard to public safety associated with the proposals as they will involve creation of an open water feature in close proximity to neighbouring houses and rights of way. But that hazard is likely to be prevalent for relatively infrequent temporary periods during extreme storm events and therefore outweighed by the comparative flood risk management and visual impact benefits of the drainage scheme.

APPLICATION DETAILS

Full planning permission is sought for the construction of a surface water drainage scheme to serve 21 dwellings on land at Pleasant Heights, Porth. The proposal is for an alternative drainage scheme to that approved under the terms of the planning permission currently being implemented at the site.

The current planning permission for the development of Pleasant Heights Phase 2 was granted on 8 September 2006 for a total of 31 detached dwellings plus associated highway infrastructure, drainage and retaining wall structures (application ref: 06/9887). That permission was subject to a number of conditions, of which one (condition number 5) requires the submission of an adequate drainage scheme, a timetable for its implementation and arrangements

for the management and maintenance of the drainage for the lifetime of the development. In accordance with that condition a full drainage plan and management arrangements were submitted prior to the commencement of development. The condition was finally discharged by the Council on 4 April 2011 and development commenced on site soon after.

The context and justification for the new drainage proposal as set out by the applicant is as follows. The currently consented drainage surface water and land drainage design for the development (drawing 04041-56 A) was designed in conjunction with the Council but is considered to be overly complex, difficult to build and maintain, and very expensive to construct. Due to the constraints of the steeply sloping site and lack of flat land the consented drainage system employed a significant amount of buried surface water storage (attenuation) tanks, a flow control device and a single discharge point to an existing off-site drainage system. A maximum post-development discharge rate from the site to the existing downstream drainage system was agreed.

The applicant considers the form of the consented drainage and attenuation system does not represent the most reasonable and practical means of surface water drainage in terms of up to date guidance. The majority of the attenuation structures were to be placed below ground which would result in a vast in a vast quantity of buried engineering structures and materials (plastic and concrete). Also, a large quantity of retaining structures would be required to enable the placement of the drainage structures on the site. Finally, the construction phasing of the drainage system would have lasted the duration of the overall project which on current build rate could be many years.

The alternative drainage scheme now proposed seeks to relocate all the required storage volume to one single flat area on the site, in place of 10 of the proposed 31 houses, which will be omitted to facilitate the construction of the new storage facility. The physical layout of the alternative drainage scheme comprises an interception drain on the hill above the development, standard building and highway drainage for the development; all connected to a single flow control device and a single open grassed swale (linear grassed ditch with sloping grassed banks) before discharging to the open watercourse between numbers 105 and 107 Turberville Road. The swale will extend for approximately 70m in length across the slope more or less midway between the access highway serving Pleasant Height and the narrow access lane to the rear of Turberville Road. The swale will be 4.4m in width, including 1.2m wide gravel maintenance strips each side, and will have a side slope gradient of 1 in 2. The eastern side (down slope side) of the swale will be formed from a graded earth embankment with a maximum height of 1.9m above the bottom of the swale. A set of maintenance access steps 1.2m wide will link the swale with the footway at Pleasant Heights and will be gated. Originally, it was proposed to construct an emergency vehicle only access route 2.5m wide will be formed in earthworks from the swale to the junction of the rare lane rear of Turberville Road with the

Rise, but this is no longer required so is not proposed to be constructed. The slopes either side of the swale will be graded to a maximum gradient of 1 in 2 and allowed to self vegetate supplemented by hydro-seeding where required. No retaining structures are considered necessary so none are proposed.

During the peak storm event, in an average year the swale is likely to be holding on a 300mm depth of water. During a one in ten year peak storm event the swale will be around 700mm and will only be full to its design limit during a 1 in 100 year critical storm event.

Water will be contained within the swale and will not be permitted to infiltrate into the ground and emerge part-way down the embankment. This will be achieved by an engineered liner with a clay soil cover. The existing ditch to the eastern boundary will be retained, even though it is not required to actively convey water in the future.

The proposed swale is primarily a piece of drainage infrastructure, rather than a landscaping or amenity feature. The depth of water will rarely get above 300mm in an average year, but the maximum extreme water level is a total depth of 1.9m, which could occur for a few hours during a 1 in 100 year storm event (+ 30% climate change allowance). It is proposed to exclude the public from this area by providing a simple fence along the back of the footway at Pleasant Heights. It is not proposed to form an impenetrable security fence around the whole swale, but to discourage casual visits to it. Warning signs indicating a potential risk of deep water are intended to be erected, but buoyancy aids are not intended to be provided considering the reduced frequency of the swale filling and the high likelihood of such aids being stolen, vandalised or thrown into the swale. The gated access to the swale and also the short length of open watercourse near Turberville Road will be locked, for access by maintenance staff only.

