



## Report of the Chief Planning Officer

### *PLANS PANEL NORTH/EAST*

Date: 01/11/2012

Subject: APPLICATION 09/04018/FU – Engineering works to form flood storage area at Land off First Avenue, Bardsey.

APPLICANT	DATE VALID	TARGET DATE
Mahdlo Contractors Limited	09/10/2009	04/12/2009

#### Electoral Wards Affected:

Harewood

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement to cover the following matters:**

- The housing development approved under ref. 31/200/00/RM will not be continued until the proposed flood storage area approved under application ref. 09/04018/FU has been completed and authorised as such in writing by the Local Planning Authority;
- The applicant or successors in title of the proposed site or any part of the land shall retain and maintain the flood storage area provided under application ref. 09/04018/FU for the life of the residential development;
- The applicant or successor in title of the land or any part of the land under application ref. 09/04018/FU to enforce the requirement of the written agreements from Mr C. N. and Mrs S. Lupton, and Mr E. Gilchrist, both dated 26.04.2012, to provide the floodwater capacity for the approved developments refs. 31/200/00/RM and 09/04018/FU.

**In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Approved plans and flood risk information
2. Time limit on full permission
3. Limitations relating to the future use of the site
4. Removal of permitted development rights
5. Removal of existing man-made structures
6. Limitations relating to the times for construction works (0800–1600 Mon–Fri; 0900 – 1300 Sat)
7. Limitations relating to the days for construction works (No works on Sundays, Bank or Public Holidays)
8. Bund specification and timescale for construction to be submitted for approval
9. Landscaping scheme required
10. Prevention of mud on the public highway
11. Temporary stockpiles no higher than 2 metres
12. Protection of existing sewer

**Reason for Approval** - In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR), as well as the emerging Core Strategy Draft 2012. The proposed scheme is considered to represent sustainable development and meets accessibility criteria without harming infrastructure. The proposal will not be detrimental to the Green Belt and living conditions of occupiers of nearby property. The proposal is therefore compliant with policies GP5, N32, N33, N37, N38A, N38B of the UDP; policies Water 3, 4 and 6 of the NRWDPD; and, paragraphs 90 and 100-103 of the NPPF. On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION:**

- 1.1 This application is returned to Panel for determination now that the Environment Agency and Council officers are satisfied that the development is feasible.

## **2.0 PROPOSAL:**

- 2.1 The background to this proposal is discussed in detail in Section 5 of this report.
- 2.2 The proposed development comprises of a compensatory flood storage area, relating to an approved residential development, which is located in the functional Floodplain (Zone 3b). As discussed in Section 5 of this report, the approved residential development involves raising land levels at the residential site.
- 2.3 The proposed flood storage area is purely intended to compensate for the increase in land levels at the residential site, and the consequential loss of flood storage capacity in the Floodplain. The proposal site area comprises 1.163 hectares of land adjacent to the residential properties on First Avenue, Meadow Close and Paddock View. The proposed site would be engineered to have slightly lower levels than currently exist and the excavated material would be used to raise the land levels at the approved residential development, with an anticipated surplus of 70m<sup>3</sup>. The

proposal, therefore, consists entirely of 'cut and fill' operations. On average, land levels within the proposed flood storage area would be reduced by approximately 17cm (6.5 inches), whilst the average increase in land levels across the approved residential development site would be approximately 50cm (19.5 inches).

