

Application No: W 12 / 1243

Town/Parish Council: Cubbington
Case Officer: Rob Young

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Registration Date: 05/10/12

Expiry Date: 30/11/12

Land to the south of Thwaites Works, east of Welsh Road, south of Cross Lane & south / north of Mill Lane, Cubbington, Leamington Spa

Construction of a flood alleviation scheme comprising the laying of pipework and associated headwall construction and earthworks to create attenuation areas (revised submission following withdrawal of application no. W12/0769) FOR
Warwick District Council

This application is being reported to Committee because the applicant is Warwick District Council.

RECOMMENDATION

GRANT, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application proposes the construction of a flood alleviation scheme along the southern edge of the village of Cubbington. This comprises the laying of pipework and associated headwall construction and earthworks to create attenuation areas.

THE SITE AND ITS LOCATION

The application relates to a narrow strip of land that runs along the southern edge of the village of Cubbington. Most of the site is situated within the Green Belt. At the north-eastern end the site incorporates Mill Lane and adjacent land. This part of the site adjoins the rear boundaries of the dwellings in The Grange. Working in a south-westerly direction the site then leaves Mill Lane and runs along the edge of a field alongside the boundary with the dwelling at Highfields. From that point the site runs along the edge of a field on the south-eastern side of Cross Lane (opposite dwellings) and then the eastern side of Welsh Road before running along the verge on the eastern side of Welsh Road. Finally the site crosses Welsh Road and runs along the southern edge of the car park of the Thwaites factory to join up with a brook. The site largely runs adjacent to established hedgerows interspersed with trees.

PLANNING HISTORY

A planning application for these works was submitted in June 2012 (W12/0769). This was withdrawn in August 2012 to enable a Flood Risk Assessment to be prepared.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Parish Council: No objection.

Environment Agency: No objection, subject to a condition to require the development to be carried out in accordance with the Flood Risk Assessment.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of neighbouring dwellings;
- the impact on the openness and rural character of the Green Belt;
- flood risk; and
- ecological impact.

Impact on the living conditions of neighbouring dwellings

The proposed development would be close to some of the dwellings on the southern edge of Cubbington, particularly the dwelling at Highfields in Mill Lane and the dwellings in The Grange on the northern side of Mill Lane. However, the majority of the works would be below ground level, with the only parts of the development to be visible above ground being the embankments and excavations to form the attenuation areas, the headwalls at the outlet points for the pipes and the manholes. The embankments and headwalls would be small in size and would be far enough away from neighbouring dwellings to ensure that they would not have a significant impact on the living conditions of those properties.

If the construction process is properly managed then noise and disturbance during the construction of the scheme should not be a problem. If an issue was to arise, this would be a matter for Environmental Health to pursue under Environmental Protection legislation.

With regard to the future management of the attenuation areas, the applicant has advised that these are intended to be dry ponds, except in times of flood. Warwickshire County Council Flood Risk Team will be responsible for maintenance of the scheme on its completion.

Impact on the openness and rural character of the Green Belt

Paragraph 90 of the National Planning Policy Framework (NPPF) advises that engineering operations are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. As stated previously, the majority of the

proposed works would be below ground level and the embankments and headwalls would be small in size and would not be prominent within the rural landscape. Therefore it is considered that the proposals would be in accordance with Green Belt policy within the NPPF and that the proposals would preserve the openness and rural character of the Green Belt.

Flood risk

The application was accompanied by a Flood Risk Assessment which demonstrates that the proposals will reduce the risk of flooding within Cublington whilst not increasing the risk of flooding elsewhere. The Environment Agency have raised no objection to the proposals and therefore it has been concluded that the proposals would be acceptable from a flood risk point of view.

Ecological impact

An Ecological Appraisal was submitted with the application. This was prepared by the County Ecologist and identifies a 250m buffer around nearby ponds to indicate where the impact on great crested newts may be a particular issue. The proposed works would be outside these buffer zones and would not adversely affect great crested newt habitats. The Ecological Appraisal also advises that existing trees and hedgerows should be retained. The proposed scheme has been designed so that it would only require the removal of a single tree (on the part of the site to the west of Welsh Road). This tree is not a significant specimen and is not a prominent feature in public views, being surrounded by larger trees. There is also an existing tree within the proposed attenuation area at the north-eastern end of Mill Lane but this is proposed to be retained and would not be affected by the proposals. The scheme would also preserve existing hedgerows. The locations where the pipework would pass through hedgerows would be via an old field access onto Welsh Road (albeit now overgrown) and via an area of brambles onto Mill Lane.

CONCLUSION / SUMMARY OF DECISION:

In the opinion of the Local Planning Authority, the development would not prejudice the openness and rural character of this green belt area and would have an acceptable impact on neighbouring dwellings. Furthermore, the proposals would have an acceptable ecological impact and would be acceptable in terms of flood risk. The proposals are therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) LP1, CU/EA/01, CU/PL-01, CU/PL-02 & CU/PL-03A, and specification contained therein, submitted on 3 October 2012 & 5 October 2012. **REASON** : For the avoidance of doubt and to

secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted shall be carried out strictly in accordance with the mitigation measures specified in "Option D Flood Alleviation Scheme" in the Flood Risk Assessment dated September 2012 and submitted on 5 October 2012. **REASON :** To reduce the risk of flooding, in accordance with the National Planning Policy Framework.

 - 4 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
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