The ownership, adoption and maintenance strategy for the proposed drainage scheme is the same as for the currently consented scheme. The surface water drainage infrastructure and the freehold of the land which it occupies will be passed to a private management company specialising in the operation, management and maintenance of sustainable drainage systems. The private management company will operate a management and maintenance agreement between themselves and the residents of the 21 houses that comprise this development (Pleasant Heights, Phase 2), with an annual fee paid by each resident to the company for regular maintenance and eventually capital works.

Maintenance works that will be necessary for the proposed drainage scheme are as follows:

- Visual inspection of land and surface water drainage infrastructure (integrity, cleanliness, blockages).

- Periodic cleaning and survey of pipe work, catch pits, manholes and headwalls, including the control device chamber.
- Management of vegetation in the swale and short length of open watercourse to maintain volume, but not in an over-zealous fashion as some vegetation can remain. This is anticipated to be strimming.
- Management of access routes to drainage infrastructure.

Unlike the currently consented drainage scheme, the alternative now proposed will be constructed in one single phase which means the full benefits of its flow control restriction is achieved at a much earlier stage in the development. The proposed scheme is expected to take three months to construct.

The application is accompanied by the following:

- Pleasant Heights Phase 2, Porth: Alternative Surface Water Drainage Design Strategy and Justification
- Pleasant Heights Phase 2, Porth: Calculations for Alternative Surface Water Drainage Strategy

At the time of submission of the application 6 of the dwellings to be served by the proposed scheme have been constructed and occupied and another 2 dwellings are under construction. Development has proceed without complying with condition attached to the current planning consent that requires the phased construction of the currently consented drainage scheme in accordance with the approved plans prior to the occupation of dwellings on that phase. In the absence of adequate drainage arrangements a Breach of Condition Notice was served on the developer in November 2014 preventing the occupation of any more dwellings on the Phase 2 development (beyond the six currently occupied) until adequate drainage is installed and operational. That Notice remains in force, though does not preclude consideration in the meantime of the alternative drainage strategy the subject of this planning application.

SITE APPRAISAL

The application site comprises a moderately steeply sloping area of land which forms part of a larger area of land at this location currently undergoing residential development as Phase 2 of Pleasant Heights, Porth. The site is flanked along its eastern (downhill) boundary by existing residential properties and an access lane at Turberville Road and The Rise, while to the north the site is contiguous with the open hillside. The western (upslope) and southern boundaries of the site are flanked by houses and an estate road that form parts of Phases 1 and 2 of the Pleasant Heights residential development. Although much of the application site remains undeveloped and covered by natural vegetation, some engineering operations have taken place on the site in connection with the on-going residential development.

PLANNING HISTORY

The relevant planning history to the application site is as follows:

06/0887	Land off Troedyrhiw Rd, Porth	Residential development of 31 detached houses	Approved 8/9/06
06/2177	Land off Troedyrhiw Rd, Porth	variation of condition 5 of consent 06/0887 to modify drainage condition	Refused 5/2/07

PUBLICITY

Neighbouring properties have been notified of the application, which also has been the subject of site notice publicity.

A total of 2 letters/emails of objection to the proposal has been received on behalf of 5 residents of Turberville Road. The objections are summarised as follows:

- Swale would be constructed in an elevated position on unstable ground which has been tipped on the mountain side by the developer in uncontrolled conditions. Settlement of the ground will cause swale to leak and risk of flooding to properties in Turberville Road.
- The 1 in 2 gradients indicated on the submitted plans to the areas of land directly below and above the swale are unachievable in certain positions along the swale, this will cause further problems to the long term efficiency and operation of the swale
- Disagree with the report that the as dug material at the site will form a waterproof layer to the sides and bottom of the swale. The as dug boulder type clay at the site will quickly be eroded by running water
- There are no proposals indicated to deal with surface and groundwater to the lower side of land below the swale. The existing ditch below the proposed swale was dug as a temporary measure by the developer when tipping spoil in this area. The ditch is now overgrown with vegetation and is not, or will not be maintained in the future by anybody.
- Concern about enforcement of the maintenance agreement for the swale if estate residents fail to keep up payment, or maintenance company ceased trading?
- The proposed position of the open swale is in an area of land which overgrows with extremely rough vegetation i.e. bramble bushes, trees,

fern and other wild growing vegetation. This will overgrow into and around the open swale.