- 2.4 The surplus 70m<sup>3</sup> of material from the flood compensatory proposals would be used to create a low-level bund of up to 1.5m in height to be located within the proposed site and result in a net cut and fill solution. The proposed bund would be engineered, formed and graded to the rear of the residential properties on Meadow Close and to the side boundary of No. 2 Paddock View. Most of the properties on Meadow Close are located within Flood Zone 3a(ii) but some properties, including those on Paddock View, are located in 3a(i) and 3b. The proposed bund would remove the likelihood of flooding of these properties from Keswick Beck in the future for a 1 in 100 year storm plus climate change. To allow any waters trapped behind the bund to escape, pipes would be located through the construction with flap valves on the Beck side to allow waters to dissipate without causing flooding of properties on Meadow Close and Paddock View.
- 2.5 The developer acknowledged that the formation of a low-lying bund could have the potential to displace any floodwaters onto the adjacent agricultural land downstream. The Environment Agency confirmed that it was unable to accept any displacement of any floodwaters unless the affected landowners confirmed that they had no issues. The applicant has now secured agreements with the owners of the affected land to the northwest of the Keswick Beck and the owner of the affected land to the north east of the Keswick Beck regarding the potential for nominal increases in flood levels on their land. The Environment Agency are now in agreement with the proposal.
- 2.6 The proposed surface water drainage on the site also includes an overflow pipe system from an existing manhole in First Avenue to alleviate the problem of capacity in the surface water sewer and reduce the possibility of flooding on First Avenue which flows past houses on Paddock View and Meadow Close towards Keswick Beck at the present time.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises of open agricultural land used for the grazing of livestock, and is located to the northwest of First Avenue, Bardsey. The site is located beyond the north western and south western boundaries of the approved residential development, and extends to Keswick Beck in the west.
- 3.2 According to the Strategic Flood Risk Assessment for Leeds, most of the site is located in the functional Floodplain (Flood Zone 3b, with smaller portions towards the southwest being located in Flood Zones 1, 2 and 3a(ii) and 3a(ii)). The site is also located in the Green Belt and is designated as a Special Landscape Area.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Outline planning permission ref. 31/154/96/OT was granted for a residential development in July 1997, with reserved matters approval ref. 31/200/00/RM eventually being granted on appeal in 2006. A further planning application (ref. 06/07400/FU) was received in 2006 for the creation of a compensatory flood storage area in an attempt to comply with the requirements of the Section 106 Agreement for permission ref. 31/200/00/RM. This flood storage proposal was considered to be insufficient and a further application for an additional flood storage area was received in 2009 to complement that submitted in 2006. In order to simplify the

process, the applicants agreed to withdraw these two flood storage applications and re-submit them as one, hence the application under consideration.

#### 4.2 31/154/96/OT

Outline application to erect residential development – Approved 25<sup>th</sup> July, 1997.

#### 31/200/00/RM

Four 5 bedroom detached houses and two 4 bedroom detached houses – Refused 26<sup>th</sup> April, 2002 for the following reasons:

- “1. In the light of recent climatic changes which have brought about severe flooding of the application site and nearby residential property, and in the absence of any satisfactory solution to the problem, it is considered that the amenity of future occupants of the site would be adversely affected by flooding during periods of heavy rainfall and that the development would be likely to exacerbate the flooding of nearby residential property, to the detriment of the amenity of those occupants, contrary to the advice in Planning Policy Guidance Note 25.
2. It is furthermore considered that the discharge of surface water from the development into Keswick Beck would be likely to exacerbate flooding of the application site and nearby property during periods of heavy rainfall, to the detriment of the amenity of the occupants, and contrary to Leeds Unitary Development Plan Policy GP5 and the advice in Planning Policy Guidance Note 25.”

Decision overturned on appeal 19<sup>th</sup> July 2006 (Reference: APP/N4720/A/02/1100885.)

06/07400/FU - Application for flood compensation scheme for proposed residential development – Withdrawn.

09/02311/FU - Application for flood compensation scheme including new raised levels (extension to Flood Area application no. 06/07400/FU) - Withdrawn.

## 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Reserved matters approval for the related residential development was granted on appeal in July 2006. For the avoidance of doubt, the Planning Inspector was unable to consider issues relating to the principle of development, including its acceptability in flood risk terms, as these were matters to be dealt with during the outline application stage, which was approved by the Council in 1997. At that time, only a very small part of the approved residential development site was designated as being in the Floodplain. However, by the time the Council considered the reserved matters application, the bulk of the site had been designated as Floodplain 3b.
- 5.2 As the bulk of the approved residential development is located in the Floodplain, it was considered possible, within the scope of a reserved matters determination, for the Planning Inspector to impose a condition stipulating minimum floor levels relating to the ground level of the site and the floor levels of the approved dwellings. The minimum ground level stipulated (35.7m AOD) is equivalent to the maximum water level anticipated in a 1 in 100 year flood event and has meant that the residential site would have to be raised above its original level.

