

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/06/2019	Item No: 5.4
Report Originator	Sean Bennett Senior Development Officer	Application No: KET/2018/0981
Wards Affected	Slade	
Location	Cransley Eco Park CIC, The Old Filter House, Eagle Lane, Cransley	
Proposal	Full Application: Re-build of former old weir house and sand washer buildings for use as an education centre and museum with associated parking (Part Retrospective)	
Applicant	Mr P Stein	

1. PURPOSE OF REPORT

To describe the above proposals
To identify and report on the issues arising from it
To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The sand washer housing (museum building) hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

3. Within three months from the date of this permission full details of the external materials and finish of the old weir house building otherwise referred to as the education centre hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be completed within 6 months following approval of the details and shall remain in that form thereafter.

REASON: In the interest of visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and to recognise the retrospective nature of this element of the proposal.

4. Notwithstanding the approved details; prior to first use of the buildings, hereby approved by visitors an amended 'On-site Plan For Flooding and Reservoir Dam Incident' Plan shall be submitted to an approved in writing by the local planning

authority. The amended 'Plan' shall include provision of a second receiver for weather warnings and flood alerts and details of the maximum number of people that would need evacuating in the event of incident.

The development shall not be carried out other than in accordance with the approved 'Plan' which shall remain in place for the duration of the development. It is noted that the approved document would be a 'live' Plan that shall be updated or amended as necessary. Upon each change to the Plan a copy shall be forwarded to the Local Planning Authority for record.

REASON: In the interest of securing an appropriate form of development that is safe from water impacts in accordance with policy 5 of the North Northamptonshire Joint Core Strategy

5. Prior to commencement of the sand washer housing otherwise known as the museum building full elevations and floor plans (drawn to a recognised scale or with illustrated dimensions) and details of its external materials and finish shall be submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the approved details and shall remain so thereafter.

REASON: In the interest of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The old weir house otherwise known as the education centre building hereby approved shall be used solely for the purposes of housing plant associated with the operations of the Reservoir and for education purposes and for no other purposes whatsoever and shall be operated only by person(s) occupying the Filter House approved under planning reference KET/2013/0766 and shall not be open to visitors outside the hours of 09:00-17:00 Monday-Friday (excluding bank holidays).

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The sand-washer housing otherwise known as the museum building hereby approved shall be used solely for the purposes of housing the sand washer plant and to display paraphernalia predominately associated with the sites Reservoir use and for no other purposes whatsoever and shall be operated only by person(s) occupying the Filter House approved under planning reference KET/2013/0766 and shall not be open to visitors outside the hours of 09:00-17:00 Monday-Friday (excluding bank holidays).

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0981

This application is reported for Committee decision because there are unresolved, material objections to the proposal

3.0 Information

Relevant Planning History

KET/1990/0344 – Outline for 14 holiday lodges/ leisure facilities, convert filter house to leisure use, redevelop club house, private sewage plant, access and parking – APPROVED – 22/10/1991

KET/1996/0610 - Outline for 14 holiday lodges/ leisure facilities, convert filter house to leisure use, redevelop club house, private sewage plant, access and parking (identical to KET/1990/0344) – APPROVED – 22/10/1996

KET/2001/0868 – Variation of Condition 1 of KET/1996/0610: Further time period – REFUSED – 19/11/2001 for the following summarised reasons:

- Unsustainable location
- Harm caused to the rural character of the area
- Harmful to the character and ecology of the area as a result of disturbances and intensification of vehicular movements harmful to the highway network

This refused application was subsequently subject to an Appeal (ref: APP/L2820/A/02/1095505) and was Dismissed on the 14th of August 2003 based on Local and National Planning Policy at the time. The reasons for dismissal of the Appeal related to material changes in planning circumstances since the outline planning permission was granted in 1996 and specifically the conflict with Policy relating to reducing the need to travel by car and promoting accessibility to leisure facilities by public transport.

KET/2013/0766 - Conversion of Water Company filter house to a dwelling – APPROVED – 06/06/2014

KET/2019/0089 - 2 no. static shepherd huts and 2 no. log cabins for use as holiday lets. Siting of mobile unit for use as tea room - This application was on the 07/05/2019 Planning Committee Agenda with a recommendation to refuse due to issues regarding the siting of some of the proposed buildings and lack of biodiversity information provided – WITHDRAWN prior to determination.