- Essential that any drainage system employed above Turberville Road is resilient and properly maintained by a responsible body. The people who will be affected by failures in the swale and associated drainage system being considered are residents of Turberville Road and not residents of the new estate who are required to pay for the maintenance of the swale and associated drainage below the new estate. The interest of the residents of Turberville Road must be paramount to the Planning Authority regarding safeguarding their properties from drainage problems above their homes. The way the management and maintenance of the drainage system that is being proposed is totally unsatisfactory with due regard to the importance it has on the properties in Turberville Road.
- The proposed maintenance agreement has not yet been formalised, so how much and to what extent the maintenance of the swale and drainage involves is not known. This agreement is crucial in the long term proper operation of the swale and drainage and should be clarified before approving the scheme.
- There has always been a stream which flows down the hillside between The Rise and the end of Turberville Road during the winter not addressed by the proposals.
- Health and Safety measures regarding the open swale have been ignored. When there is water in the open swale it will become a danger to children playing in the area and to pet dogs, and could attract vandalism and unsociable behaviour.
- The costs of construction and on-going maintenance of the originally consented drainage scheme would have been known to the developer and house-buyers therefore should not now be used as a reason for it not to be constructed.
- Disturbance and damage to wildlife, trees and hedgerows

CONSULTATION

Transportation Section – no objection subject to conditions.

Land Reclamation and Engineering – comments as follows:

“The site benefits from planning permission for residential development and associated drainage works. However due to economic/construct ability reasons the developer has submitted this new application. The development as it

currently stands has progressed without implementation of the previously consented drainage scheme. Elements of the existing development currently drain to a watercourse South of the development which subsequently enters the highway network (highway culvert).

The proposal demonstrates the principles of sustainable drainage techniques and aims to limit the development discharge to the pre-development rates of runoff. Notwithstanding the above, built development such as roads pavements and roofing tends to increase the surface area of impermeable ground, thereby serving to reduce percolation and increasing rapid surface run-off. This has the effect of reducing the time it takes for precipitation to enter the watercourse and consequently increasing the peak discharge from development, therefore development in one part of a catchment may increase run-off and hence flood risk elsewhere. As such we have requested clarification on the pre development and post-development rates of run-off to ascertain if there is an increase in peak flow/event duration. Of particular attention is the concentration of flows into the receiving downstream drainage infrastructure, we would like the applicant to clearly and simply show (submission of hydrograph) there will be no increase in quantity and peak flows resulting from development, and where there is any alteration from the natural drainage the applicant shall ensure there is capacity within receiving infrastructure.

Based on information submitted it has been possible to ascertain that there is a potential disparity between pre and post development flood risk, leading to an increase in peak flows and duration of events, with no assessment of the effects of this on the downstream infrastructure.

We note the application has received an objection from Dwr Cymru Welsh Water on the basis of direct/indirect communication to a combined sewer. We would recommend the applicant resolves this issue with the relevant body as a matter of urgency, this infrastructure may present a limit to the allowable rate of discharge.

We also note the condition of receiving infrastructure is compromised in sections.

Based on the above and the fact the site benefits from a previously approved permission we would not raise objection subject to the following:

No development shall commence until the Planning Authority has received and approved in writing a condition survey and hydraulic assessment of the capacity of the existing highway drainage system between the point of connection and the point of discharge including details of any measures in respect of repairs or improvements necessary to accommodate the increased flood risk arising from the development and confirmation from the relevant statutory body of their acceptance of drainage arrangements at the point of outfall.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.”

Public Health and Protection – no objection, condition relating to hours of construction operation suggested.

Dwr Cymru/Welsh Water – a comment that as the statutory sewerage undertaker it is not obliged to accept flows from the proposed surface water drainage scheme which it regards as land drainage. The acceptance of land drainage into the system albeit via an indirect communication would detrimentally impact capacity in regard to future flows from existing and further development in the area, and **objects** to the communication of these flows in the interests of our customers and the environment.

Parks and Countryside Section – no adverse comment.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application land lies within the settlement boundary of Porth and is unallocated. It forms part of land which benefits from an extant planning permission for the development of 31 houses granted in September 2006 (application ref: 06/0887).