- 5.3 A consequence of this would be that flood storage capacity within the Floodplain would be diminished. To compensate for this, the applicants proposed to undertake off-site engineering works to lower land levels around the site, creating additional flood storage to compensate for the aforementioned loss.
- 5.4 To this end, the applicants entered into a Section 106 Agreement during the course of the appeal for 31/200/00/RM, the provisions of which accompany the planning permission for residential development. The Section 106 Agreement stated that the applicants would make provision for the creation of a compensatory flood storage area, prior to the residential development being constructed. As the required flood storage scheme itself constitutes development, planning permission is required for it, hence the planning application under consideration.
- 5.5 The proposed flood storage area is purely intended to compensate for the increase in land levels at the residential site, and the consequential loss of flood storage capacity in the Floodplain. The proposal comprises of an area of land adjacent to the residential development site being engineered to have lower levels than it currently has. The excavated materials would be used to raise the land levels at the residential development site, with an anticipated surplus of 70m<sup>3</sup> to be used to form a low-lying flood bund. On average, land levels within the proposed flood storage area would be reduced by approximately 17cm (6.5 inches), whilst the average increase in land levels across the smaller residential site would be approximately 50cm (19.5 inches).
- 5.6 This planning application is accompanied by a Section 106 Agreement, which stipulates that the proposed development, if approved, will be completed prior to the housing development under ref. 31/200/00/RM being progressed. The proposed legal agreement would also require the flood storage area to be retained for the life of the residential development and would incorporate agreements made with downstream landowners regarding the nominal increase in flood levels.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The Neighbour Notification Letters were posted on 12/10/09 and the application was advertised by site notices posted on 20/10/09, and by advertisements placed in the local press on 30/10/09. Additional Neighbour Notification Letters were issued on 04/12/09 relating to amended plans and information submitted by the applicants. The publicity period ultimately expired on 14/12/2009.
- 6.2 A batch of 107 objections was received from neighbouring occupiers in November 2009, followed by a further 106 objections in December 2009 following the receipt of revised information from the applicants. A further 8 objection letters have been received individually. A summary of the objections raised is as follows:
- 1) There are concerns regarding future maintenance arrangements relating to the flood storage area;
  - 2) The engineering works associated with the flood storage area would undermine a sewer that crosses the site, resulting in pollution;
  - 3) The minimum level of the housing site should be higher, and the capacity of the flood storage area would therefore need to be larger;
  - 4) The proposed surface water sewer relating to the housing development would collide with an existing sewer and is therefore impossible to construct;

- 5) The approved housing development would prevent flood water arising from various sources escaping into the land occupied by the housing site;
- 6) If the housing development proceeds, it will exacerbate flooding to existing properties;
- 7) The drainage works proposed as part of the housing development are insufficient to accommodate flooding in the area;
- 8) The residential development site has not been raised sufficiently to prevent the proposed houses and surrounding gardens and access road from flooding;
- 9) The housing site floods on a regular basis and this is likely to worsen over time with climate change. Houses should not be built in the Floodplain;
- 10) It is also stated that if planning permission is granted, the residents will have to consider injunctive relief.

6.3 An additional objection was submitted by agents acting on behalf of local residents. A summary of the points raised is as follows:

- 1) If implemented the proposed development would be detrimental to existing residents, and to residents of the approved housing development. The proposed development would exacerbate existing flooding problems;
- 2) The drainage arrangements relating to the housing site are insufficient to cope with flooding events arising from Keswick Beck and the fields above Wetherby Road;
- 3) Flood water arising from the fields above Wetherby Road will be unable to escape into the Floodplain from First Avenue as the raised levels of the residential development will result in an obstruction;
- 4) The ground and floor levels proposed for the residential site are insufficient. They need to be raised, and in doing so the proposed flood storage area would need to have greater capacity.

6.4 In 2010 an objection was received from the ward member for Harewood, Councillor Ann Castle, stating that if the residential development were proposed today, it would be refused on flood risk grounds as it is contrary to the guidance contained in PPS25. Although the proposal under consideration is for a flood storage area, this should be refused to prevent the residential development commencing.

6.5 In 2010 an objection was also received from the former MP for the constituency of Elmet, Colin Burgon, stating that the proposal would protect a prospective development on the floodplain, only in the short term with no account for future climate change and moreover, with disregard for the current houses on First Avenue and Paddock View and the increased flooding risk that the development would present to them.