Site Visit

Officer's site inspection was carried out on 01/03/2019 and 18/04/2019

Site Description

The site lies in the open countryside approximately 2km from the western edge of Kettering (and the A14). It is situated between the villages of Thorpe

Malsor, about 0.6km to the north and Great Cransley, about 1km to the south. It is accessed along narrow country lanes.

The wider site consists of a late Victorian/early Edwardian Reservoir site including dam, valve tower, disused filter beds, remnants of a boat house and other plant and small buildings associated with its original use as a source of water supply. The eastern part of the site from the dam to Eagle Lane consists of woodland under a Tree Preservation (Area) Order (TPO).

The Reservoir is no longer used as a source of water supply with the Filter House directly to the east of the dam converted to a dwelling recently. The reservoir is used for water based leisure recreation with Cransley Sailing Club based there with their associated storage building, club house, parking area and landing stage located close to the site's southern extent. To the east of the site are two buildings that once related to the Reservoir; 'The Pump House' and 'Reservoir House' which are two dwellings independent of the site. The partly-made access track makes its way between these two houses and the woodland and gives vehicular access to the Reservoir, the Sailing Club and the 'Filter House'.

The site is negotiated by Public Rights of Way (PROW) including footpath HC/003 which crosses over the dam and continues toward the north and Thorpe Malsor.

The specific parts of the site that relate to this proposal are accessed via the sites internal track behind an electronically-controlled gated access which also serves the converted Filter House which is occupied by the applicant. The site consists of two rectangular parcels of land; one of which consists of a disused metal sand washer which is a piece of plant that once related to the Reservoir when it was a source of water. The second piece of land consists of a partially re-built timber structure that replaced a pre-existing building of a similar size and materials and to the same footprint that fell into disrepair. This building known as the 'Old Weir House' did and does now house plant (pumps and valves) associated with the Reservoirs current maintenance regimes and therefore serves a practical function associated with the sites safe operation. The Old Weir House and its state of reconstruction means that this part of the proposal is retrospective.

Proposed Development

The application seeks full planning permission to re-build the former old weir house and sand washer buildings for use as an education centre and museum with additional parking (Part Retrospective).

The museum building is proposed principally to house the sand washer in situ with memorabilia and historic photographs on the walls and be available as a place for local interest. The building would be designed to reflect the original building that was on the site and measure 4 x 5m.

The old weir building, which is mostly complete other than external cladding and finishing would continue the practical function of the building it replaced

housing working plant associated with the reservoir. It is also proposed to use the building as a lecture room/ teaching facility by the applicant relating to subjects such as hedge laying, bee-keeping, renewable energy and Pyrolysis (decomposition brought about by high temperatures). The latter subject is the applicant's primary interest. The building measures 5 x 10m and would be used by 8 persons at any one time in the afternoon's mid-week.

Any Constraints Affecting the Site

- Local Wildlife Site (LWS) (2011) nearby
Flood Plain
TPO (Woodland) (2008)
- Open Countryside
- Public Rights of Way

4.0 Consultation and Customer Impact

Thorpe Malsor Parish Council: Object to the proposal on the following summarised reasons:

- Note that the Old Weir House proposal should be described as retrospective (*Officer Note: this amended description has been agreed with the applicant and made*)
- The sand washer building no longer exists – no details of this have been provided
- Disagree with some of the information provided including the timings and reasons why the former buildings became derelict and the visibility of the site from the public footpath
- Floor plans and elevations not provided
- The application should be considered against Policy 10 of the Local Plan
- Do not consider the buildings to be necessary or appropriate
- Materials are not appropriate
- No exceptional need for the proposals
- Undermine the character and appearance of the area and its ecology
- Harmful impact to local roads

Great Cransley Parish Council: Say that the impact on the local highway should be considered and no access for coaches should be permitted given its narrow rural nature

KBC Environmental Protection: *'no comments'* stated in their response

KBC Emergency Planning Officer: Find the submitted 'On-site Plan for Flooding and Reservoir Dam Incidents' acceptable subject to the inclusion of a second person being designated to receive weather warnings and flood alerts and an approximate number of the amount of people that would need evacuating.

NCC – Local Highway Authority (LHA): Say that they cannot support the application requiring further information to fully assess its impacts. The LHA would require information showing access and parking arrangements and have concerns about impacts caused to the highway by construction traffic.

The LHA also say that no information regarding trip generation have been provided although note that the number of movements is likely to be small – albeit exaggerated on narrow roads. Information on PROW protection is also provided together with a series of conditions that should be attached in the event that the application is approved including the provision of visibility splay, position of gates, control of debris and a Construction Management Plan.

