

<b>Agenda Item:</b>	5.3
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<b>Site:</b>	Land adjacent to, 97 Station Road, Rolleston On Dove, DE13 9AB
<b>Proposal:</b>	Construction of raised plateau and compensatory floodplain storage including a swale

**Report of Head of Service (Section 151 Officer)**

This report has been checked on behalf of Legal Services by Sherrie Grant

**[Hyperlink to Application Details](#)**

<b>Application Number:</b>	P/2020/00325	
<b>Planning Officer:</b>	Barbara Toy	
<b>Type of Application:</b>	Detailed Planning Application	
<b>Applicant:</b>	RJK Projects Limited	
<b>Ward:</b>	Rolleston on Dove	
<b>Ward Member (s):</b>	Councillor Mrs B Toon	
<b>Date Registered:</b>	15 April 2020	
<b>Date Expires:</b>	14 July 2020. Extension of time agreed by the applicant's agent	
<b>Reason for being on Agenda</b>	Extent of community interest	

**1. Executive Summary**

- 1.1 The proposals would allow for the implementation of flood mitigation works at the site as previously approved by the EA under an Environmental Bespoke Permit EPR/NB3457UZ issued in July 2019. The extent of the works constitutes engineering works that requires full planning consent in addition to the EA permit.
- 1.2 The principle of the development in this out of settlement boundary location is considered to be in line within policies SP1 and SP8 of the local plan in the provision of infrastructure development to remove environmental problems at the site and in the immediate vicinity.

- 1.3 The proposed flood mitigation works would assist in dealing with flood risk at the site and surrounding third party land in compliance with policy SP27 of the Local Plan, guidance in the NPPF and policy NE1 of the Draft Neighbourhood Plan.
- 1.4 The proposals would make only minimal changes to the levels of the site and it is considered that the works would have no adverse impact on the character or appearance of the area and minimal impact on biodiversity and ecology of the site given the retention of the existing boundary hedging and as much of the existing vegetation as possible in compliance with policies SP24 and SP29 of the Local Plan.
- 1.5 Statutory consultees have raised no objections to the proposals, but objections have been raised by Rolleston on Dove Parish Council, Rolleston on Dove Civic Trust, the local MP and 32 objections have been received from local residents in relation to the original scheme and 59 objections in relation to the amended scheme which are addressed in the main report.
- 1.6 In light of the above conclusions on the planning merits of the case, the application is recommended for **approval** subject to conditions.
- 1.7 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

#### Map of site



## **2. The Site and Surroundings**

- 2.1 The application site is located on the northern side of Station Road in Rolleston On Dove and comprises approx. 0.45 hectares of horse grazing land. Immediately to the east is Rolleston Scout Hut and residential properties (93-97 Station Road) to the west. Further residential properties are situated to the south on the opposite side of Station Road. The site sits just outside the settlement boundary of Rolleston On Dove as defined in the Local Plan.
- 2.2 The site has a gated access off Station Road which provides access to a private unpaved access track from Station Road through the site to the adjacent riding stables that sit to the north west of the site. Boundaries to the site comprise existing hedgerows, mature trees and wooden fencing. The site slopes down northwards away from Station Road.
- 2.3 Within the vicinity of the site there are several watercourses, including an unnamed ditch, the Rolleston Brook, the Tutbury Mill Fleam and the River Dove. The Environment Agency Flood Maps show that the site lies within Flood Zones 2 and 3 and flooding has occurred in 2000, 2012 and 2018, predominantly from fluvial or surface water sources entering from the northern boundary of the site. With further flooding in the area in February 2020 and January 2021.

## **3. Planning History**

- 3.1 **PA/02708/001** - Outline application for 4 bungalows, refused 10-12-1975
- 3.2 **PA/02708/002** – Erection of 5 houses, refused 13-11-1978
- 3.3 **OU/02708/005** – outline application for residential development, refused 24-04-1989
- 3.4 **P/2019/00131** – outline application for up to 18 dwellings including 10 affordable dwellings and details of access only – current application

## **4. The Proposals**

- 4.1 This application seeks approval for the construction of a raised plateau and compensatory floodplain storage works which have already been approved by the Environment Agency (EA) in July 2019 when an Environmental Permit (EPR/NB3457UZ) was issued for the works. The extent of the works constitutes engineering works that requires full planning consent in addition to the EA permit.
- 4.2 The raised plateau would cover approx. 2800sqm and would be situated across the frontage of the site, at a depth ranging from 44 – 50m from the back of highway. The frontage of the plateau would raise the level of the land by approx. 400mm and approx. 1200mm at the rear of the plateau. Two floodplain compensation storage areas would be constructed on the land to the north of the raised plateau, one towards the eastern boundary and one towards the western boundary. The storage area adjacent to the western boundary would be 149sqm and approx. 300mm in depth and the area adjacent to the eastern boundary would be 947sqm with an approx. depth of 150-200mm. The raised plateau would be formed using the excavated material from the compensation

storage areas and any surplus materials from the excavations would be taken off site to the nearest registered land fill.

- 4.3 The proposed works include the introduction of a new swale along the length of the western boundary of the site, which has been added during the course of the application at the request of the Leading Local Flood Authority (LLFA).
- 4.4 The applicants have advised that if planning consent is granted then the works would be implemented as soon as possible.