6.6 The recent revisions to the proposal were re-advertised to the public in August 2012 and the necessary consultee bodies re-consulted. No further representation from the public has been received. However, a local resident who has acted as the main

point of contact for the occupiers of nearby properties has been in contact with officers to raise the following issues:

- 1) The drainage scheme crossing the existing main sewer in the field is close to property at No. 2 Paddock View;
- 2) The proposed bund might stop floodwaters escaping the gardens of residential properties on Meadow Close;
- 3) The increased potential of flooding at property at No. 6 Meadow Close.

Appendix 1 to this report consolidates the developer's response to the issues raised by the resident.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

Environment Agency dated 24/08/2012 – No objections; condition recommended relating to approved plans and information.

### **7.2 Non-statutory:**

Yorkshire Water Services dated 11/09/2012 – No objection in principle to the proposed sewer overflow relief. A proposal by the applicant to alter/divert a public sewer will be subject to Yorkshire Water requirements and Section 185 Water Industry Act 1991. The proposed site drainage details have not been approved for the purposes of adoption or diversion as this would also be dealt with separately under Sections 104 and 185 of the Water Industry Act 1991.

Mains Drainage dated 07/09/2012 – No objections; condition recommended relating to approved plans and information.

Bardsey Parish Council dated 02/11/2009 – No objections.

## **8.0 PLANNING POLICIES:**

### **8.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for Leeds comprises the Leeds Unitary Development Plan (Review 2006) (UDP), the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) and any material guidance contained in the emerging Local Development Framework (LDF).

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only very limited weight can be afforded to any relevant policies at this point in time.

### **8.3 Leeds Unitary Development Plan (Review) 2006:**

Policy GP5 – (Amenity and environmental considerations)  
Policy N32 – (Green Belt and the Proposal Map)  
Policy N33 – (Development in the Green Belt)  
Policy N37 – (Special Landscape Areas)  
Policy N38A – (Development and Flood Risk)  
Policy N38B – (Planning Applications and Flood Risk Assessments)

#### 8.4 The Natural Resources and Waste Development Plan Document 2010 (NRWDPD):

Policy Water 3 – (functional floodplain in the Leeds SFRA)  
Policy Water 4 – (development in flood risk areas)  
Policy Water 6 – (flood risk assessments)

#### 8.5 National planning policy guidance documents:

National Planning Policy Framework 2012 (NPPF) – paragraphs 90 and 100-103  
Technical Guidance to the National Planning Policy Framework 2012 (TGNPPF)

### 9.0 **MAIN ISSUES**

1. Principle of Development
2. Visual Impact
3. Amenity
4. Flood Risk
5. Legal Agreement
6. Conclusion

### 10.0 **APPRAISAL**

#### Principle of Development

- 10.1 The proposed development falls to be considered as a engineering operation comprising entirely of a reduction in ground levels over the proposed site and the construction of a small bund.
- 10.2 Para. 90 of the NPPF states that engineering operations are not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land in Green Belt.
- 10.3 It is considered that the nature of the proposed operations, including their scale, design and materials, would not have a significant adverse impact on the openness of the Green Belt, or conflict with the purposes of including land in the Green Belt. The key objective of retaining openness would be met, given that the open character of the land would be maintained and the proposed bund would be low-lying to tie in with surrounding ground levels. It is therefore considered that the proposed engineering operations would not constitute inappropriate development in the Green Belt.
- 10.4 The proposal is therefore considered to be acceptable in principle.

#### Visual Impact

- 10.5 Policy GP5 of the Leeds UDP states that development proposals should avoid “problems of environmental intrusion”. Policy N37 of the UDP states that proposed



development in special landscape areas will be acceptable providing it does not seriously harm the character and appearance of the landscape.

- 10.6 The proposal would result in the levels of an area of open grassland being reduced, on average, by approximately 17cm. It is recommended that, should planning permission be granted, a condition be imposed requiring the submission of details to ensure that the site and bund is grassed over following the proposed engineering works. Subject to the aforementioned condition, it is considered that the impact of the proposal on the character and appearance of the landscape would be negligible, and that it is therefore in accordance with Policies GP5 and N37 of the UDPR and the guidance contained in the NPPF.