NCC – Lead Local Flood Authority: Refer to Standing Advice as the proposal is not ‘major’ development

NCC – Ecology: No comments provided at the time of writing this report

Environment Agency: Provide the following advice:

“As this is a change of use application with no increase in vulnerability (less vulnerable to less vulnerable) the flood risk assessment should be dealt with under Flood Risk Standing Advice.

Please be informed that given the sites location on the landward site of the reservoir dam, we strongly recommend that an assessment of the impact of Cransley Reservoir (breach analysis for reservoir failure) on the proposed development should be provided. This assessment should also consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events including reservoir failure. The Kettering and Wellingborough Level 1 Strategic Flood Risk Assessment recommends that any site specific FRA for development downstream of a reservoir should consider flood risk from a breach of the upstream reservoir. Your Authority should satisfy themselves with any mitigation to assist in making the development and future users safe from the harmful effects of flooding. Advice from the reservoir Panel Engineer and Supervising Engineer should also be obtained. We note that the application is not supported by a Flood Warning and Evacuation Plan (FWEP). In this instance we consider that warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

The Environment Agency does not comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupant/user covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 056-058) provides

information on producing evacuation plans for development and the role of the local authority in ensuring these are appropriate.”

Officer Note: The applicant has provided this information, which has been assessed by the Council’s Emergency Planning Officer in their comments above.

Natural England: ‘No comments’ stated in their response referring to their standing advice

Anglian Water: Indicate that the proposal is below their threshold for comment

Neighbours: Nine third party letters received including 8 letters (from 6 households) of objection predominately from or on behalf of Thorpe Malsor householders; their reasons for objection are consistent with those detailed above under Thorpe Malsor Parish Council comments above.

In addition a letter of support has been received.

5.0 Planning Policy

National Planning Policy Framework (NPPF):

2. Achieving sustainable development
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS):

1. Presumption in favour of sustainable development
3. Landscape character
4. Biodiversity and geodiversity
5. Water environment, resources and flood risk management
8. Place shaping
11. The network of urban and rural areas
25. Rural economic development and diversification

Saved Policies in the Local Plan for Kettering Borough

10. Environment: Cransley and Thorpe Malsor Reservoirs; the policy is as follows:

Planning permission for development at Cransley and Thorpe Malsor reservoirs will not normally be granted.

Exceptions may be considered where proposals are compatible with the peaceful rural nature of the area and:

i) do not involve the construction of new buildings unless there is a special and fully justified need consistent with the provisions of this plan or it involves conversions or redevelopment of existing buildings (for buildings of a similar size);

ii) do not involve development in prominent locations;

iii) do not compromise, reduce or involve the loss of existing recreational facilities;

iv) do not cause significant increase in the level of disturbance especially where this would be likely to harm the character and ecology of the area;

v) do not cause an intensification of vehicle movement to or from the sites onto inadequate sections of the local road network; and

vi) do not materially harm the amenities of neighbouring dwellings by reason of noise, loss of privacy or other forms of disturbance;

and in the case of Cransley:

vii) do not involve the felling of trees within the woodland tree preservation order in such numbers as to destroy its visual amenity value.

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The principle of the development
2. Impact on character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Impact on biodiversity
6. Impacts of flooding/ reservoir breach

1. The principle of the development

The site is located in the open countryside where development is severely restricted by policy 7 of the Local Plan (LP) and 11 of the North Northamptonshire Joint Core Strategy (JCS). Policy 25(1) of the JCS consistent with Chapter 3 (paragraph 83) of the NPPF does however offer scope for development in the countryside associated with the provision of

tourist and leisure facilities, recognising that locations with access to local services by foot, cycle or public transport provide the greatest opportunity for sustainable rural development, in the interests of development of the rural economy.

Given the sites location and proximity to surrounding settlements, with no (or likely) passing bus service visitors to the proposals would depend on the private car/ vehicle. This does not sit comfortably with the recognition laid out in Policy 25(1) of the JCS. This wording, however, requires recognition and is not thereby outweighing and therefore the lack of such sustainable accessibility to the proposal is not determinative. The acceptability of the proposal, hinges on the proposals having a meaningful link with the location or attraction and/or whether there are benefits of more importance.

