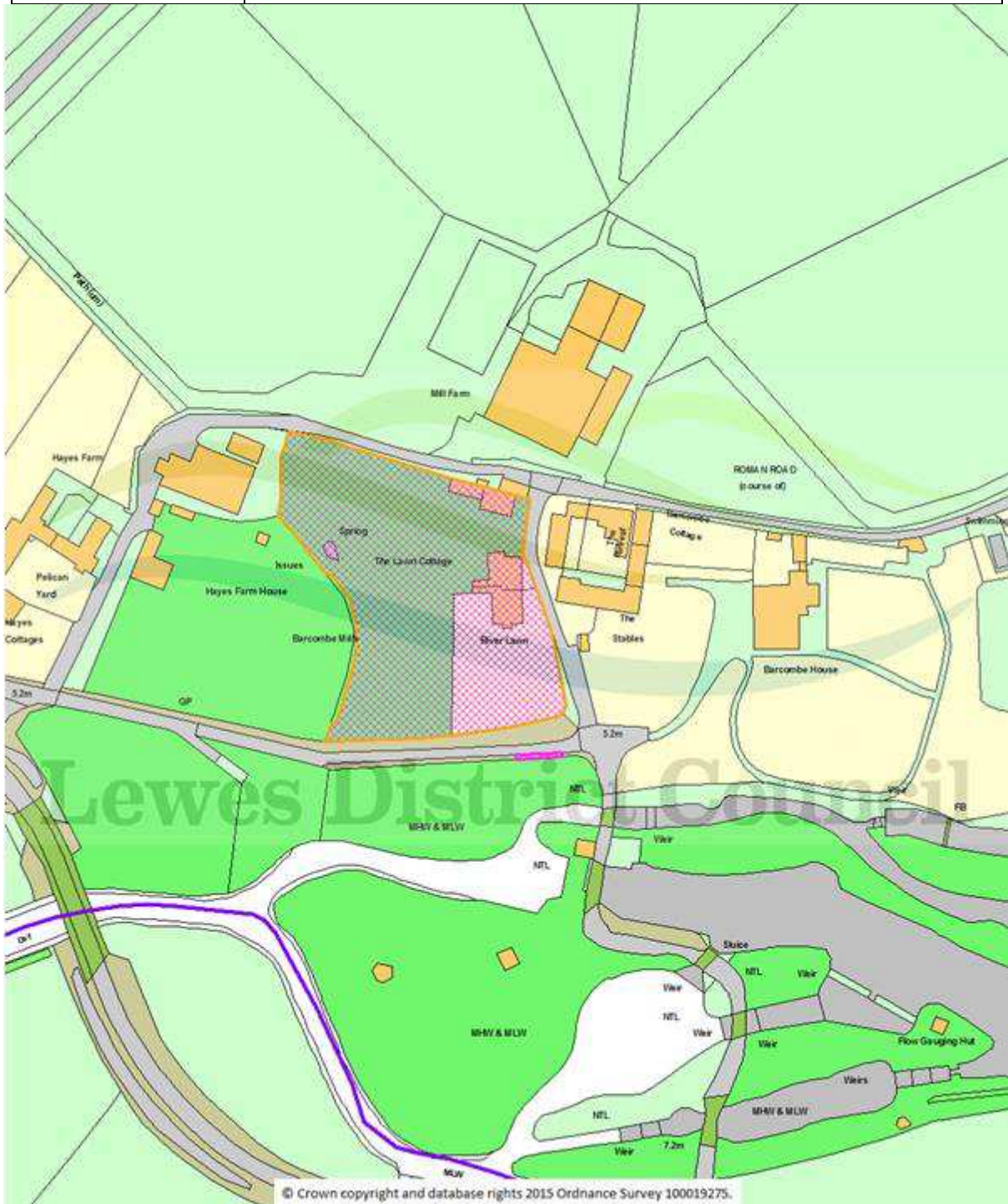


APPLICATION NUMBER:	LW/17/0459	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr S Rigby	PARISH / WARD:	Barcombe / Barcombe & Hamsey
PROPOSAL:	Planning Application for construction of retaining wall and bunding, raising the ground.		
SITE ADDRESS:	River Lawn Barcombe Mills Hayes Lane Barcombe East Sussex BN8 5BT		
GRID REF:	TQ4314		



1. SITE DESCRIPTION / PROPOSAL

1.1 River Lawn and Lawn Cottage are a pair of semi-detached properties located within a small enclave of residential dwellings at Barcombe Mills, Barcombe.

1.2 Planning permission was originally sought for the erection of a retaining wall and bunding around River Lawn, along with ground raising across both properties and the removal of a section of earth bank to the south of River Lawn. The application has subsequently been amended to remove the proposal to remove the section of earth bank and to generally reduce the extent of bunding and land raising across the two sites. Works to construct the wall have already commenced and consideration of this aspect of the application is therefore retrospective.

1.3 The whole of this area of Barcombe Mills falls within Flood Zone 3b which comprises land where water has to flow or be stored in times of flood. Records show that the application site has fully flooded on 13 occasions in the last 17 years with numerous more frequent events recorded by the applicants. The purpose of the proposed works is to reduce and manage flood risk to both River Lawn and Lawn Cottage.

1.4 The retaining wall around River Lawn has been constructed around the southern side of the property's patio returning along either side of the dwelling. The wall would be some 1.43 metres tall at its highest point, when measured from the patio. When measured from the garden side, this wall is some 2 metres in height.

1.5 Around the two dwellings it is also proposed to increase ground levels. The ground levels around Lawn Cottage currently sit slightly higher than River Lawn. As originally submitted it was proposed to maintain a gentle slope across the two sites. The existing ground levels were proposed to be increased by a maximum of 1.68 metres stepping across the two sites from north to south in a series of terraces to a minimum raise of 0.3 metres.

1.6 Following discussions with officers and the Environment Agency the extent of proposed land raising has been reduced. What is now proposed is a much smaller bund wrapping around the wall on the garden side and just extending slightly to the north into Lawn Cottage. This bund would have a maximum height of 1.7 metres, meaning that when viewed from the garden of River Lawn the wall will only appear above it to a height of 0.3 metres. The top of the bund would extend for approximately 3 metres before then sloping down to the garden (giving an overall depth of approximately 6 metres). The southern section of the garden is to be raised slightly to the height of the access road, an increase of approximately 300mm.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

3. PLANNING HISTORY

LW/08/0802 - Change of use from residential dwelling to residential/commercial use - **Refused**

LW/10/0964 - Erection of a single storey extension on western elevation and installation of rooms in roof - **Approved**

LW/16/0719 - Erection of single storey side/rear extension - **Approved**

LW/17/0278/CD - Discharge of condition 2 in relation to application LW/16/0719 - **Split**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – ORIGINAL COMMENTS:

Barcombe Parish Council is positive towards this application as it is low profile and provides a low-key solution to an ongoing problem for the householders.

4.2 Main Town Or Parish Council – COMMENTS ON AMENDED PROPOSALS:

The Parish Council is neutral as feels unable to comment on such a specialist issue but they will represent the neighbours and present concerns.

4.3 Environmental Health – I have no objection in principle to the ground raising at the site. However I recommend the following condition in order to prevent the site from being determined 'Contaminated Land' in the future.

1. All imported materials for ground raising operation must be inert; WAC tested and must be free from contamination.
2. A verification report must be submitted to the LPA for approval at the end of the operation. The verification report must include details of the source; type and quantity of inert materials deposited at the site. The test certificate must be included in the verification report.

4.4 Environment Agency – ORIGINAL COMMENTS:

In the absence of an adequate Flood Risk Assessment (FRA), we object to the proposed development, as submitted.

Reasons

The site is located within fluvial Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 100 year) of flooding from rivers, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

Paragraph 100 of the National Planning Policy Framework (NPPF) states that development in areas of flood risk must be demonstrated to be safe without increasing flood risk elsewhere.

The FRA submitted with this application does not comply with the requirements set out in the PPG (ref. 7-030-20140306). In particular, the submitted FRA fails to establish whether the development will increase flood risk elsewhere. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Alterations to surface levels within the floodplain, such as ground raising, erecting structures or the removal of embankments, pose a risk of increasing flood risk elsewhere. The submitted FRA assesses several options at the site, and these demonstrate the

potential for ground raising at the site to increase the risk of flooding elsewhere. However, none of the scenarios assessed appear to be identical to what is being proposed in the submitted plans. The application must be supported by an FRA that assesses the risks from the development as proposed, including the proposed alterations to the bund.

Overcoming our objection The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application.

Final comments We ask to be re-consulted with the results of any revised FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation.

4.5 ESCC Archaeologist – Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

4.6 ESCC Highways – No objection subject to the imposition of conditions.

This application seeks approval for the construction of a retaining wall and bunding, raising the ground and removal of a section of bank. Hayes Lane fronting the site does not form part of the public highway and as such the site alterations will not impact directly; however, with the level of imported materials required it is considered that the construction phase will have the greatest impact due to number of construction vehicles required. As construction periods are not necessarily a reason to object, this requires careful management so that any traffic impact is minimised. I have recommended a construction traffic management plan is included as a condition so that this element of the development can be advised, controlled and made aware to those affected. I also recommend, for purposes relating to minimising damage to Hayes Lane that an ESCC accompanied photographic survey be carried out pre and post construction and a remedial works agreement to ensure damage caused by extraordinary traffic is mitigated best as possible. It is noted that some information has been submitted with reference to the transportation of waste, however this is not sufficient, further details are required including routing of all vehicles to and from the A26 (avoiding peak) and a swept path analysis provided for the size of vehicles used at the junction of Barcombe Mills Road/Hayes Lane to ensure that the existing network can accommodate.

Conditions

I recommend that any consent shall include the following attached conditions

1. No development shall take place, including any ground works or works of demolition, until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and size/type of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,

- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

2. No development shall take place, including demolition; on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

4.7 East Sussex Waste And Minerals – I can confirm that, as Waste Planning Authority, we do not have any comments to make on the proposal.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Nine letters of objection in relation to the original submissions received raising the following concerns:

- This is an area where inches make all the difference between homes being flooded and roads becoming impassable.
- Raising of level and the erection of a solid wall will cause the volume of flood water to remain and be directed at other dwellings in the locality.
- Submitted reports are biased towards the applicant.
- This is a highly sensitive area.
- Applicant has not right to lower the river bund.
- Removal of trees will encourage soil erosion and result in loss of wildlife habitat.
- The consequences of the bund removal area insufficiently understood.
- If approved it should be conditional on the replacement of existing trees and hedges to the property's curtilages.

5.2 Two letters of objection in relation to the revised proposals making the following comments:

- Wall and bund will simply deflect flood water to the land and properties to the west and east.
- Authorities are not here at times of flood and therefore have no direct experience of how the flood waters behave.
- Increasing ground levels will increase risk of flooding to my property.
- Wall is unsightly and detrimental to the appearance of the dwelling.
- Applicant has continued to build without planning permission.
- Will hold the council responsible for putting our lives at risk.

6. PLANNING CONSIDERATIONS

Flood Risk

6.1 Clearly one of the main considerations in the assessment of this application is the impact of the proposed works on flood risk elsewhere and to this effect the applicants

submitted with their original application a detailed flood risk assessment. This was updated during the consideration of the application following initial comments from the Environment Agency and again following the revisions to the proposals.

6.2 The purpose of a Flood Risk Assessment is to establish existing flood risk, along with any possible impacts on flood risk elsewhere as a result of the development. All of the documents are available to view on file however in brief they confirm:

- The site is at risk of flooding from the River Ouse and its tributary channels located adjacent to the site.
- Tidal flood risk to the site is low, but there is a chance that fluvial flood risk could be exacerbated due to high tides limiting the rate of forward flow.
- Surface water flood risk at the site is high.
- Groundwater flood risk at the site is high.
- Risk of foul water flooding is high (linked to the risk of fluvial flooding at the site).
- Hydraulic modelling of the proposed works shows that the risk of flooding to River Lawn would be reduced, and that flood depths across the rest of the site would be reduced by between approximately 10 and 100mm.
- Increase to maximum flood depths outside of the site would be *de minimus*.

6.3 The revised proposals and updated FRA have been considered again by the Environment Agency (EA) who has now confirmed that they have no objections to the application proposals (members will be updated with their full and detailed comments at the Committee Meeting).

6.4 Owing to the understandable concerns of the neighbouring occupiers (some of whom have been within 1cm of flooding during past flood events) these proposals have been looked at extremely closely. Clearly with the site falling within Flood Zone 3b - functional flood plain, the EA's stance is that they need to be satisfied that there will be either minimal or no impact to the wider flood zone. Any proposal in this zone has to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage
- not impede water flows; and
- not increase flood risk elsewhere.

6.5 Whilst these matters are always difficult to assess, due to potential inaccuracies in modelling processes brought about by the variations between all flood events and inadequacies in available data, the EA has concluded that the applicant has demonstrated to his best ability that these works are acceptable. It is considered reasonable for the applicant to seek to protect this property and without the support of the EA it would be extremely difficult to sustain a reason for refusal based on flood risk when all the information submitted suggests that knock on flooding impact will be negligible.

Visual Impact

6.6 As well as considering the flood risk implications of these proposals it is also important to consider the visual impact of the works.

6.7 Whilst it is accepted that the retaining wall is a substantial structure, it is considered that it will have little impact on the wider locality. The site is well enclosed by mature trees and hedgerows and where views into the site are available, the wall will be viewed against the backdrop of the larger dwelling softened by the grassed bank which effectively reduces its overall visible height to some 300mm.

6.8 Grading of the bank will help to soften its appearance and whilst it is likely to initially appear stark and unattractive, on completion of the works the land will be seeded and returned to grass. Likewise the slight raising of the lower garden, will have minimal visual impact and once landscaped it will simply return to the existing lawn appearance. A condition securing a detailed landscaping scheme to secure these works will ensure that in time the proposals assimilate into the existing garden setting without significant impact on the wider locality.

Neighbour amenity

6.9 In terms of any impact on neighbour amenity it is not considered that the proposed works will result in long term harm to any of the neighbouring properties. Whilst the importation of the soils to raise the land may cause some inconvenience to local residents during the works, this is a temporary disruption only that can be mitigated to a degree through a construction management plan. Temporary disruptions as a result of development works are rarely sufficient reason to resist a development proposal.

6.10 In terms of possible overlooking and/or loss of privacy as a result of the increased ground level, the intervening distances between properties and boundary screening is considered sufficient to prevent this being a cause for concern. For these reasons the impact on neighbouring living conditions as a result of these works is considered acceptable.

Access and Highways

6.11 As with the temporary disruption to neighbour amenity during construction works there will obviously be some impact of these works on the local highway networks whilst the soil is being imported. Again as a temporary impact that can be mitigated to a degree, this is not considered a sustainable reason to resist the proposals, especially in the absence of any objection from the highways authority.

Other matters

6.12 During discussions with neighbouring occupiers additional concerns in relation to access to foul water sewage pipes and the impact on neighbouring property values have been raised.

6.13 Whilst access to the shared foul water sewage pipes is not a material planning consideration, the applicant has confirmed that his intention is to ensure that access to the pipes via existing manholes is maintained. Effectively a collar will be built up around the existing manhole covers through the bund to ensure that the access is achievable.

6.14 With regard to comments in respect of impact on the value of properties, this is not a material planning consideration and cannot be taken into account in the determination of this application.

Conclusion

6.15 This is a difficult case, where local concerns and apprehensions in relation to potential increase to flood risk are understood, however equally the applicants desire to defend his property from frequent flood events is also appreciated. The amendments to the proposals are however considered to have achieved an appropriate compromise, ensuring some effective defensive measures for the applicant, with minimal impact on the visual amenities of the locality or neighbour amenity and with no increase to flood risk

elsewhere. To this end the application is considered to comply with Policy ST3 of the Lewes District Local Plan and Policies CP11 and CP12 of the Joint Core Strategy and can therefore be supported.

7. RECOMMENDATION

7.1 Recommend that, subject to the conditions outlined below, permission be approved.

The application is subject to the following conditions:

1. No development shall take place, including any ground works or works of demolition, until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and size/type of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

2. No importation of soil shall take place until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

3. Full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in accordance with a timetable of works to be agreed in writing with the Local Planning Authority.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All imported materials for the ground raising operations hereby approved must be inert; WAC tested and must be free from contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. A verification report must be submitted to the Local Planning Authority for approval at the end of the operation. The verification report must include details of the source; type and quantity

of inert materials deposited at the site. The test certificate must be included in the verification report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- o Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- o Tree pit and staking/underground guying details
- o A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- o Hard surfacing materials - layout, colour, size, texture, coursing, levels
- o Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- o Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

3. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	26 June 2017	1.2 LOCATION PLAN
Planning Statement/Brief	22 May 2017	
Existing Block Plan	22 May 2017	1.1 BLOCK PLAN
Additional Documents	22 May 2017	APPENDIX 2 BACKGROUND
Additional Documents	22 May 2017	APPENDIX 3 FLOODING
Additional Documents	22 May 2017	APPENDIX 5 CONSULTATIONS
Additional Documents	22 May 2017	APPENDIX 6 CONSIDERATIONS

Additional Documents	22 May 2017	APPENDIX 7 FLOOD RISK
Additional Documents	22 May 2017	APPENDIX 8 FLOOD WALL
Additional Documents	22 May 2017	APPENDIX 9 FRA
Additional Documents	22 May 2017	APPENDIX 10 ASSESSMENT OF FLOOD
Additional Documents	22 May 2017	APPENDIX 11 REPORT
Proposed Layout Plan	1 December 2017	14619 C001 -OVERLAY OF CHANGES
Proposed Layout Plan	1 December 2017	14619 C001 - MODIFIED SCENARIO
Proposed Section(s)	1 December 2017	SECTION DRAWING - WEST ELEVATION
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING NORTH ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - SOUTH ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - WEST ELE
Proposed Section(s)	1 December 2017	SECTIONAL DRAWING - SCHEMATIC
Proposed Section(s)	1 December 2017	CROSS SECTION TO NORTH
Proposed Section(s)	1 December 2017	PROPOSED CROS SECTION FROM NORTH
Proposed Section(s)	1 December 217	MID SECTION
Flood Risk Assessment	29 November 2017	UPDATED FRA
Additional Documents	29 November 2017	CONSTRUCTION MANAGEMENT PLAN