#### Amenity

- 10.7 Policy GP5 of the Leeds UDPR states that development proposals should avoid a loss of amenity.
- 10.8 It is recommended that conditions be imposed, in the interests of the living conditions of occupants of nearby property, to ensure there are time restrictions imposed on construction works. The proposal will also be required to adhere to a mud prevention scheme, to be agreed in the interests of highways safety. The temporary stocking of materials on the site shall be no more than 2m in height from original ground levels. Subject to the aforementioned conditions it is considered that the proposal would not result in any significant adverse impacts on local amenity, and that it is in accordance with Policy GP5 of the UDPR.

#### Flood Risk and Drainage

- 10.9 The Strategic Flood Risk Assessment for Leeds shows that most of the proposed site is located in the functional Floodplain (Flood Zone 3b), with smaller portions towards the southwest being located in Flood Zones 1, 2 and 3a(i). The functional Floodplain performs a practical function during flood events by providing a temporary storage area to accommodate rising water levels.
- 10.10 It is therefore important to make space for flood water and this is the sole objective of the current planning application. The proposed engineering operations would form a flood storage area that would have the capacity to compensate for the net-loss in floodwater storage arising from an approved residential development. The proposal also includes a small bund to further protect the properties located within Flood Zone 3a(ii) on Meadow Close and Flood Zones 3a(i) and 3b on Paddock View and First Avenue. This bund will significantly reduce the prospect of flooding in the future. Furthermore, a surface water overflow pipe from an existing manhole in First Avenue will increase the capacity of the adopted surface water system and reduce the effect of any flooding from First Avenue in the future.
- 10.11 The Environment Agency, the Council's Drainage Section and Yorkshire Water have been consulted on the proposal numerous times and are satisfied that the floodwater calculations and plans provided by the applicant prove the scheme workable and deliverable.
- 10.12 Furthermore, the proposed development is considered to constitute a water compatible use, and given that it is required in relation to an approved residential development, it is considered to pass the required Sequential Test.

- 10.13 As such, the proposed development accords with the aspirations of saved policy N38A of the UDP and the emerging policies Water 3, 4 and 6 of the NRWDPD. It also meets the aims and objectives set in paras. 100 – 103 of the NPPF and pgs. 2-13 of the TGNPPF.
- 10.14 Prior to the revised scheme being submitted, 221 objection letters had been received from neighbouring occupiers in addition to a report submitted by an agent on behalf of residents. The objections concern issues of flood risk and drainage, however, most objections, including one from Councillor Ann Castle, relate to the approved residential development, which has already been approved on appeal.
- 10.15 This current application should be considered on its own merits and determined as such, in accordance with the Development Plan and all other material planning considerations. Objections relating to the approved residential development cannot, therefore, be afforded any weight.
- 10.16 The objections raised in relation to the proposed flood storage area are that the ground lowering works associated with it could undermine a sewer that crosses the site resulting in pollution; that maintenance arrangements may be insufficient; and that the capacity of the proposed flood storage area should be greater.
- 10.17 The Flood Risk Assessment and associated plans and information relating to the drainage arrangements and flood risk have been considered by the Environment Agency, the Council's Mains Drainage officers and Yorkshire Water. These competent authorities raise no objection to the proposals. Separate prior consents would be required from Yorkshire Water should the applicant wish to alter/divert the existing sewer which crosses the site. Each authority has recommended a condition requiring compliance with the approved plans and information, which would be imposed should planning permission be granted. The capacity of the flood storage area and any maintenance arrangements relating to it are therefore considered to be adequate.
- 10.18 In relation to the sewer that crosses the site, the applicants propose the installation of a concrete layer above the sewer, intended to protect it from any potential damage arising from the development proposed. Yorkshire Water Services have been consulted about this and are satisfied with the proposals.

#### Legal Agreement

- 10.19 The applicants have entered into a Section 106 Agreement, which states that the associated residential development will not be progressed until the proposed flood storage area has been completed. It will also require the applicant to retain the flood storage area for the life of the residential development and ensure that the applicant enforces the requirements with the landowners.
- 10.20 In addition to the provisions of the Section 106 Agreement, it is recommended that conditions be imposed removing any relevant permitted development rights and to ensure that the site, in addition to being used as a flood storage area, only be employed for the grazing of livestock, with no storage of equipment or materials to take place. A condition is also recommended requiring the removal of any existing structures at the site for the life of the development.