The applicant owns Cransley Reservoir and occupies the converted Filter House with the proposals relating to personal enterprise rather than being driven by person(s) unrelated to the site. To start with thereby the proposals have a link to the site. The two component parts of the proposal shall be discussed:

Museum (Sand washer) building

It is accepted that the building that is looking to be re-built has not been there for a significant period of time and would serve no practical function directly associated with the day-to-day operations of the reservoir. The intention of the applicant, however is to utilise the building as a point of reference or archive to house the sand washer in situ, which is gradually perishing in the elements and uses a previous building on the same site as a point of reference (pictorial evidence provided). It is unclear to the applicant whether there would be any particular interest in the museum, which at 20sqm is very small especially as it will be accommodating the sand washer which is a sizeable piece of plant. The prospect, however of housing archive associated with a late Victorian reservoir in one point of reference on the site is a respected and worthy intention. Such a prospect is consistent with NPPF advice which seeks decisions to enable sustainable rural tourism in rural locations where appropriate. As such and given the close relationship that the building would have with the reservoir and its history in terms of its function together with its small form that pays tribute to a previous similarly sized building that once existed in the same place the proposal is considered to be acceptable in principle.

Old weir building (education centre)

The provision of this building intends to re-build (near replica) the previous building in the same position and using the same foundations. This previous building fell into dilapidation over the years and was all but derelict approximately five years ago. Since that time it has gradually been re-built and whilst this may not be the correct order of things retrospective planning permission is now being sought.

Critically the previous building and now its replacement has a functional use directly associated with the safe operations of the reservoir and houses

some of its necessary plant. As such it is difficult to find an argument against this element of the proposal especially as it has sought to respect the previous housing building on site. This aspect and basic tenet for this element of the proposal does not appear to have been appreciated by objectors but is a significant factor in its favour. To allow functioning equipment associated with the operations of the reservoir to be open to the elements when they have not been historically and to potentially fail is not a sensible approach and could compromise safe operation of the reservoir. For this reason the principle of the proposal is considered to be acceptable.

Yes the building is also proposed to be used as an education centre by the on-site applicant however this proposed function more relates to further utilisation of the necessary building rather than being a fundamental aspect in its favour, whilst it may relate to some of the site's activities. For that reason the education centre together with the museum shall be conditioned to be operated in a way that is associated with the occupants of the 'Filter House' and thereby retain the building's link with the site.

The principle of the proposal therefore is considered to be acceptable in its broadest terms. This does not however mean the provision of the development at any cost; in particular the NPPF states the requirement of proposals to respect the character of the countryside.

The site is covered by saved site specific policy (10) in the Local Plan (see above for full policy) due to its value as a countryside resource. It is this policy that gives opportunities for the development. Policy 10 relates to Cransley and Thorpe Malsor reservoirs whilst emphasising that planning permission will not normally be granted. Exceptions may be considered where proposals are compatible with the rural nature of the area and satisfy a number of criteria. The various criteria mentioned above shall be picked up as the report progresses although the key wording that should be borne in mind throughout, as the golden thread, is that the proposal should be **compatible with the peaceful rural nature of the area**; a criteria that relates primarily to the intensification of the use.

2. Impact on character and appearance of the area

The overseeing Policy (10) of the LP seeks to discourage new buildings in its first (i) criterion, at (ii) seeks to avoid development at prominent locations, and at (iv) and (vii) seeks to safeguard visual amenity value of the area and in particular the woodland area covered by the TPO. These criteria's are associated with the protection of the sites pleasant open and sylvan qualities.

Policy 8 (d) of the JCS is relevant and consistent with Chapter 12 of the NPPF seeks development to respond to a site's immediate and wider context. Policy 3 of the JCS consistent with Chapter 15 (para. 170) of the NPPF seeks development to be designed in a way that is sensitive to its landscape setting.

Due to the location of the proposed buildings set amongst the sites existing buildings and built infrastructure together with their limited size, form and timber construction and surrounding woodland the proposal would not have any influence in the landscape. Thereby the proposal is consistent with Policy 3 of the JCS which considers such wider impacts relating to landscape effects.

As mentioned above the proposed buildings are intended to replicate former lightweight timber structures on the site that have been shown on an applicant provided aerial photograph taken in 1976. The buildings may be visible from the PROW footpath (HC/003) that crosses the dam, however they would be visible at distance (70m), from an elevated position, amongst intervening trees and foliage and in the context of the sites built infrastructure beyond the converted filter house and filter beds. The proposals are not located within the sites heavily treed areas and would make use of an existing foundation pad, presumably where the original sand washer building sat and thereby would not involve the felling of trees just the removal of some low level vegetation. As such the buildings are considered to consist of appropriate redevelopment or otherwise justified new buildings in a discreet non-prominent location consistent with Saved Local Plan Policy criteria (i) and (ii). The proposal would also be consistent with its criterion (vii) which seeks to preserve the site's trees in the interest of its visual amenity value.