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter

Chapter 13 (Minimising and Managing Environmental Risks and Pollution) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 15: Development and Flood Risk;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The proposed development is for an alternative surface water drainage scheme to serve the development of the second phase of residential development that is part way through construction and occupation. The development that has taken place so far has provided with the currently drainage scheme, which is required to be constructed in phases in parallel with the progress of the overall project. In this context the chief considerations in this planning application are:

- the adequacy of the alternative drainage design strategy, including arrangements for its on-going management and maintenance;
- the consequences of the proposals for the physical landform and visual impact;
- the consequences of the proposals for public safety.

The adequacy of the proposed alternative drainage design strategy

A key consideration is the adequacy of the proposed alternative drainage design strategy to safeguard against flood risk, which is especially important given the location and proximity of the proposed drainage works in relation to neighbouring dwellings in The Rise and Turberville Road. The objective of the previously consented drainage scheme was to limit the surface water discharge rate from the Phase 2 Pleasant Heights site in the developed state to a rate that would not cause flood risk downstream within the existing drainage system situated outside the site. Stricter design criteria will now apply to any alternative drainage design scheme and will result in an increase in flood risk protection both on and off the site. The proposed alternative drainage design scheme the subject of this application involves a reduction in the number of dwellings to be constructed by 10 from 31 to 21 houses, which frees up more physical space on the site in which to site an above-ground surface water attenuation scheme. This avoids many of the complexities, construction costs and maintenance difficulties inherent with the previously consented scheme which would involve significant retaining works and below-ground attenuation.

A detailed hydrological and hydraulic analysis of the original undeveloped site and the proposed alternative drainage design has been produced by the application to accompany the submission. A comparison of surface water final flow rates at the outlet in Turberville Road reveals a final flow rate for the original undeveloped site of 400 litres per second plus 118 cubic metres flood in Turberville Road during a 1 in 100 year extreme storm event. This compares with a final flow rate for the previously consented drainage scheme of 248 litres per second, plus 79 cubic metres of flood in Turberville Road during a 1 in 100 year storm event. The proposed alternative drainage design scheme also would achieve a final flow rate of 248 litres per second and with no flooding off-site during a 1 in 100 year storm event, plus an allowance for protection against a 30% increase for climate change. On this evidence the proposed drainage design scheme reduces the downstream flow rate for all storm events (up to Q100 + 30%) beyond that previously proposed and consented. Also, it reduces the probability of flooding in the downstream existing drainage network in Turberville Road.

Dwr Cymru/Welsh Water (DCWW) has objected to the proposal for reason that as the statutory sewerage undertaker it is not obliged to accept flows into its drainage system from the surface water drainage scheme which it regards as land drainage. DCWW considers that communication of land drainage flows from the proposed development to its system would detrimentally impact capacity in regard to future flows from existing and further development in the area in the interests of its customers and the environment. DCWW's objection is acknowledged, though there are circumstances and factors that have to be understood in balance. Firstly, land drainage from the application prior to the construction of any of the dwellings on Pleasant Heights has historically communicated with DCWW's drainage in this location. Secondly, the currently consented drainage scheme would connect to this existing same drainage infrastructure off-site. Thirdly, the currently proposed alternative drainage scheme will produce a quantifiable reduction in flood risk compared with the currently consented scheme therefore would amount to betterment. Fourthly, DCWW has not supported its objection with evidence that the proposed development will exacerbate the risk of flooding. Accordingly, limited weight can be attached to DCWW's objection.

The proposals have no impact on the access road serving the development approved under the original planning permission (reference number 06/0887), however, the proposed surface water drainage system will collect run-off from the undeveloped catchment next to the site, together with roof and yard drainage and surface run-off from the highways within the development site. The attenuated discharge subsequently will be connected to a positive highway drainage system at Turberville Road. The Transportation Section has offered no objection to the proposals and would be prepared for the Council to adopt and maintain at public expense the highway drainage, swale, hydrobrake flow control chamber and

connection to the existing highway drainage system subject to the developer assessing the hydraulic capacity and structural adequacy of the highway drainage system between the point of connection and point of discharge to ensure the ensure the hydraulic capacity and structural adequacy is sufficient to accommodate any increased flows arising from the proposed development. The developer would also be required to provide confirmation from Dwr Cymru Welsh Water that the additional surface water run-off from the development would be acceptable to discharge to their combined drainage system, though at the time of compiling this report that consent had not been forthcoming. The Council's Flood Risk Management Section has offered similar comments.