#### List of supporting documentation

4.5 The following documents have been provided as part of the application:

- Application form
- Site Location Plan
- Raised Plateau Levels Plan
- Raised Plateau and Swale Level Plan
- Construction Management Plan
- Planning Statement
- Floodplain Management System
- Environmental Risk Assessment
- Flood Risk Impact Assessment
- Ecological Appraisal
- Environment Agency Bespoke Permit EPR/NB3457UZ

4.6 The relevant findings are dealt with in section 8 onwards below.

## **5. Consultation Responses and Representations**

5.1 A summary of the consultation responses is set out below:

<b>Statutory and non statutory consultee</b>		<b>Response</b>
5.2	Rolleston on Dove Parish Council	<p>Rolleston on Dove Parish Council objects to the above planning application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. The site is outside the village settlement area; the site is also outside the area covered by the emerging Rolleston Neighbourhood Development Plan.</li> <li>2. The proposed plateau would create a flood risk for the adjacent properties and properties further down on Station Road.</li> <li>3. It is noted that the applicant has already been given an Environment Agency permit for the proposed works. Why was the Parish Council not informed of the EA permit application and given the opportunity to comment?</li> </ol>

		<p>4. <b>Flooding:</b> The Flood Risk Impact document in the planning pack is dated as a final draft in May 2019, which is now a year old. This means that in section 2 page 5 several significant floods are well documented since this time and therefore are not taken account of which include 2007, 2019 and 2020 – in reality the village faces flooding multiple times each year in the last 5 years.</p> <p>The report (2.4 page 12) mentions Carsington Water reservoir some 40 KM away which we would agree itself has a low reservoir flood impact. However the report does not mention the Brook Hollows historic fishing lake which feeds the brook. While not a reservoir, it is a significant upstream store of water and has been topped several times in the past 5 years, most recently in Feb 2020 and in late 2019 due to water bypassing the waterfall leading to flooding downstream.</p> <p>Flooding in Rolleston is a complex issue, to summarise the key points:</p> <ul style="list-style-type: none"> <li>▪ The soil is generally clay based and retains water from heavy rainfall for long periods and prevents rainwater permeating and draining through the soil.</li> <li>▪ Rolleston is a rural area, in which ditches, especially in the Craythorne Lane area of the village, quickly become filled pouring water down Beacon Road into Chapel Lane, School Lane and Station Road resulting in well publicised flooding effecting the area of this application.</li> <li>▪ Sewer and road drains especially on Station Road are well known to experience difficulties in coping with what, in the last 5 years, have regrettably become regular and significant floods effecting the centre of the village in the area of Burnside, Church Road, Brookside, Chapel Lane, School Lane and Station Road – the location of this application.</li> <li>▪ The rural nature of the village means the Alderbrook and Dove take water run-off from fields from a large catchment, and often results in flash floods effecting the Station Road and Church Road the central road through the village.</li> <li>▪ Lastly, we know from February 2020 the successive heavy rain events overwhelm the capacity of the river and that during the second flood of February numerous houses were flooded in Brookside but also on Station Road. In this instance we understand that water was released upstream</li> </ul>
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	<p>leading to a breach of the River Dove at circa 4am in the morning which quickly inundated the flood plain to the North of the planning application site. This combined with water from foul drains, ditches, breaching of the Brook Hollows lake, severe road flooding in Burnside and Brookside from the brook contributed to by slow water backing up from the Dove left much of the village underwater causing significant damage to circa 20 homes some of whom have still not fully recovered.</p> <p><b>Fluvial Flooding:</b> The recent flooding in February 2020 was fluvial flooding resulting from the River Dove yet this has happened more than once in the last 100 years (contrary to statement 2.2 Page 5 of the Flood Risk Assessment).</p> <p><b>Surface Water Flooding:</b> We would contest that the flood migration would not impact the local area negatively, in the case of the February 2020 flooding we believe the sheer volume of water from the flood plain was uncontainable with over 1 million litres of water on the A38 reported in the press with ‘nowhere for the water to go’ resulting in in the overnight flooding we saw in Rolleston.</p> <p><b>Sewer Flooding:</b> Section 2.5 Page 12 – it is well known that surface runoff has combined with foul waste on Station Road leading to foul water flooding – the issues with Station Road drainage are well known in the village.</p> <p><b>Permeability of the mound:</b> The Flood Risk Assessment does not indicate the permeability of the mound. Though it is not explicit in the documents it implies that soil would be excavated at the North of the site and distributed to the South of the site to create the raised mound. The general view of the document is that the mound itself would not contribute to flooding. However, the supplementary planning statement refers to the construction of 18 houses on the raised plateau in February 2019. Therefore we must assume that while housing is not part of this application, and future potential use is not planning grounds – it surely must be considered in the flooding risk calculations from surface water and sewer flooding models that hypothesis and calculations should be made on the additional contributions housing development would render on the area. If houses were to be built on the mound the water would double run off in to the excavated area to the North of the site and would make a material difference to the flooding calculations.</p>
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		<p>5. The Development Control document itself the following points which appear inconsistent:</p> <ul style="list-style-type: none"> <li>▪ <b>Point 7</b> – Does the proposed development require any materials to be used? The applications indicates No. We would need clarification of this being the case – so that no hard core or stabilising foundations are established in this work that could lead to future development outside of this application.</li> <li>▪ <b>Point 10</b> – Are there trees or hedges on the proposed development site? The application indicates No. We are unsure how this can be a true statement when page 3 of the Ecological Appraisal reads: <i>“The majority of the site was composed of a large open horse grazed field which showed signs of nutrient enrichment and was considered to be of medium ecological value. The hedgerows and mature trees within them were considered to be of high ecological value to nesting and breeding birds as well as to small terrestrial mammals such as hedgehog. Hedgerow 2 in particular was thought to offer valuable habitat to any reptiles or amphibians in the area that may shelter under fallen dead wood and leaf litter. A heavily fissured mature willow tree with rot holes and ivy growth was considered to offer value to rooting bats should they be foraging and commuting through the site. A rubble pathway running through the site was considered to be of low ecological value.”</i></li> </ul> <p>Several tree sparrows were observed carrying nesting materials along H1 and H3, however, no active or disused nests were located on site. It is therefore recommended that all hedgerows should be retained and a buffer zone be in place during and post development in order to ensure the integrity of these hedgerows is retained where possible. Additional sensitive working practices and enhancements are recommended within the report.</p> <ul style="list-style-type: none"> <li>▪ <b>Point 10 continued</b> - Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Application answers No. We would argue that the hedge to the south of the site faces Station Road. The characteristic of Station Road is the open fields fringed by hedges such as those in place which contribute to the street scene of the village.</li> </ul>
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		<ul style="list-style-type: none"> <li>▪ <b>Point 12:</b> Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site? The application answers No. Based on the below we believe the answer for “b) Designated sites, important habitats or other biodiversity features:” should be yes on land near the development, rather than “no”:   <i>“H2 was a species poor defunct hedge ranging in height from 1m – 2m, with a mature willow (Salix sp.) located along the northern site boundary. The hedge supported abundant hawthorn and elder with frequent bramble and displayed large gaps throughout. The mature willow tree displayed heavy ivy growth as well as fissures within the bark and rot holes. Such features were considered to offer medium-high value to roosting bats and nesting birds. This hedgerow also appeared to have been laid historically and its structure was considered to offer value to nesting birds. A notable amount of bird activity was noted along this hedgerow.”</i> </li> <li>▪ <b>Point 18:</b> Will the proposed development require the employment of any staff? Application indicates No. We are unsure how the mound can be created without the employment of staff to operate machinery, we note there is no plan for workers vehicles or hours of operation of machinery.</li> <li>▪ <b>Point 22:</b> Can the site be seen from a public road, public footpath, bridleway or other public land? The Application indicates “No”. Clearly the site faces Station Road and can be seen from the road and there a five bar gate which provides visibility of the field.</li> </ul>
5.3	<p>Rolleston Civic Society</p> <p>Further comments received following re-consultation on amended plans</p>	<p>We note that, at this time, the application is to raise the level of the half of the field nearest to Station Rd because of the Flood Risk implications (of which we have seen plenty of evidence in the recent weather). The material used to raise the level is to come from excavating two areas further down the field. These two areas are designated for "compensatory floodplain storage" whereby the floodwater diverted from the plateau can be stored in the two 'holes'.</p> <p>There is considerable strength of feeling in the village that the scheme will create a blockage to the escape of floodwater already within the village (from the high ground to the south and from the Alderbrook) draining away to the lower ground to the north. We believe this to be a soundly-</p>



		<p>based concern. The two storage 'holes' seem likely to fill up straightaway and therefore do nothing to assist the rush of water to clear from the village.</p> <p>We consider the addition of the drainage ditch/Swale does not materially relieve the increased threat caused by raising the level of the land on the site. This is because we believe the substantial flow of flood water experienced on several occasions draining off the high land to the south of the village will exceed the ability of the swale to disperse it at the rate required. The drainage of flood water from the centre of Rolleston depends considerably on this route out and the present open field offers a much wider escape of water to the Alderbrook, to the Cornmill fleam and subsequently out to the river. We believe any blockage of this route will have serious consequences for the village, which recent experience shows are increasing.</p> <p>In addition, because we believe this plan is a pre-requisite to an application for building development on the land, the future run-off from subsequent housing would add further to this problem. We would refer you to the earlier objection we made to P/2019/00131 in March 2019.</p>
5.4	SCC Highways	No comments, but suggest a condition for details of the site access to be submitted for approval
5.5	SCC Flood Risk Team	Initial objections overcome through the submission of additional information
5.6	Environment Agency	No objections subject to a condition to ensure that the works are carried out in accordance with the submitted flood risk assessment and mitigation measures that include floodplain compensation.
5.7	Severn Trent Water	There is a public 525mm surface water sewer that crosses the site. We would encourage the developer to get in touch with Severn Trent direct to discuss the potential requirement to divert the sewer, however I cannot advise whether this would be possible. They are encouraged them to submit a Development Enquiry as soon as possible to discuss their proposals for the site.

## 6. Neighbour Responses

- 6.1 32 objections have been received in relation to the original submission, including a letter from Kate Griffiths MP. A site notice was posted on the access gate to the site on 20-04-2020 which required comments to be made within 24 days from the date of the notice. Neighbour letters were sent out on 15-04-2020 which gave neighbours until 09-05-2020 to make comments.

- 6.2 6 further comments were received following the publishing of a report for Planning Committee on 23<sup>rd</sup> February 2021.
- 6.3 A further 59 objections have been received following re-consultation (that expired on 09-03-21) on the amended plans that include the introduction of a swale.
- 6.4 Any comments made on the future use of the site for residential purposes in connection with PA P/2019/00131 will be identified in any future report on this application, only comments on the flood works proposed are summarised below. A number of the responses also included photographs in and around Station Road of recent flooding events between 2018 and February 2020.

#### Neighbour responses on original submission

##### Flood and drainage impacts

- Some of flooding events in the area have been caused by watercourses flooding whilst some have been due entirely to heavy rain
- Severe flooding over the years (including over the application fields) that gets worse each time, 3 events since 2015 with the latest in Feb 2020.
- Station Road floods at least once, if not twice each year with water flooding the road, gardens and houses.
- Damage to properties and disruption to traffic from flooding
- Flood water also include sewage as the manholes overspill
- The corner of School Lane and Station Road is the lowest area in the village so where the water naturally accumulates
- It is not just Station Road that is affected, but also School Lane, Chapel Lane, Burnside, Brookside and the entrance to John of Rolleston primary school
- When flooding occurs the water flows eastwards from the centre of the village and drains into this field which acts as a natural flood defence and soakaway that protects surrounding properties.
- Works and development in the field will exacerbate flooding in the surrounding area effecting more houses in a wider area
- During flooding in Feb 2020 residents were marooned in their homes
- Climate change predicts that there will be more heavy storms to cause more flooding so the last thing that is needed is a raised platform to prevent the flow of water causing more heartache to local residents.
- The raised area may force surface water and watercourse water into surrounding areas increasing the number of properties affected
- Derbyshire Council has increased flood defences in Scropton and Hatton forcing more water to travel further down the Dove to flood Rolleston and the field the subject of this application
- When the Dove floods and at times of extreme rain the proposed compensation area would be full and overflowing