The weir house (education centre) in its current unfinished state (halted prior to submission of the application) is unacceptable and thereby full details of its external cladding and finish shall be required by condition within specific time periods (in light of its retrospective nature). Similarly, whilst the applicant has neglected to provide elevations for the sander washer (museum) building given its envisaged simple timber construction and design in this case it is considered to be appropriate and reasonable to impose a condition requiring its details prior to its commencement. This approach is considered to be consistent with paragraph 54 of the NPPF which advocates the use of conditions where an application can be made to be acceptable through their imposition.

The intensity of the use and in particular the vehicular comings and goings is not considered to result in a significant change that would result in harm to the attractive nature of the reservoir and its tranquil setting. This belief is consistent with the 2003 Appeal decision, which related to 14 holidays lets and significant amounts of associated facilities. The appeal is a material consideration that this application should regard with any increase in movements associated with the proposal not likely to be distinguishable from existing site comings and goings, which notably includes movements associated with the Sailing Club, which whilst not excessive are significant.

Consequently, the proposal is considered to respect the character and appearance of the site and consists of sympathetic buildings that would sit comfortably in their context. The application is thereby in accordance with relevant criteria of Saved Local Plan Policy 10 and JCS Policy 8 (d) which

seek development to respect the character and appearance of a site and therefore is acceptable in this regard.

3. Impact on residential amenity

Policy 8 (e) of the JCS and Policy 10 (iv) of the Local Plan consistent with paragraph 127 of the NPPF, seeks to protect amenity, which amongst other things aims to secure a good standard of amenity for all existing and future occupants of land and buildings.

The non-ancillary dwelling-houses at 'The Pump House' and 'Reservoir House' have their own clearly marked private grounds with the proposed buildings located a way from their curtilages and at least 30m from the houses. This relationship and the low profile of the buildings mean that the proposals would not have any direct impacts to neighbours amenity derived from their built form.

Any impacts associated with the site's intensification, with users having to pass by the nearby dwellings to access the site, are not considered to be significant and thereby would not give rise to nuisances that may cause disturbance to neighbours amenity. As a safeguard, whilst the uses are not likely to promote notable noise levels a condition shall be attached limiting the times the buildings will be open to customers to specific times during the hours of 09:00-17:00 Monday to Friday only.

Given that the use would be operated by the occupiers of Filter House as applicant, which will also be secured via condition, the proposal would not cause issue toward that occupier.

By virtue of the nature of the development there is no reason to suppose that it would compromise, reduce or otherwise involve the loss of the wider sites existing recreational facilities which are protected by criteria (iii) of Saved Local Plan Policy 10.

The proposal thereby is considered to be consistent with the overseeing development plan policies in this regard and as such acceptable.

4. Impact on highway safety

Policy 10 (v) of the Local Plan and Policy 8(b) of the JCS consistent with Chapter 9 of the NPPF seeks to ensure that development maintains highway safety.

The highway access onto Eagle Lane has good visibility in either direction and whilst the access arrangements have not been indicated on a plan, the Officers own site cognisance and experiences results in the view that they are appropriate to ensure that the proposal would not result in harm to highway safety. The Appeal decision is also a consideration in this regard, where the proposal was found to be acceptable on matters of highway impacts which considered a significantly more intensive scheme than that proposed here.

In addition, whilst the areas of parking are not clearly illustrated in the submission it is envisaged that parking for the proposals would be contained behind the electronic gate which also serves the Filter House. Whilst this area is not laid in parking bays it could accommodate 6-8 vehicles relatively easily. This amount of provision together with some compacted areas available adjacent to the access track and also the sizeable (20-30 spaces) nearby Sailing Club car park together with the limited trips expected would mean that the proposal would not give rise to highway safety concerns.

Moreover, given the limited capacity of the buildings (10 persons) it is unlikely that the visitors will arrive in a coach and notably the proposal is not intended to be used for school trips although it is understood that the Sailing Club does have school trips and thereby the wider site is able to accommodate mini-buses if required. Great Cransley Parish Council are keen to avoid coaches travelling the country Lanes that access the site, which is understandable given its narrow width. Whilst it would not be reasonable to impose a condition preventing such movements, given that the use of the highway is not restricted the use of the site by coaches is not envisaged or likely.

