

Report to: Planning Applications Committee

Date: 19 April 2023

Title of report: Outstanding Drainage Matters

LW/21/1000 – The redevelopment of the site to provide 21 dwellings along with parking, open space and all necessary infrastructure.

Land west of Oxbottom Lane, Newick

Recommendation:

- 1) That Lewes Planning Application Committee (LPAC) note the reason for deferring the application from 15-3-23 (Para 2.1) and the new response from the East Sussex County Council Sustainable Urban Drainage Team (ESCC SUDs), summarised at paragraph 2.3 and set out in detail in Appendix 1.
- 2) On this basis LPAC is recommended to approve the application subject to a s106 agreement and conditions set out at Appendix 2 Officers Report. The “Flood and Drainage conditions in Appendix 2, (paragraphs 10.20; 10.21; 10.22) have been amended to reflect the advice of ESCC SUDs. These are set out in the body of the report at paragraphs 3, 4, 5 and 6.

Contact Officer:

Name: James Smith & Marc Dorfman

E-mail:

james.smith@lewes-eastbourne.gov.uk

marc.dorfman@lewes-eastbourne.gov.uk

1.	Executive Summary
1.1	<p>Further drainage and flood management information has been submitted to the East Sussex County Council Sustainable Urban Drainage Team, (ESCC SUDs) by the applicant. This is the Local Lead Flood Authority and the authority’s main advisor on drainage and flood matters.</p> <p>ESCC SUDs have assessed this information and have no objection, (see Appendix 1) to granting planning permission, subject to conditions.</p> <p>The Officer’s Report considered at LPAC 15-3-23 is set out at Appendix 2. The originally proposed 3 drainage and flood conditions (paras 10.21/22/23 of Appendix 2) are now proposed by ESCC SUDs to be replaced by 4 conditions summarised in the report and set out in full at para 3,4,5 and 6.</p> <p>LPAC is recommended to agree the revised conditions and grant planning permission subject to the proposed s106 agreement and conditions.</p>

2.	Background and Proposed Drainage and Flood Conditions
2.1	<p>Minutes of LPAC 15-3-23 show that:</p> <p>“That planning application LW/21/1000.....be deferred until the outstanding issues related to drainage on the application site are fully explored and concluded prior to being brought back to a future meeting of the Committee”.</p>
2.2	<p>Signed by the Head of Planning and Environment, on 29-3-23, ESCC SUDs has confirmed that there is no objection on drainage or flood grounds subject to the imposition of four conditions, (Appendix 1). The new proposed conditions are summarised below in paragraph 2.3 and set out in full at paragraphs 3, 4, 5, and 6. These replace the 3 conditions in the Officer’s Report at paragraphs 10.20, 10.21 and 10.22.</p>
2.3	<p>ESCC has strengthened “with more specific detail” the Surface Water condition. The “Installation” and “Maintenance and Management” conditions remain the same as in the original Officer’s Report. ESCC SUDs has added an extra 4th condition relating to “Construction Flood Risk”</p> <p>The following are the key elements of the proposed 4 conditions:</p> <p>Surface Water Drainage</p> <ul style="list-style-type: none"> - Greater clarity on surface water discharge rates and flows to be achieved and on climate change risk factors, before a drainage and flood strategy is agreed - Further hydraulic calculations and a better strategy that must connect different surface water drainage features - Further ground water winter monitoring and saturation rates and impacts before a drainage design is agreed - Further information on how attenuation basins pavements will impact on the drainage strategy <p>Drainage Installation</p> <ul style="list-style-type: none"> - Evidence that the drainage system is working before the scheme is occupied. <p>Drainage Management and Maintenance System</p> <ul style="list-style-type: none"> - Formal approval of a maintenance and management drainage and flood strategy and designed system – a strategy and system that will be in place for the lifetime of the scheme. <p>Construction Flood Risk Strategy</p> <ul style="list-style-type: none"> - Formal approval of a construction flood risk strategy <p>The 4 proposed new conditions are set out below at paragraphs 3 to 6.</p>

3. **Surface Water Drainage Condition**

No development approved by this permission shall be commenced until full details of a surface water drainage strategy has been submitted to the Local Planning Authority in writing and then approved. The strategy will either follow the principles of sustainable drainage, and/or confirm that there is capacity for the highway drain to serve the development and that a connection agreement is in place. In particular, the strategy will need to address the following:

1. Surface water discharge rates not exceeding 3.2 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The details of the outfall of the proposed attenuation basins and permeable pavement and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation basins should be informed by findings of further groundwater monitoring between autumn and spring. These should be at the location of the proposed basins. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system will be provided.

Thereafter all development shall be undertaken in accordance with the approved strategy details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy

4.	<p>Drainage Installation Condition</p> <p>Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
5.	<p>Drainage Management and Maintenance Condition</p> <p>A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
6.	<p>Flood Risk Management During Construction Condition</p> <p>A Construction Flood Risk and Management strategy will be submitted in writing and approved by the Planning Authority before any development is begun. Once approved the strategy will remain in place until construction is complete and scheme hand over is agreed. This strategy will manage both on and off-site flood risk and will take the form of a standalone documents or be incorporated into the Construction Management Plan.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
7.	<p>Legal Implications</p> <p>There are not considered to be any legal implications falling from the actions recommended by this report.</p> <p>Members will be updated via the addendum if any legal issues arise following the publication of this report.</p>

8.	<p>Recommendation</p> <p>That Lewes Planning Application Committee (LPAC) notes the reason for deferring the application from 15-3-23 (Para 2.1) and the new response from the East Sussex County Council Sustainable Urban Drainage Team (ESCC SUDs), summarised at paragraph 2.3 and set out in detail in Appendix 1. On this basis LPAC is recommended to approve the application subject to a s106 agreement and conditions set out at Appendix 2 Officers Report. The “Flood and Drainage conditions in Appendix 2, (paragraphs 10.20; 10.21; 10.22) have been amended to reflect the advice of ESCC SUDs. These are set out in the body of the report at paragraphs 3, 4, 5 and 6.</p>
9.	<p>Appendices</p> <p>9.1 Appendix 1 - ESCC SUDs Assessment and Comments on LW/21/1000 9.2 Appendix 2 - LW/21/1000 Planning Officer Report considered at 15/3/23 LPAC</p>
10.	<p>Background papers</p> <p>10.1 None.</p>