In terms of management and maintenance of the proposed alternative drainage design scheme the applicant intends to operate the same management and maintenance arrangements that have been put in place for the currently consented drainage scheme. These arrangements would involve the management and maintenance being undertaken by a private management company to which residents of the site would be contracted to pay regular sums of money to fund the arrangements. It is understood that the applicant has offered these arrangements because a legal agreement with the relevant parties already is in place to manage and maintain the consented drainage scheme. However, it is abundantly evident from the representations made by neighbouring residents that the management arrangements for the proposed scheme are a significant concern, especially as their properties are most vulnerable to flooding in the event of failure of the drainage scheme. It would seem that public confidence in the drainage scheme might be greater if it was to be adopted and managed by a public body. As noted earlier in this report, the Transportation Section has indicated that the Council, as Highway Authority, would be prepared to adopt the swale subject to conditions and a commuted sum. At the present time the applicant is considering his options in this regard. Either way, it is considered that adequate management and maintenance arrangements are capable of being put in place to secure the long term functional operation of the proposed drainage scheme and to safeguard against the risks of flooding. In the event of planning permission being forthcoming and the applicant deciding to continue with private management and maintenance arrangements, then a condition will be required to ensure that evidence of such an agreement is submitted to and examined by the Council before the works are constructed.

In addition to providing a quantifiable reduction in flood risk compared with the previously consented surface water proposal, the alternative drainage design scheme has a number of other features that are advanced in its favour by the applicant. These include the following: quicker, safer and less costly to build; more environmentally sustainable as it uses less man-made materials; simpler, safer and less costly to reliably maintain; and prevention of existing uncontrolled over land surface water discharges.

In summary, therefore it is considered that the proposed alternative surface water drainage scheme will be an improvement over the previously consented design and in a post development state will achieve a considerable reduction in flood risk compared to the undeveloped state. It is acknowledged that there are concerns about the condition of the existing receiving drainage infrastructure downline of the application and both the Council's Highways and Flood Risk Management Section have suggested that this would need to be addressed prior to the proposed scheme being connected to it. In offering no objection to the proposals a condition is recommended to this effect (see condition 3 below). Also, adequate arrangements are capable of being put in place to secure the proper management and maintenance of the drainage scheme throughout the lifetime of the development. In this regard the proposals accord with LDP Policy AW10.

Land form and visual impact

The proposed alternative drainage design scheme would be constructed within and therefore broadly reflect the contours of the hillside slopes with this part of the overall development site. Other than the open swale itself, the most significant visual element of the scheme would be the raised bund along the downhill side of the swale, which would interrupt the general sloping of the land between the rear of Turberville Road and The Rise and the estate access road on Pleasant Heights. The slopes either side of the swale would be allowed to naturally re-vegetate therefore helping to minimise the visual impacts of the scheme.

In comparison with the currently consented drainage scheme the proposed alternative scheme would have significantly less visual impact in that it would ultimately return the land to predominantly naturally vegetated slope. The currently consented drainage scheme, on the other hand, would necessitate considerable engineering operations to install subterranean drainage infrastructure and a series of stepped retaining walls in this part of the site. Together with the dwellings that could be constructed in this part of the site, the consented drainage scheme would radically alter the landform giving rise a very steep and tiered slope between the rear of the proposed dwellings and the lane rear of Turberville Road.

To summarise, it is acknowledged the proposed alternative drainage scheme will impact on the landform to a degree. But, in the context of the purpose of the scheme and development of the overall site and in comparison with the currently consented drainage scheme, the magnitude and visual effects of that impact are considered relatively minor and acceptable. In this regard the proposal therefore does not conflict with Policies AW5 and AW6 of the Local Development Plan.

Consequences for public safety

The creation of an open swale in an elevated position on a hillside in close proximity to residential properties that sit below the site has given rise to expression of considerable concern by neighbouring residents for reasons of public safety. The swale would in effect create an artificial body of standing water to a maximum depth of almost 2 metres and could pose an inherent hazard to public safety in the same way it does with any open body of water such as ponds, lakes, canals and rivers. Water features are characteristic of the landscape and attract people to walk alongside. Whilst the fears of residents are perfectly understandable in this regard, it is pertinent to make clear that the performance characteristics of drainage scheme are such that at most times the swale is likely to contain no more than a narrow flowing channel of water in a ditch at the bottom of the swale. It is only in severe and extreme flood events that the flow control characteristics of the scheme, designed to prevent flooding downstream, will cause the swale to backfill and form a standing body of water, though this would subside once a storm event passes and surface water run-off rates return to normal.