A construction management plan is not necessary via condition given that the larger of the two buildings is all but complete and given the small nature and location of the sand washer/ museum building some distance (100m) from the highway.

As such and in absence of a Local Highway Authority objection the proposal is not considered to be detrimental to the surrounding highway network.

5. Impact on biodiversity

Paragraph 99 of Circular 06/05 states that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.* Likewise section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: *every public authority must in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity.*

Policy 10 (iv) of the Local Plan and Policy 4 of the JCS consistent with Chapter 15 of the NPPF seeks decisions to resist development that would harm biodiversity.

The application site, together with most of the built infrastructure on the wider site and their surrounding areas are excluded from the Local Wildlife Site (LWS) designated in 2011 which covers much of the surrounding woodland and the expanse of water. The areas subject to the development comprise a mostly complete timber building and a small area of overgrown hard-standing and the sand washer. The proposal would not comprise the clearing of notable vegetation with no reason to believe that it would consist of habitat associated with protected species. In addition the application has

not given rise to Natural England concerns with the County Ecologist failing to provide comments having been given the opportunity to do so. (Note: the County Ecologist provided representations on the 2019 application associated with the wider site).

As consequence the proposal would not have an adverse impact on biodiversity consistent with Policy 10 (iv) of the Local Plan and Policy 4 of the JCS and therefore is considered to be acceptable in this regard.

6. Impacts of flooding/ reservoir breach

Policy 5 of the JCS consistent with Chapter 14 of the NPPF seeks development to, wherever possible; avoid high and medium flood areas.

The proposals are located within Flood Zone 1, 2 and 3 and thereby within an area that would be susceptible to flood risk. The site is also within an area at risk of reservoir inundation on the landward side of the reservoir dam. The failure of the dam could lead to rapid inundation which may present a risk to life depending on the vulnerability of the use proposed.

In this case and based on the response of the Environment Agency (EA) the proposed use is considered to be 'less vulnerable'. Environment Agency's 'Flood Risk Vulnerability Classification' table (which is part of the National Planning Policy Guidance (nPPG) suite of referred documents) says that such uses (including new uses) are not required to pass an Exception Test and thereby are appropriate in flood-zones 1, 2 and 3(a). Ordinarily therefore the proposal would not be considered to be a vulnerable use that would give rise to issues arising from flooding. Given the sites location in the context of the dam the EA have however advised that a Flood Warning and Evacuation Plan (FWEP) is required. The EA go on to say that it is for the Council's Emergency Planning Officer to determine its acceptability consistent with nPPG guidance on this matter.

In response to the EA comments the applicant has provided a FWEP that has been compiled through liaising with the Council's Emergency Planner and compiled with the input of the Dam's Supervising Engineer as per EA requirements. The Plan talks about the on-site triggers that may cause a Dam break and upstream flooding, the methods of alert, what actions would then ensue at various stages of that break or flood incident and a list of those responsible and what those responsibilities include. In addition details of on-site incident management procedure have been provided, locations of the sites operational equipment and its general details (including capacities) and notably evacuation procedures including alternative routes other than the site's main Eagle Lane access.

This FWEP has been compiled in accordance with EA and nPPG Flood Risk and Coastal Change advice and has the broad agreement of the Council's Emergency Planner following their input and the preferred approach for the EA to have this Plan provided prior to determination. As such and accepting that the fundamental strategies of the Plan are sound a condition shall be attached requiring a slightly modified Plan to cover the provision of a second

receiver for weather warnings and the number of people that would be evacuated in the event that the Plan needs implementing.

As such and given the 'less vulnerable' nature of the proposal (dwellings are most vulnerable for instance) the production of this acceptable FWEP is considered to mean that the proposal would not give rise to issues as a result of its location within the breach area of the dam as suitable arrangements have been shown to be in place to deal with any issues.

The proposal thereby is acceptable on this matter subject to imposition of a condition requiring the proposal to be implemented in accordance with the FWEP which shall remain in perpetuity for the life of the development.

Conclusion

In light of the foregoing the proposal is considered to comply with the Development Plan and is consistent with NPPF advice. The proposal therefore comprises the right development, in the right place and constitutes sustainable development.

Consequently and consistent with paragraph 11 of the NPPF presumption in favour of sustainable development should apply and in accordance with the Development Plan such proposals should be approved without delay. Hence, and in the absence of any opposing evidences that would justify coming to a different conclusion the application comes before the Planning Committee with a recommendation to approve subject to imposition of the conditions laid out.

Background Papers

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: