

**PLANNING COMMITTEE DATE: 26 April 2023**

**APPLICATION NO: F/YR22/1032/O**

**SITE LOCATION: Land West Of, Princess Avenue, March, Cambridgeshire**

Following the publication of the Committee agenda further comments have been received.

**Drainage/Flooding**

A representation has been received from Mr Craig Brand, included in full below:

*I write as a concerned resident on behalf of all the residents downstream (NORTH) of the application site who are effected by FLOODING when prolonged periods of rainfall or intense thunderstorms occur.*

*I notice from the committee agenda that the application is recommended for approval but is based on incorrect information supplied by the applicants agent. Paragraph 3.7 of the applicants Flood Risk Assessment states that the watercourse the estate surface water is to be connected to flows northwards.*

*The LLFA in their 3<sup>rd</sup> October 2022 consultation response objecting under point 2 stated; "As it is proposed to discharge into a watercourse, we require evidence that the watercourse itself has an outfall and is in a suitable condition to receive surface water. The lack of detailed information on these grounds increase the level of uncertainty we have about the effectiveness of the drainage strategy."*

*In the agent's response of the 6<sup>th</sup> February 2023 they provide drawing DR-002 titled "Watercourse Visual Survey;" with photographs of the site watercourse and the upstream watercourse SOUTH of the application site, without showing the outfall, as there is not one.*

*Surprisingly without any evidence of ground levels within the bed of the watercourse the LLFA accepted this as being correct and removed this point of objection in their consultation response dated 20<sup>th</sup> February 2023; even though the Authority is aware of a flow path south to north.*

*On application F/YR21/1497/O for Persimmon Homes you have a response from the LLFA's Rebekah Dowd dated 2<sup>nd</sup> February who in paragraph 4 on page 2 mentions the surface water flow path running northwards from Knights End Road, which I know from my time at Fenland District Council as St Thomas's Cut.*

*Between 1979 and 1991 I worked for Fenland DC in the civil engineering drawing office who were agents for both Anglian Water and Cambridgeshire County Council Highways (Sheila Black can verify). In the mid 1980's I assisted a senior engineer to survey the extent of the St Thomas's Cut watercourse from Anglian Water's surface water sewer manhole at the rear of 18 Boundary Drive through to Hatchwood Farm and to the highway drainage connection to the ditch between 26 and 28 Knights End Road. The reason for carrying out the survey was to determine the acceptability of the watercourse to receive both the highway and roofwater discharges for an outline planning application which would become the current Princess Avenue estate. Due to the culvert beneath March Town Cricket Club's field being only 300mm diameter in size and connected the open watercourse to Anglian Water's sewer system the flow*

*from the proposed estate was required to be restricted.*

*Found to the rear of the Princess Avenue and Crown Close houses is some form of attenuation pond with restrictive outlet which is constructed on the St Thomas's Cut watercourse. No maintenance company has ever been responsible for maintaining the pond and the outlet restriction mechanism set in the headwall across the channel (indicated as a footbridge on the drawings). Instead, the eventual estate developers included in the house sales abutting the pond/watercourse respective sections of the system; hence why there has been no formal maintenance, with some of the homeowners having made it an extension of their garden.*

*The sizing of the attenuation pond is not to current design standards of a 1 in 100-year storm event with 40% allowance for climate change or designed to discharge at Greenfield run-off rate as these standards came in at a much later date. The ponds size is unlikely to have been designed to take into account the vast catchment area entering from Knights End Road to the south, as proven by storm events when the storm water flows over the top of the retaining wall.*

*Photographs of the existing attenuation pond's condition and the downstream watercourse up to the culvert beneath March Town Cricket Club sports ground are attached showing the true condition of the unmaintained watercourse and intermediate culvert.*

*During periods of prolonged rain or heavy thunderstorms the cricket club culvert and downstream Anglian Water surface water sewer system cannot cope. These type of rainfall events cause extensive flooding in Burrowmoor Road, on the Ellingham Avenue estate and on Gaul Road before reaching the March Third Internal Drainage Board System from where it is pumped into the River Nene. The heavy thunderstorm on the 8<sup>th</sup> August 2014 caused extensive flooding in these areas as shown by the attached photograph taken from outside my front door. The photograph shows the junction of Burrowmoor Road and Cricketers Close awash with flood water. Visiting the cricket club in the evening I found all the ditches surrounding the ground backed up with rainwater with water laying on the outfield where the culvert inlet is located which undoubtedly meant the upstream watercourse was also backed up.*

*Even though the LLFA have published on their website investigation reports of the 8<sup>th</sup> August 2014 and 23<sup>rd</sup> December 2020 flooding events in March, they have failed to identify that the flooding which occurs in Burrowmoor Road through to the March Third's drainage system is due to the head of water entering from St Thomas's Cut upstream. St Thomas's Cut watercourse conveys highway water run-off from a section of Knights End Road at its head, collecting run-off from the ditches/fields on either side along with the unrestricted current estates of Steeple View and Princess Avenue. The current pond at the rear of Princess Avenue offers no significant storage capacity to the volume of water generated by the estate and upstream areas connected to the watercourse.*

*In addition to this application there is waiting to be determined applications F/YR21/1497/O, F/YR22/0496/F, F/YR22/0510/O, which along with the already determined F/YR20/0473/F and unapplied for land in the Local Plan's "March West Strategic Allocation" will all connect their surface water drainage to the St Thomas's Cut watercourse. Persimmon Homes outline application's illustrative estate layout shows the residential sections of the site discharging surface water run-off to the March Third's drainage system to the west of the A141. However, the illustrative site layout plan also shows a large amount of undeveloped greenfield land adjacent to St Thomas's Cut. The watercourse forms the eastern boundary of their application site south and north of F/YR22/1032/O. These green areas naturally drain unrestricted to*

*the watercourse and will remain so under the illustrative outline proposal.*

*As this application and the other 3 current applications are awaiting decisions it is still possible to reduce the risk of future downstream flooding and the severity of any that do occur.*

*The attached March Third Internal Drainage Board map of the watercourse infrastructure they maintain shows point 13 immediately to the west of the A141 with a field drainage ditch directly opposite on the other side running virtually to the western boundary of application F/YR22/1032/O. Looking on application F/YR21/1497/O for Persimmon Homes the drainage ditch is to be turned into a swale to convey the surface water from the developed areas of the estate to the March Third's system. Viewed from the A141 it is clearly evident there is sufficient fall to divert the existing discharge from the existing Princess Avenue estate along with all areas and developments connected upstream from Knights End Road down. It would also mean that the extension of The Avenue recreation ground shown on Persimmon Homes illustrative proposal to comply with the requirements of the "March West Strategic Allocation" if not diverted will have a major watercourse running through it for the Council to maintain.*

*I would respectfully suggest that the application is deferred to a later committee meeting to allow re-consultation with the LLFA and Anglian Water. It is obvious as the applicant's agents have not provided accurate information of the outfall watercourse that both Authority's are unaware of the full extent of the St Thomas's Cut catchment area and the impact it has on the downstream sewer system and has exacerbated past flooding events.*

Following receipt of this further comment shave been sought from Cambridgeshire County Council as Lead Local Flood Authority:

*I note the majority of concerns in the email below are related to the state and capacity of the receiving watercourse network to take surface water flows from the site. The proposals are to limit discharge from the site, which will hold surface water runoff volumes within the red line boundary and discharge them over a longer period of time into the adjacent watercourse, St Thomas's Cut. This will reduce the peak volumes entering St Thomas's Cut in larger storms compared to the greenfield equivalent.*

*The watercourse has been modified in this area, as can be seen in the images attached from the resident. However, it is our understanding that this has been in a modified state for a long time. The residents are accepting their riparian responsibility for this structure, and they do carry out general maintenance works already to the feature. The developer is also leaving a maintenance strip along this boundary to permit access for maintenance for the lifetime of the development. There is still an ongoing debate around responsibility for the maintenance of the structure, however, from the LLFA's perspective, unless agreed otherwise between the residents and developer, this would be split to the midpoint of the watercourse under riparian law.*

*Regarding the downstream extent of the watercourse towards March Town Cricket Club, this is in need for maintenance works, to ensure that water can flow downstream. The maintenance will be with the relevant land owners and riparian owners of the watercourse, whomever they may be. I note the point regarding the potentially undersized culvert below the March Town Cricket Club, and as noted above, the proposals will reduce the peak volumes of water leaving the site during larger storm events. Whilst I appreciate this may not 'fix' the issue of an undersized*

*culvert, this is not the developers responsibility to rectify. There may be a discussion that could be had in terms of a contribution in kind from the developer to ensure that the receiving structure is in a suitable condition, however, I am not sure whether this would be something to hold up planning for?*

*I went out to meet with some local residents regarding their concerns with the application and have seen St Thomas's Cut. The residents stated that they have not seen any major capacity issues in the last 20 years or so with St Thomas's Cut itself, but noted that the water level has been high at times of heavy and sustained rainfall.*

In summary it is considered that the issues raised by Mr Brand regarding the condition of the receiving watercourse are valid. However as identified by the LLFA it is not the responsibility of developers to rectify a current situation. The application proposals suggest, and the LLFA have agreed with this, that the run-off rates from the site post development will be 'better' than greenfield and as such the development should therefore not worsen the current situation. As such there would be no justifiable reason to withhold planning permission on this basis.

For clarity the application red-line boundary includes the two outfalls into St Thomas's cut, therefore enabling the development to drain into the watercourse.

As regards the management/maintenance of the cut, recommended condition 7 requires full details of the management and maintenance/adoption of the surface water drainage system and all associated drainage infrastructure to be submitted and agreed. Potentially this could also be addressed as part of the Section 106 agreement if considered a more appropriate route.

## **Highways**

As referenced in the Officer report at para 9.8 further comments from the Highway Authority (TA Team) have now been received.

The conclusion of these is that "The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application".

The applicant's agents have provided a rebuttal to the comments of the County Council including a point-by-point assessment and the further comments of the TA Section are awaited. The overall position of the applicants is that, "Having reviewed this we do feel that the majority of these points could have been raised earlier in the process, so it is frustrating they are only coming to light so late in the day. Nevertheless, we do feel that the assessments undertaken are robust and should provide CCC with assurance that the development impacts can be mitigated and any residual impacts are not severe."

It is considered by Officers that there is nothing within the latest comments from the TA Section which points to fundamental impacts for the operation of the road network arising from the development. Indeed at no time during the application process has such a position been taken by the LHA. The requested information is essentially a final verification or clarification of the submitted information and a finalisation as to the precise nature of required off-site improvements. Consequently, it is recommended to Members that, if minded to go with the officer recommendation

to grant the application, delegation be given to the Head of Planning to satisfactorily resolve the strategic highway matters.

### **Further Representation**

A further representation has been received from a resident of Princess Avenue concerning the ambiguity over a strip of unregistered land abutting their property and adjacent to St Thomas's Cut and the issue of by whom/how this will be maintained and also the impacts on residents of Princess Avenue in terms of disruption during the construction process.

Officer Comments: In terms of disruption during construction this is not a matter on which planning permission could be refused. The other matter is perhaps a private matter, however the issue of maintenance of the Cut is addressed elsewhere within the report and this update.

**Resolution: To grant the application as set out on Page 27 of the Agenda with added delegation to the Head of Planning to satisfactorily resolve issues around the strategic highway implications of the development.**