
REPORT TO:	Development Control Committee	AGENDA ITEM: 5.
DATE OF MEETING:	8 August 2006	CATEGORY: DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN
MEMBERS' CONTACT POINT:	Tony Sylvester	DOC:
SUBJECT:	The discharge of conditions 4 of outline planning permission 9/1990/0515 (surface water drainage)	9/1990/0515
WARD(S) AFFECTED:	Gresley	TERMS OF REFERENCE: DC01

1.0 Recommendations

- 1.1 That the Development Control Committee approves the details as submitted in respect of the discharge of conditions 4 of outline permission 9/1990/0515 and authorises the Head of Planning Services to negotiate a suitable package of improvements (along the lines of those set out below) and a commuted maintenance sum to secure the area in the future as a local resource.

2.0 Detail

- 2.1 Planning permission for the residential development of the site (a major allocation in the Adopted Local Plan) was granted in April 2000 subject to a Section 106 agreement.
- 2.2 Condition 4 states that: *"No dwelling on the site shall be occupied until improvements to the surface water drainage of that part of the site has been undertaken in accordance with a scheme which shall have been agreed to the satisfaction of the Local Planning Authority in consultation with the Environment Agency."* Conditions 26 and 27 also require the submission of details of surface water with respect to highways and the impact of drainage on the wildlife sites respectively.
- 2.3 A plan of the site is attached at Annexe 'A'.
- 2.4 Soon after, a drainage scheme for the site was proposed which would involve the use of a former tip/new woodland plantation (1973) on the southern side of the site which was already draining the undeveloped land by use of a pond acting as a surface water storage facility prior to discharge to the nearest watercourse across the other side of the A444 and the railway line via a culvert of limited diameter. The former tip site is included on the Derbyshire Wildlife Sites Register.

- 2.5 In March 2002, approval of the reserved matters for phase 1 (185 dwellings) was granted and a drainage scheme to accommodate the surface water for that proportion of the development only approved. This was implemented and the phase is nearing completion. However, at the time that the drainage scheme works were being carried out (in 2003), some members of the public expressed their concern at the number of trees that were being felled.
- 2.6 The first phase drainage works were followed by the submission of details for the drainage of the remainder of the site (approximately 1000 more dwellings). The scheme showed much of the remaining woodland on the southern site of the site flooded to make way for a large balancing lagoon. This would have involved the felling of many trees. Although supported by the Environment Agency at the time, these details were rejected on the grounds that the damage to the woodland would be too severe.
- 2.7 Since 2003, numerous meetings have taken place and a number of options discussed. They have culminated in the current submission. Engineers and environmental consultants commissioned by the developer have now devised a scheme that incorporates many different methods to solve the problem of draining the site. Detailed reports from each consultant show how a combination of soakaways, partial flooding of Hall Wood (wildlife site) and the remodelling/regrading of the existing lagoon built for phase 1, would enable the site to be drained without the need to fell excessive areas of woodland on the southern side of the site. In addition, the developers have volunteered to fund the management of the woodlands, make them publicly accessible via many enhancements creating paths, picnic areas, waymarkers, interpretation signs, and wildlife boxes. A commuted sum would be payable to the District Council to enable on-going maintenance of the woodland as a local facility and the surface water balancing area.
- 2.8 The scheme has also been examined by the relevant bodies that advise the Local planning Authority on such matters. The Environment Agency has endorsed the scheme expressing their satisfaction from the point of view of sustainable drainage and in particular the design of the balancing pond. It favours the setting up of a working party to involve local people and school children to follow the progression of the works to lead to a much improved amenity area. The Derbyshire Wildlife Trust also endorses the scheme making the following comments:
- *"The Trust considers that the proposals, in the long-term are likely to greatly improve the nature conservation interest of the Castle Gresley Wetland Wildlife Site.*
 - *There is however a need to ensure that the finer details of the proposed works are discussed further but this is best achieved by ongoing discussions as work proceeds.*
 - *The proposed drainage into the wet woodland area of Hall Wood may help to assist with the continuation of this area of habitat but will require strict long-term monitoring to ensure that the current hydrology of the main area of Hall Wood is not altered.*
 - *Long-term consideration should be given to forming a designated Local Nature Reserve which incorporates Hall Wood, Castle Gresley Wetland and the area of public open space between the two Wildlife Site."*
- 2.9 The Council's consultant landscape architect considers that the proposals would enhance the area both ecologically and in landscape improvement. The work to the wood would also upgrade the site. He considers that although initially there would be disturbance visually and for the local wildlife, in the future this site would be a real asset for local people who informally use the area and making it a local feature.

3.0 Financial Implications

- 3.1 Should the Committee be minded to approve the scheme, the Council may be subject to certain costs for the drawing up of the necessary agreements etc.

4.0 Community Implications

- 4.1 It is envisaged that a working group be set up to coordinate the involvement of local people and school children.

5.0 Conclusions

- 5.1 The issue of surface water drainage for this important housing site currently remains unresolved following many meeting and negotiations with the developers to reach a satisfactory solution.
- 5.2 A scheme is now before the Council which has the backing of all major consultees and that would appear to offer local people an important local facility for the future supported by finance from the developer that would also enable the rest of the residential development scheme to progress.

6.0 Background Papers

- 6.1 Working planning application case files; supporting documentation from consultants employed by David Wilson Homes; responses/comments from consultees.