## **11.0 CONCLUSION**

- 11.1 The applicant has demonstrated that they have taken all reasonable steps to compensate for the loss in floodwater storage created by the approved residential development, as well as providing a betterment to the existing flooding situation.
- 11.2 In respect of the objections made by members of the public and the former MP, the current proposals would protect the approved residential development on the floodplain for the long term, taking account of future climate change and moreover, having regard to the protection of the current properties on Meadow Close, Paddock View and First Avenue and the living conditions of its residents. These steps are, however, unlikely to eradicate the existing level of potential flooding in the area altogether. The Environment Agency, Mains Drainage officers and Yorkshire Water now have no objection to this proposal.
- 11.3 With all matters being assessed, on balance, the proposed development is considered to be acceptable having had regard to policies GP5, N32, N33, N37, N38A and N38B of the UDP; policies Water 3, 4 and 6 of the NRWDPD, and, all other material considerations including the NPPF and the TGNPPF.
- 11.4 Furthermore, as the competent and regulatory authorities have provided their formal agreement to the scheme there is now no material planning reason to withhold issuing a planning consent. As such, it is recommended that planning permission be granted, subject to conditions and a Section 106 Agreement.

### **Background Papers:**

Application file: 09/04018/FU

Officer reports on 09/04018/FU to Plans Panel East Committee dated 11/02/2010 and 11/03/2010.

Certificate of Ownership: Mr M. Oldham.



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Selectapost 6  
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LEEDS LS2 8HB

**BY E-MAIL**

Our Ref: 566/01/ARPMjs

17th October 2012

-- Dear Louise

Mahdlo Contractors Ltd  
First Avenue, Bardsey, Leeds

Thank you for your e-mail of the 16th October 2012, highlighting the concerns of the residents regarding the bund proposal to offset flooding problems. We can fully understand the concerns of the residents, who need to be assured that the proposal is to their benefit and we would comment, as follows:-

1. When the proposed Flood Compensation Application was last submitted to the Planning Panel, this was deferred pending further investigation to improve the flooding situation of dwellings adjacent to the proposed development.
2. We did originally propose to introduce a bund along the back gardens of the properties which fall within the Environment Agency flood plain, but the Environment Agency refused to allow this on grounds that downstream areas would become affected.
3. However, following negotiations with the Consultant employed by the residents, we reintroduced the bund system and negotiated with downstream landowners regarding the nominal increase in depth of flood which would occur on their land, as a result of removing the properties from the flood plain. After extensive negotiation, agreements have been reached with the landowners downstream, and the Environment Agency are now in a position to accept the bund to protect the properties on Meadow Close/First Avenue.
4. We are aware of flood water which flows from First Avenue towards Keswick Beck passing through properties on Meadow Close and this has been discussed with the residents in the past. It is proposed, therefore, to introduce an additional "cut off" drain in the manhole at the top of Paddock View to divert water through our Client's site direct to Keswick Beck in an attempt to reduce the amount of flow of water which will pass from First Avenue through the dwellings during times of flood. Furthermore, pipes with flap valves on the Beck side will be located through the bund to allow water to pass through to



the lower area under hydrostatic head if any flood water still flows from the south and east, as opposed to flooding from Keswick Beck to the west.

5. In respect of house no. 6, we believe that the property is susceptible to flooding in the event of a 1 in 100 year storm plus climate change which will increase flood levels in the future. Therefore, whilst we would accept that no. 6 has probably never flooded, this cannot be guaranteed in the future without the introduction of the bund.
6. In respect of the detailed design of the bund, we would accept a Planning Condition that the details of the design showing the proposal to protect the buildings from flooding from Keswick Beck in accordance with Environment Agency criteria and to allow water to pass through from First Avenue to the field and eventually the Beck, can be submitted to the Planning Authority for approval prior to construction on site.

We trust that the above information is satisfactory for planning requirements and the consultation with the residents, but if you require any further clarification, please do not hesitate to contact us.

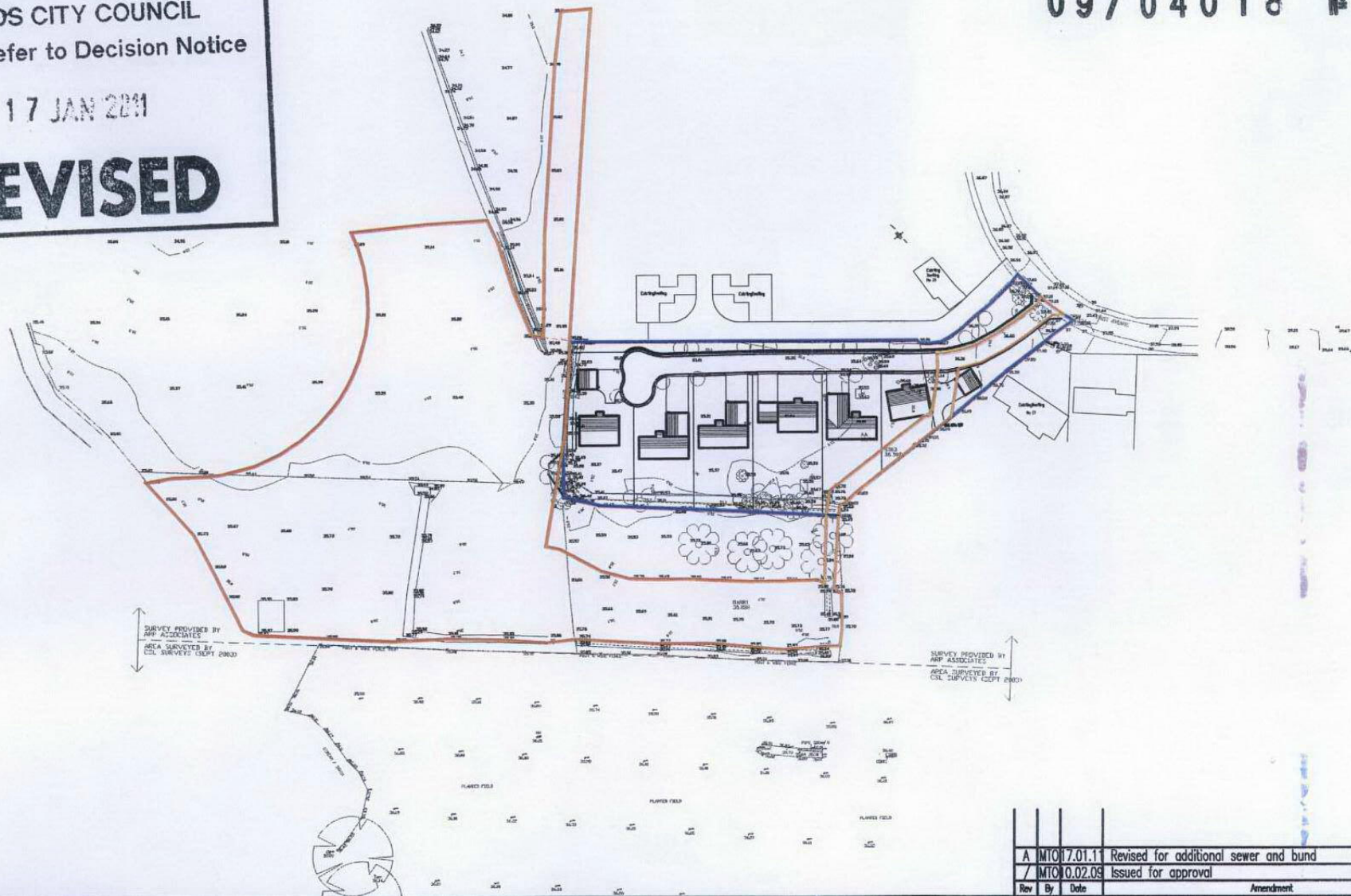
Yours sincerely

A R Poyser

Copy to: M Oldham, Mahdlo Contractors

LEEDS CITY COUNCIL  
 Please refer to Decision Notice  
 17 JAN 2011  
**REVISED**

09/04018 N



SURVEY PROVIDED BY  
 ARP ASSOCIATES  
 AREA SURVEYED BY  
 CIL SURVEYS (COPY 2903)

SURVEY PROVIDED BY  
 ARP ASSOCIATES  
 AREA SURVEYED BY  
 CIL SURVEYS (COPY 2903)

Rev	By	Date	Amendment	Chk
A	MTD	7.01.11	Revised for additional sewer and bund	ARP
		0.02.09	Issued for approval	

Project  
**FIRST AVENUE, BARDSEY**

Client  
**MAHDLO CONTRACTORS LTD**

Title  
**RED LINE PLANNING BOUNDARY**

  
**ARP ASSOCIATES**  
 CHARTERED CONSULTING ENGINEERS

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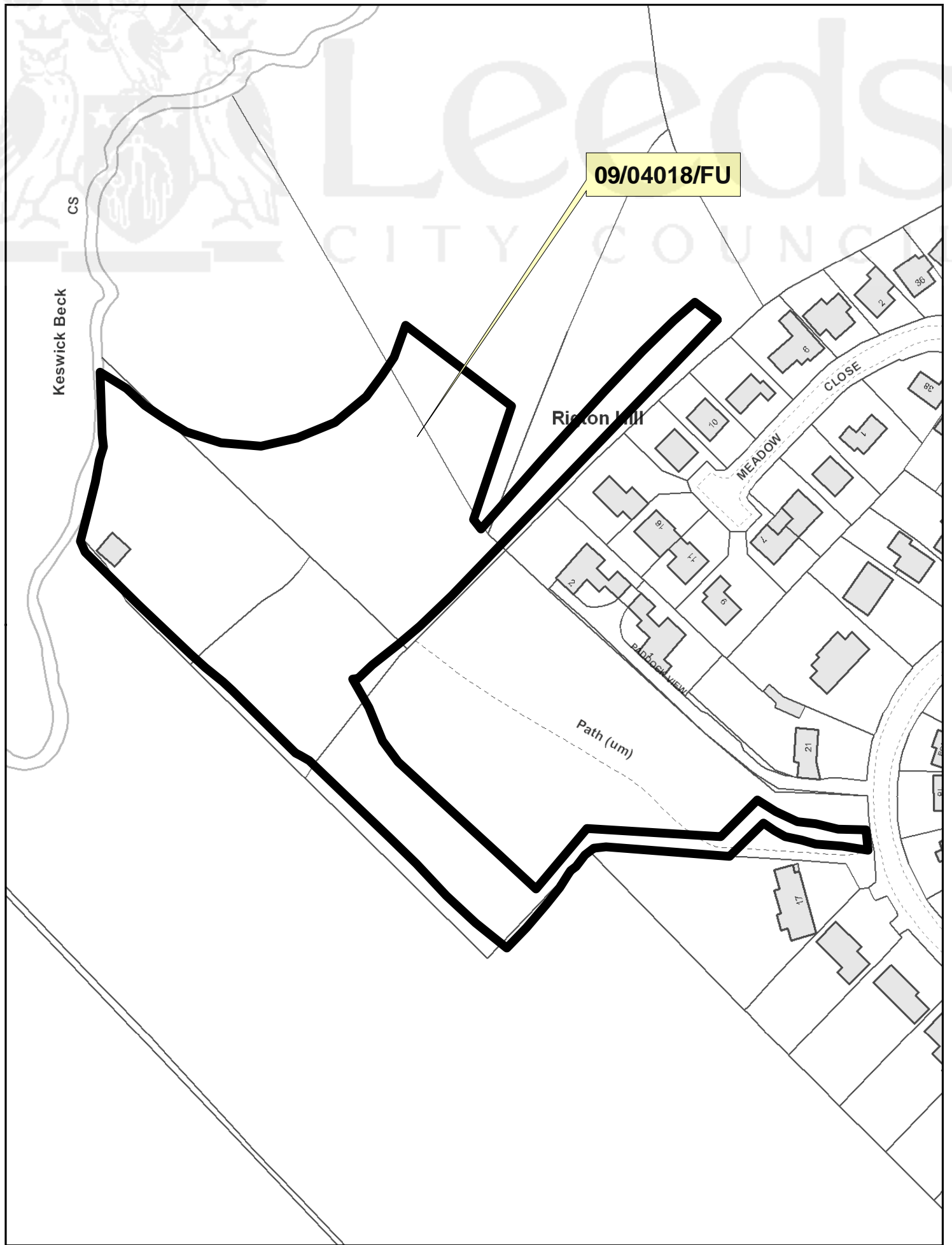
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**FEB'09**

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**MTD**

No  
**566/01/031**

Rev  
**A**



# NORTH AND EAST PLANS PANEL