- Flood waters could damage the scout hut, a village facility. Scout hut field used by the village regularly already floods
- Field used for grazing but also for a wider community use which will be lost
- In the past the fire service have pumped flood water onto this land and the proposed plateau would prevent this procedure
- The raised plateau will dominate the surrounding area and ruin the village atmosphere
- The principle of floodplain compensation works relies on removing an equivalent volume and area of land outside of the floodplain to that which is lost by any development within, In this case water will wash around the raised plateau and flood Station Road to a level not experienced before
- The soil in Rolleston is generally clay based, so retains water for long periods and prevents water permeating and draining through the soil.
- The flood level modelling in the FRA do not concur with flooding observations and do not include the Feb 2020 flooding event or take into consideration the recent housing developments in the village.
- The EA states that Rolleston village is the most at risk of flooding in Staffordshire
- The EA previously objected to development of the site due to high risk of flooding from the river Dove and Rolleston Brook and an unacceptable floodplain compensation scheme.
- The EA continues to ignore the surface water situation
- This is a rural area with drainage ditches that quickly become filled
- Sewage pipes and drains have been unable to cope for many years.
- Drains need to be maintained and sewer system will also need to cope with the existing and new houses under construction at College Fields
- Shocked that the EA have already issued a permit for the works already and this was issued in July 2019 before the most recent flooding event in Feb 2020.
- Staffs County Council recognise the issues faced in Rolleston hence the Property Level Flood Resilience Scheme
- ESBC paid out considerable Community Recovery Grant to Station Road, if flooding exacerbates by this scheme will ESBC be in a position to make the payments every time a flood happens?
- Inaccuracies in the application relating to materials to be used, trees and hedging on the site, the view of the site from the road, employment of staff and impact on ecology.
- The works will cause an adverse impact on ecology and wildlife in the area

	<ul style="list-style-type: none"> <li>• Site notice poorly displayed and confusion over dates for submission of comments</li> <li>• Plans not listed on the web under 97 Station Road although this is the address given on the site notice, unable to find the plans. Plans should not be pursued in the current Covid 19 situation, when the normal democratic process unable to function</li> <li>• Any new housing at the site will add to the flooding issues</li> </ul>
Kate Griffiths MP	<ul style="list-style-type: none"> <li>• Concerns raised by the Parish Council regarding information provided need to be addressed prior to a decision being made</li> <li>• This area of land is used by emergency services to remove flood water and raising it would have a serious impact on neighbouring properties.</li> </ul>

### **Neighbour responses following the publish of Committee report for Planning Committee 23 February 2021**

Flood and drainage impacts	<ul style="list-style-type: none"> <li>• The supplementary Planning Statement submitted states that the flood works is in relation to the application for 18 houses, the 2 applications should be considered together.</li> <li>• The submitted documents state no flooding on the site, this is incorrect the site floods annually. Evidenced in photos from Feb 2020 and Jan 2021.</li> <li>• The field floods and acts as a natural basin keeping water off the main road and from properties.</li> <li>• The raised plateau will force more surface water along Station Road impacting on existing properties.</li> <li>• Observations of the flooding indicates large volumes of water are a result of the ground water rising which is not addressed in the application.</li> <li>• What are the arrangements for the long term maintenance and costs for the site and the swale?</li> <li>• Who will be accountable for any flooding issues (to roads and properties) that may occur as a consequence of these groundworks?</li> <li>• Will the land be returned to grazing?</li> <li>• Current use for grazing is in character with the area, the raised plateau would be a mound of bare earth which would appear unsightly</li> <li>• Photos of flooding in Feb 2020 and Jan 2021 submitted, flooding not from rainwater but from ground water rising, both the site itself and surrounding fields.</li> <li>• Creation of flood compensation will not help as ground water levels are so high, a few inches of depth will not increase the flood plain area.</li> <li>• Jan 2021 Rolleston Brook peak levels didn't coincide with the River Dove peak levels so no flooding of the properties just the fields.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The soil is clay based and retains water for long periods which prevents drainage, increasing surface water.</li> <li>• The proposed swale appears to be encroaching onto the existing storm drain and 6m easement.</li> <li>• The bungalows that back onto the proposed swale will flood when the swale overflows</li> <li>• The submitted FRA is outdated and does not take into account the change experience in the immediate area with regard to surface water and ground water flooding</li> <li>• The decision on this application is being taken based on outdated information or information not published</li> <li>• The officer report indicates that the proposals have been re-evaluated by LLFA and the EA, but this did not involve the residents or the Parish Council. The re-evaluation by the LLFA and the EA should be published in advance of any decision on this application.</li> <li>• Unconvinced that a proper evaluation of the flooding risk is being put before the Committee</li> <li>• If councillors make a decision before details of the nature of the re-evaluation are published they leave themselves open to future legal challenge.</li> <li>• No decision on the application should be made until the Neighbourhood Plan consultation in May</li> </ul>
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### Neighbour responses on amended plans