The applicant has acknowledged these concerns in the submission and has considered the provision of buoyancy aids for use in an emergency, but has decided against this on grounds that they are very likely to be stolen or vandalised. In any event the applicant has advised that the land through which the swale is intended to be constructed will remain in private ownership and measures will be taken to remind the public of this fact and to discourage unlawful access.

Ultimately, it is acknowledged that there is an element of hazard to public safety associated with the proposals as they will involve creation of an open water feature in close proximity to neighbouring houses and rights of way. But that hazard is likely to be prevalent for relatively infrequent temporary periods during extreme storm events and therefore is outweighed by the comparative flood risk management and visual impact benefits of the drainage scheme.

OTHER ISSUES

Ecology and wildlife

The potential of the application site being host to wildlife habitat and creatures, such as Slow-worm, was highlighted and considered in detail at the planning application stage for the housing development on Phase 2. Reptile mitigation works involving the removal and translocation of at least 333 Slow-worms from the site was undertaken in 2006. Given that the present application proposal seeks a variation of the surface water drainage for an approved housing development within the same site it is considered onerous and unreasonable to expect the work to be repeated as part of the proposal.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

CONCLUSION

The application proposal for an alternative surface water drainage design scheme is considered acceptable because it will achieve a demonstrable reduction in flood risk arising from the residential development currently under construction at Pleasant Heights compared to the undeveloped state. Also, adequate arrangements are capable of being put in place to secure the management and maintenance of the drainage over the lifetime of the development. Although the proposal will impact upon the landform of the hillside slope at this location, that impact will not be to a significant degree especially in comparison with the currently consented drainage scheme. There is an element of hazard to public safety associated with the proposals as they will involve creation of an open water feature in close proximity to neighbouring houses and rights of way. But that hazard is likely to be prevalent for relatively infrequent temporary periods during extreme storm events and therefore is outweighed by the comparative flood risk management and visual impact benefits of the drainage scheme.

RECOMMENDATION: Grant

1. The development hereby approved shall begin not later than five years from the date of this decision.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Planning Application Boundary (HLN Drawing 6273 100)
- Pre-development Surface Water Drainage Model 1 Schematic (HLN Drawing 6273 201 Rev A)
- Post-development Surface Water Drainage Model 2 Schematic (HLN Drawing 6273 202 Rev A)
- Model 2 Network Schematic with Pipe and Chamber References (HLN Drawing 6273 203-1)
- Sections Sheet 1 of 2 (HLN Drawing 6273 204)
- Sections Sheet 2 of 2 (HLN Drawing 6273 205)
- Surface Water General Arrangement (HLN Drawing 6273

206)

- Drainage Details Sheet 1 of 2 (HLN Drawing 6273 207)
- Drainage Details Sheet 2 of 2 (HLN Drawing 6273 208)
- Pipe Long-Sections for Alternative Surface Water Drainage Strategy (HLN document dated 27.04.15)
- Alternative Surface Water Drainage Design: Drainage Strategy and Justification (HLN document 6273-REP01 dated April 2015)

Reason: In order to define the terms of the permission granted.

3. A condition survey and hydraulic assessment of the existing highway drainage system between the point of connection and the point of discharge including details of any measures in respect of repairs or improvements necessary to accommodate the increased flow from the development shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to connection.

Reason: To ensure the adequacy of the highway drainage system in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of the development hereby approved full details for the maintenance and management of the drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker or maintenance and management by a private company, and any other arrangement to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the adequate drainage of the development in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until there has been submitted to and approved by the Local planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of the any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of visual amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the completion of the drainage works; and any trees or plants which within a period of five years from the completion of the drainage works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

20 AUGUST 2015

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 15/0576 – ENGINEERING OPERATIONS TO CONSTRUCT
A SURFACE WATER DRAINAGE SCHEME TO SERVE 21 NO. RESIDENTIAL
DWELLINGS – LAND AT PLEASANT HEIGHTS, PORTH**

Minute No.28(1) (Development Control Committee, 16 July 2015)

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