Flood and drainage impacts	<ul style="list-style-type: none"> <li>• No other long term gain for the applicant other than to build on the site.</li> <li>• The flood works proposed are a pre requisite for housing on the site with no benefit to the community</li> <li>• The works are self-fulfilling not offering a net gain in flood alleviation</li> <li>• The housing and this flood works application are directly linked and should be considered together</li> <li>• The raised plateau would not be 'minimal changes' as described in the report to committee, 1.2m adjacent to 97 and 93a is not minimal and would create a steep incline</li> <li>• Risk that fluvial water from the brook and river will back up along the proposed swale from the ditch and make flooding issues worse for properties along the swale and Station Road, merely recycling water back into the overflowing river system</li> <li>• The plans show the swale discharging into an existing ditch behind the riding stables, this means it would cross private land for which no permission has been sought or granted</li> <li>• The swale will discharge into the same ditch as the storm drain which does not have the capacity to take extra surface water and is known to flood from the river</li> </ul>
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- No evidence of any modelling to prove that the existing ditch will not be overwhelmed by additional flow from the swale
- The swale has been introduced at the request of the LLFA but without permission from the land owner
- Swale wholly inadequate for the volume of water experienced during flood events
- The swale will be close to the 525mm sewer pipe and will increase the risk of sewage flooding including raw sewage, debris and flotsam and risks destabilising the area around the sewer.
- The swale would only deal with surface water and not flooding from the river Dove
- How will fluvial, ground water and sewage be prevented from flowing via the swale?
- The swale will encourage water to move closer to the village and may obstruct sewer pipes
- Possible risk of endangerment to animals and wildlife from the introduction of the swale
- The discharge of the swale into the brook will increase fluvial events and cause additional flooding to properties in Brookside
- The swale will encroach onto the 6m easement for the existing storm drain
- Is the swale to take water from the raised plateau? Has a survey been carried out on the extent of the water to be carried by the swale? Is it a sufficient depth to cope with the water without further threat of flooding?
- No details of future maintenance of the swale, who will be responsible for this and the cost of it?
- Gravel filled base to the swale will not work as the pores will be quickly blocked making it ineffective
- The swale design will pose a hazard to trees along its length, damage to roots. The trees form part of the visual amenity of the village
- How would water from Station Road enter the swale?
- No drainage strategy for flood water movement towards Station Road, which could impact on the road and properties
- High ground water will not allow soakaway drainage
- Risk that digging down to create the flood alleviation will cause ground water to soak into the areas reducing or removing the purpose of alleviation
- The modelling of flooding has not taken into account ground water flooding
- Ground water flooding was the cause of the flooding event of Jan 2021.
- The flood modelling and design does not consider the actual observed flooding in particular Feb 2020 and Jan 2021, the area will be overwhelmed by surface water and ground water before the river water arrives

- In the flood event in Feb 2020 houses flooded that have never flooded before
- The flood levels in 2000 were higher than the modelling in the submission
- The modelling should take into account the interaction of the River Dove, Alderbrook stream, sewer, ground water and surface water, flooding events that are interlinked as well as local observations of flood levels, not just modelling estimates
- The FRA is outdated and fails to include the most recent flood events in 2020 and 2021
- The EA permit is based on an inaccurate FRA
- The works will not improve the appearance of the field and will not allow for future grazing and the appearance will impact on the village as a whole. The site is fully visible within the village and will end up bare or with houses built on it
- Despite the details in the submission the field does already flood from the River Dove and is a natural soakaway that self regulates ground water levels, the proposals will compromise this.
- The 100year plus 30% model is inaccurate as it states no flooding at the south of the site, photo evidence that the southern end of the site floods
- The field is a natural floodplain that protects the village from both river and surface water.
- Flooding in the village is a regular occurrence and is becoming more frequent in recent years
- Global warming likely increase in rainfall and increase flooding and its frequency
- The raised plateau will prevent the flow of water causing more heartache for local residents
- The raised plateau has no community benefit and the swale and flood storage areas will only serve to compensate for it, the swale would not be necessary without the other works
- The raised plateau will push water onto adjacent land and could make flooding worse in different areas
- How ill a concrete plateau help alleviate flooding in the village?
- Is the excavated material suitable to create the plateau as suggested? Find it difficult to believe that no materials will be required
- As the earth warms more flood likely
- Road safety issues during the 8 week construction phase, with poor visibility at the access.
- Works will cause disturbance, vibration and nuisance to local residents
- No plans for works vehicles or hours of machinery operation
- Adverse impact on ecology and local wildlife

- The existing hedges make an important contribution to the village and should be retained
- Rural ditches quickly become filled
- The money should be used for the maintenance and repair of existing drains and sewers rather than these works
- Adverse impact on the scout hut/community building and activity field
- Long periods when the activity field adjacent to the scout hut is unusable due to ground water, this is an annual event
- Almost identical land rising proposed in 2006 in the application for a medical centre, which was withdrawn due to objections from the EA, since then flooding has got worse.
- Recent flood protection measure at Tutbury, Hatton and Scropton have not been continued to Rolleston which has increased the flood risk in the village
- Over 30 years of flooding problems in the village with little active support. The support from ESBC has been woeful and a dereliction of duty
- Surface water issues causing flooding due to ancient and inadequate drains that have collapsed and unable to cope with flood water
- Roads in the village regularly impassable and closed
- Unsatisfactory that an adjoining land owner was declined a request to speak at the Planning Committee meeting on 23-02-2021, an adjoining land owner should not be deprived the opportunity to present their case.
- Flooding from the River Dove usually lasts 72 hours but longer if heavy rain continues, which has happened more recently
- The levels of flood water are getting worse year on year and will likely worsen before it improves
- The proposals do not constitute infrastructure to remove contamination and environmental problems, but quite the reverse.
- The application plans are misleading a greater area will need to be excavated to ensure that the compensation areas work
- Severn Trent Water have not been consulted despite the presence of several large diameter pipes and sewers on the site connected to the adjacent sewage pumping station
- Question who has been notified off the application
- Question the independence of the submitted reports if they are commissioned by the applicants
- The report to Planning Committee in February dismissed residents' concerns
- Environment River officer stated that the future development of the site will increase the risk of flooding to neighbouring properties from the river Dove



	<ul style="list-style-type: none"> <li>• The flood compensation areas would be insignificant to the amount required to reduce water in the surrounding area</li> <li>• Adverse impact on hedging and ecology</li> <li>• Trees and woodland can resolve a range of water management issues, so develop the field as an orchard</li> </ul>
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## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- SP1: East Staffordshire Approach to Sustainable Development
- SP8: Development Outside Settlement Boundaries
- SP24: High Quality Design
- SP27: Climate Change, Water Body Management and Flooding
- SP29: Biodiversity and Geodiversity

### Rolleston on Dove Draft Neighbourhood Plan

The Rolleston Neighbourhood Plan was examined in July 2019. Following the examination a decision was made in March 2020 to take the Neighbourhood Plan, as modified, to referendum. The referendum was postponed due to the Covid pandemic and is due to be held in May 2021. Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Given the stage the Neighbourhood Plan has reached it is considered that the policies in the Neighbourhood Plan can be given significant weight in decision making.

Policy OS1: Protection of Views of Local Importance

Policy NE1: Flood Risk

## 8. Principle of Development Relevant Policies

- 8.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 8.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and

economic considerations to be taken into account in all decision making where relevant. The principle relevant in this case is:

- would result in the removal of contamination and other environmental problems associated with the site.

8.3 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance;

8.4 Policy OS1 of the Draft Neighbourhood Plan relates to the protection of views of local importance:

This policy aims to protect and enhance significant local views of important buildings, townscape, and skylines within the built and natural environment of Rolleston on Dove, including the Conservation Area.

The following views and vistas, Figures 18 and 19, have been identified as being locally important:

- the bridge at the Brookhouse SK 23868 27815
- the fields on the north side of Station Road SK 24802 27724

The Design and Access Statement that supports planning applications for developments that may affect these views and vistas, must demonstrate how the proposal would enhance them.

### **Assessment**

8.5 Policy SP1 of the Local Plan requires that development demonstrates the principles of sustainable development. One of these principles includes the removal of contamination and other environmental problems associated with the site. It is considered that the proposed flood mitigations works would remove an environmental problem from the site to make the site more useable throughout the year for the grazing of animals or for possible future development.

8.6 The site sits just outside the settlement boundary of Rolleston on Dove where Policy SP8 of the Local Plan would apply. The proposed flood mitigation works would constitute infrastructure development which are required to improve the site and reduce flood risk, policy SP8 allows for these sorts of works in the countryside. The site is an open field that has significant important views from within the village, it is considered that the proposals would improve the overall appearance of the fields by reducing flood risk in line with policy SP8.

8.7 The principle of the proposed flood mitigation works at the site are therefore considered to be appropriate in this location and would be in compliance with policies SP1 and SP8 of the Local Plan and Policy OS1 of the Draft Neighbourhood Plan.

- 8.8 The applicant has advised that they propose to implement the works as soon as possible after the grant of any planning consent. It should therefore be noted that the works are not dependent on outcome of the current outline planning application P/2019/00131 for residential development of the site.

## **9. Flood Risk and Drainage Relevant Policies**

- 9.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 9.2 Strategic Policy 27 indicates that proposals in flood risk areas will only be permitted where they would not cause unacceptable harm to the following interests:
- (i) The protection and storage capacity of the flood plain, washlands and other areas at risk from flooding;
  - (ii) Access to watercourses for maintenance;
  - (iii) The characteristics of surface water run-off;
  - (iv) The integrity of fluvial defences;
  - (v) The drainage function of the natural watercourse system; or
  - (vi) The necessity for additional public finances for flood defence works.

A Flood Risk Assessment is required in areas at risk of flooding (land in Flood Zones 2 and 3)

- 9.3 Policy NE1 of the Draft Rolleston on Dove Neighbourhood Plan relates to flood risk:

Mitigation of flooding must be an integral part of the design and layout of any new development. All development proposals must include:

- Well designed sustainable urban drainage systems, to complement existing landscapes;
- Permeable surfaces in hard landscaped areas;
- Mitigation of flooding;
- All discharges of surface water must be restricted to green field run off rates; and
- Development to contribute to improvements to the drainage system in the Parish

### **Assessment**

- 9.4 The FRA submitted concludes that:
- The detailed fluvial modelling study indicates that the proposals will not increase flood risk across third party land during any of the modelled flood scenarios.

- The groundwater flood risk across the site is considered low. As a result the impact of the proposals on groundwater flooding is also considered low.
- Flood risk from a breach through the Carsington Water reservoir is considered to be low. As a result, the impact of the proposal on reservoir flooding is also considered to be low.
- The risk of flooding to the site from sewers is therefore considered to be low. As a result, the impact of the proposal on sewer flooding is also considered to be low.
- Surface water flood risk to the southern part of the site is considered to be low and surface water overland flow routes remain disconnected from Station Road during the 30-year and 100-year rainfall events. As a result, the impact of the proposal on surface water flooding is considered to be low.
- Overall, the proposed ground raising and floodplain compensation work at Station Road is expected to have a negligible impact on flood risk from all sources.

- 9.5 The FRA takes into account climate change calculations so that sites are adequately future proofed. The conclusions of the FRA have been validated by the EA through their comments on this application and through the issue of an Environmental Permit for the site in July 2019.
- 9.6 It is recognised that the flooding event of February 2020 is not included in the modelling included in the submitted FRA and that this event happened after the issue of the Environmental Permit.
- 9.7 The EA have confirmed that the hydraulic flood model was the best available information on the fluvial flood risk to the area at the time and remains the best available information today as no subsequent model, which the EA is aware of, has been produced. The model compared the pre and post development flood risk and shows that the site will be safe for its lifetime and does not increase flood risk to third parties. When determining if a model is acceptable the EA must use the best available information at the time. Flood events which occur after a permit is granted cannot be retroactively considered and used to revoke an approval for a model/permit once the decision has been reached. In addition while the flood events may have been significant there isn't clear evidence either way as to whether the flooding seen is consistent with what the modelling predicts and therefore the EA can't state if the flooding contradicts the modelling or actually further corroborates the results of the model.
- 9.8 The EA has further advised that different magnitudes of flood event are given a statistical probability of occurring either in the form of a return period (1 in 100 years) or an Annual Exceedance Probability (1% chance of happening in any given year). While two or more larger (and thus less likely events) occurring in a short period of time seems to indicate that the reality of flooding is worse than predicted it should be noted that models look to predict flood risk over a larger time period ~100 years and often draws on data often far into the past and that the predictions should average out over a developments lifetime (100 years).
- 9.9 The EA and the LLFA have however re-evaluated the proposed scheme through the course of this application and are satisfied that the proposed works will reduce flood risk along Station Road and the properties located to the south

of Station Road and will not increase fluvial flood risk across any adjacent third party land.

- 9.10 The proposed new swale along the western boundary of the site has been introduced at the request of the LLFA during the course of the application. The LLFA consider that the swale would take surface water from Station Road through the site to the brook at the rear of the site and in so doing would ensure no increase in flood risk on Station Road and adjacent third party land. It is recognised that the introduction of the swale will not fully resolve the existing level, capacity and routing issues in the village but it will assist the situation whilst a longer term solution is sought for the village. The LLFA have expressed their thanks to the applicants for their willingness to co-operate in this matter.
- 9.11 Objectors have raised the issue that the swale will need to cross third party land before it discharges into the existing drainage ditch to the north west of the site, which eventually flows into Rolleston Brook, and no consent from the third party land owner has been agreed. The applicants recognise that consent will need to be sought and intend to do this following the grant of any planning consent. It should be noted that the grant of any planning consent does not give the applicant the legal rights to implement, land ownership is a civil matter for the applicant and any third party land owners to resolve prior to any implementation.
- 9.12 The proposed flood mitigation works would assist in dealing with flood risk at the site and surrounding third party land in compliance with policy SP27 of the Local Plan, guidance in the NPPF and policy NE1 of the Draft Neighbourhood Plan.
- 9.13 It is noted that the objectors have raised a number of concerns about the proposals and the history of flooding in the village and particularly within Station Road. It should be noted that whilst the objectors consider the site should remain as a flood plain the site is private land that cannot be taken to act as a drain for third party land. The proposed works would however go some way to assist with alleviating some of the flood risk within the immediate area. Despite the concerns raised by the Parish Council, Civic Trust and local residents the proposed works will not make the existing flood risk situation any worse but will help to alleviate some of the surface water issues in the immediate vicinity of the site. Prior to COVID 19 the applicants and their agent offered to meet with the Parish Council to discuss the proposals in more depth but this offer was not taken up by the Parish Council.
- 9.14 Objectors have also raised concerns about the proximity of the proposed swale to the existing sewer pipe and its easement that runs the length of the site. The surface water sewer pipe and its easement is identified on the submitted plans and the applicant is aware that an agreement with Severn Trent Water will be required prior to the implementation of any works to provide the proposed swale. Any planning consent cannot be implemented without the agreement of Severn Trent Water.

## **10. Impact on the character and appearance of the area**

### **Relevant Policies**

10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.2 Strategic Policy 24 requires that development proposals contribute positively to the area in which they are proposed and:

Reinforce character and identity  
Enhance the landscape

10.3 Strategic Policy 29 requires that development seeks to protect, maintain and enhance biodiversity and geodiversity.

10.4 Policy OS1 of the Draft Neighbourhood Plan relates to the protection of views of local importance:

This policy aims to protect and enhance significant local views of important buildings, townscape, and skylines within the built and natural environment of Rolleston on Dove, including the Conservation Area.

The following views and vistas, Figures 18 and 19, have been identified as being locally important:

- the bridge at the Brookhouse SK 23868 27815
- the fields on the north side of Station Road SK 24802 27724

The Design and Access Statement that supports planning applications for developments that may affect these views and vistas, must demonstrate how the proposal would enhance them

### **Assessment**

10.5 The extent of the works to create the raised plateau would result in a minimal increase in the land levels, ranging from 400mm to 1200mm across the site. The site sits at a lower level than the road and the proposed works will not impact on the adjacent road or the street scene.

10.6 The existing hedgerow to the road frontage of the site and to the eastern boundary will remain in place and a condition is recommended to ensure that they are protected for the duration of the works. Vegetation clearance will be the very bare minimum required to undertake the works and upon completion the areas affected will be top soiled and seeded to reinstate its previous appearance.

10.7 The existing access track through the site that provides access to the riding stables beyond would be reinstated as part of the creation of the raised plateau to ensure that access through the site is maintained.

10.8 Policy OS1 of the Draft Rolleston on Dove Neighbourhood Plan identifies the fields on the northern side of Station Road (of which the site forms part) as

being locally important in terms of views and vistas. Views of the fields from Station Road and from higher points in the village are important and a reminder of the historic origins of the village and the origins of the current characteristics of the village. It is considered that the proposed works will result in minimal changes to the views currently experienced due to the minimal change in levels and the reinstatement of grassland, whilst assisting in the prevention of flood risk to the site and the immediate vicinity within the village. The proposals are therefore considered to be in compliance with policy OS1 of the Draft Neighbourhood Plan.

- 10.9 It is considered that the proposals would have no adverse impact on the character or appearance of the area and minimal impact on biodiversity and ecology of the site given the retention of the existing boundary hedging and as much of the existing vegetation as possible in compliance with policies SP24 and SP29 of the Local Plan. An informative is recommended to remind the applicants of their ecological responsibilities.

## **11. Other Matters**

- 11.1 County Highways have suggested a condition to require details of the site access to be submitted for approval. It is considered that this condition is unnecessary in this case. The existing gated site access would be utilised for the works that are expected to take approx. 8 weeks to complete (dependent on weather). This short term use of the existing access is considered appropriate.

## **12. Conclusions**

- 12.1 The proposals would allow for the implementation of flood mitigation works at the site as previously approved by the EA under an Environmental Bespoke Permit EPR/NB3457UZ issued in July 2019. The extent of the works constitutes engineering works that requires full planning consent in addition to the EA permit.
- 12.2 The principle of the development in this out of settlement boundary location are considered to be in line within policies SP1 and SP8 of the local plan in the provision of infrastructure development to remove environmental problems in the immediate vicinity.
- 12.3 The proposed flood mitigation works would assist in dealing with flood risk at the site and surrounding third party land in compliance with policy SP27 of the Local Plan, guidance in the NPPF and policy NE1 of the Draft Neighbourhood Plan.
- 12.4 The proposals would make only minimal changes to the levels of the site and it is considered that the works would have no adverse impact on the character or appearance of the area and minimal impact on biodiversity and ecology of the site given the retention of the existing boundary hedging and as much of the existing vegetation as possible in compliance with policies SP24 and SP29 of the Local Plan.

## **13. RECOMMENDATION**

- 13.1 Grant permission subject to the following conditions

**1. Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Location Plan Drawing 1380/12 dated as received on 20-03-2020  
Site and Watercourse Location Plan Drawing 5209/03 Rev A dated as received on 07-04-2021  
Raised Plateau Levels Drawing 5209-01 dated as received on 14-04-2020  
Raised Plateau and Swale Levels Plan Drawing 5209/02 Rev G dated as received on 07-04-2021  
Construction Management Plan Drawing 501\_CMP dated as received on 20-03-2020  
Planning Statement by CT Planning dated as received on 20-03-2020  
Floodplain Management System 5209 by RJK projects Ltd dated as received on 20-03-2020  
Ecological Appraisal by ecolocation dated as received on 20-03-2020  
Land Raising at Station Road Rolleston – Flood Risk Impact Assessment by JBA Consulting dated May 2019 dated as received on 20-03-2020  
Technical Note by JBA Consulting dated as received on 14-07-2020  
Environmental Risk Assessment dated as received on 20-03-2020

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP8, SP24, SP27 and SP29, the Rolleston on Dove draft Neighbourhood Plan policies OS1 and NE1, the East Staffordshire Design Guide, and the National Planning Policy Framework.

**3. Details of landscaping (Bespoke)**

No development shall take place until a scheme of landscaping and measures for the protection of trees and hedges to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to reinstate and protect the natural environment of the site is provided in accordance with East Staffordshire Local Plan Policies SP1, SP8 and SP24, the Rolleston on Dove draft Neighbourhood Plan policy OS1, the East Staffordshire Design Guide and the National Planning Policy Framework.

**4. Implementation of Flood Mitigation works (Bespoke)**



The development shall be carried out in accordance with the Flood Risk Assessment approved under condition 2 (Land raising at Station Road, Rolleston - Flood Risk Impact Assessment Final Report, Revision V2.0, Dated May 2019) and the Floodplain compensation shall be carried out in accordance with Appendix C of the Flood Risk Impact Assessment.

These mitigation measures shall be fully implemented prior to occupation of the land and subsequently in accordance with the scheme's timing/phasing arrangements.

These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In order to define the permission and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with East Staffordshire Local Plan Policies SP1 and SP27 and the National Planning Policy Framework.

### **5. Future Maintenance**

Within 6 months of the completion of the works hereby approved a scheme for the future maintenance (including timescales and frequency) of the flood mitigations works and swale shall be submitted to and approved in writing by the Local Planning Authority.

The maintenance of the works shall be implemented in accordance with the approved scheme for the lifetime of the development.

Reason: In order to ensure that the flood mitigation works are adequately maintained to ensure their effectiveness in the future in accordance with East Staffordshire Local Plan Policies SP1 and SP27 and the National Planning Policy Framework.

## **Informatives**

### **1. Engagement**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

### **2. Pre-commencement Conditions**

The conditions identified below require details to be approved before commencement of the development/works.

Condition No(s) 3.

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request (or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house). The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606.

Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

### **3. Ecological Responsibilities**

The applicant/ developer is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

### **4. Severn Trent Water Responsibilities**

The applicant/ developer is advised that the appropriate consents for the alignment of the swale as detailed on drawing no 5209/02 Rev G should be obtained from Severn Trent Water prior to any development taking place. If the consents require alterations to the scheme as approved, then a revised planning application may be required. In the event of alterations being necessary the applicant should contact the Local Planning Authority for further advice at the earliest opportunity.

### **5. Third Party Land Responsibilities**

The applicant/ developer is advised that this planning consent does not override civil responsibilities in terms of the discharge of the swale onto adjoining third party land. All necessary permissions from adjacent land owners should be obtained prior to the development taking place.

## **14. Background papers**

14.1 The following papers were used in the preparation of this report:

- Local and National policies outlined in section 7

## **15. Human Rights Act 1998**

15.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **16. Crime and Disorder Implications**

- 16.1 It is considered that the proposal does not raise any crime and disorder implications.

## **17. Equalities Act 2010**

- 17.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Barbara Toy  
Telephone Number: 01283 508729  
Email: [dcsupport@eaststaffsbc.gov.uk](mailto:dcsupport@eaststaffsbc.gov.uk)