

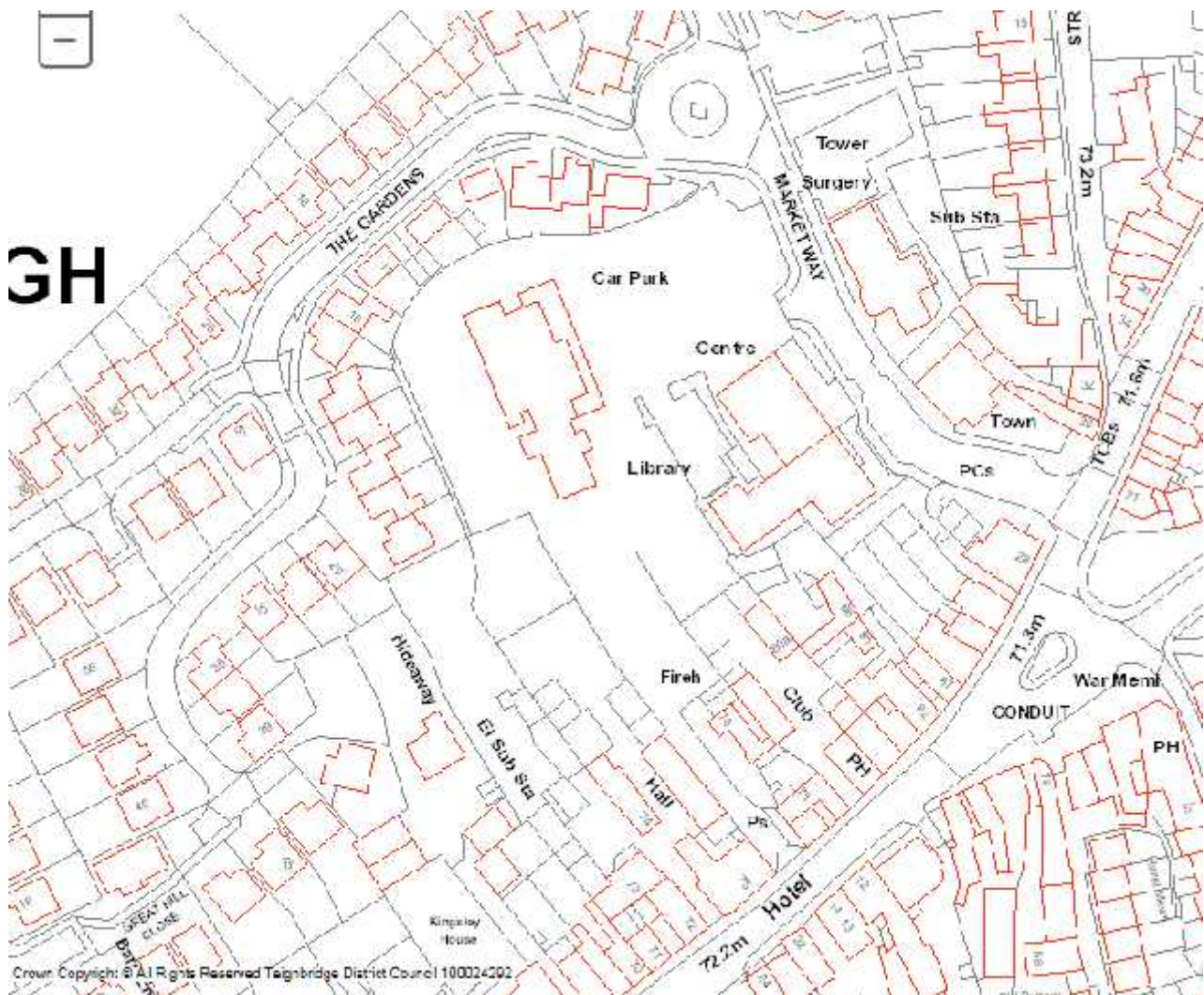
# PLANNING COMMITTEE REPORT

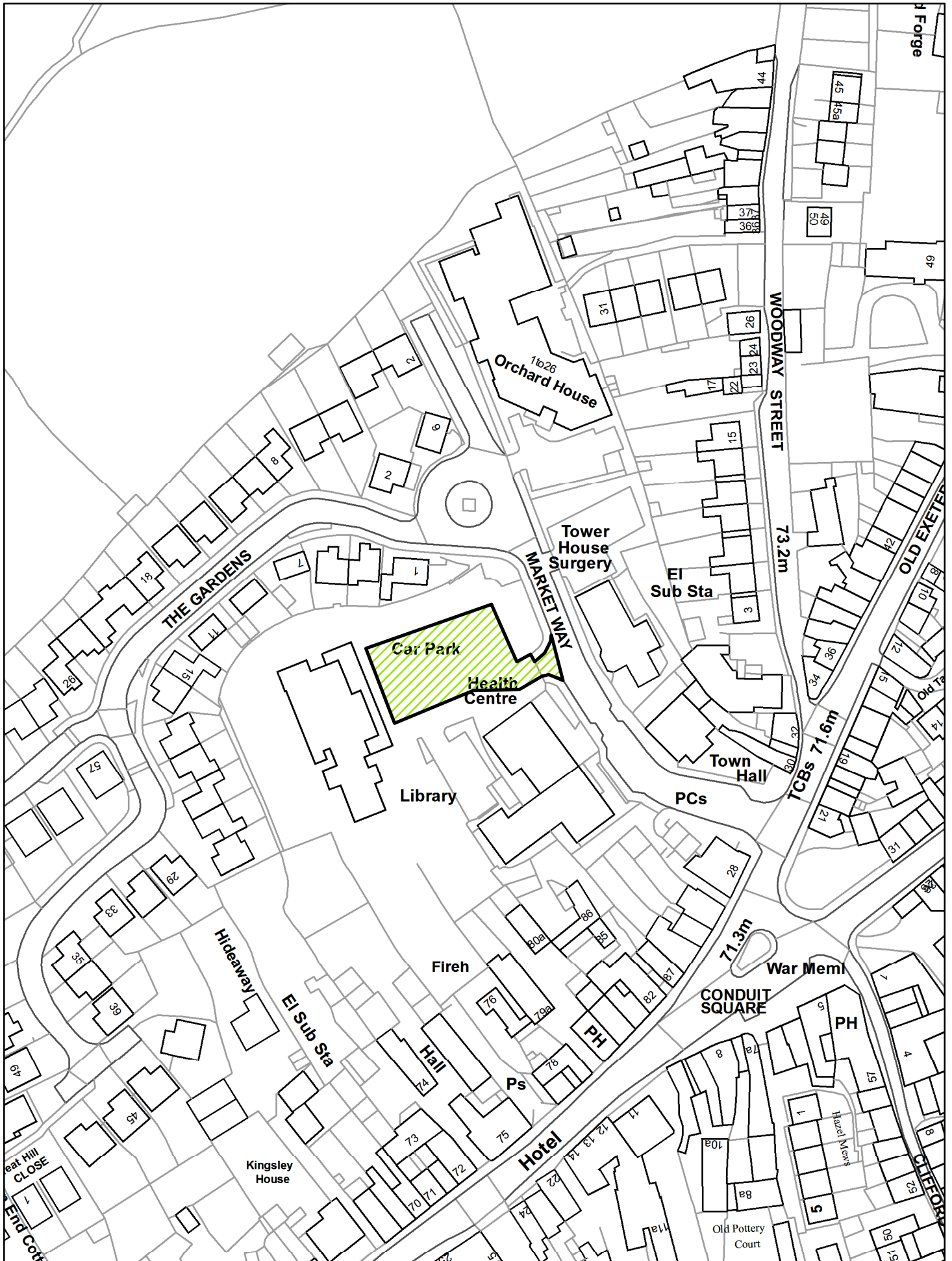
## 20 February 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>CHUDLEIGH - 17/02789/FUL - Market Way Car Park - Sustainable urban drainage system</b>	
<b>APPLICANT:</b>	<b>South West Water Ltd</b>	
<b>CASE OFFICER</b>	<b>Estelle Smith</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Keeling</b>	<b>Chudleigh</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02789/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02789/FUL&amp;MN</a>	





**17/02789/FUL MARKET WAY CAR PARK CHUDLEIGH TQ13 0HL**

Scale: 1:1,250



## **1. REASON FOR REPORT**

The land is owned by Teignbridge District Council

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. In accordance with submitted Landscape Details and Arboricultural Statement including replacement tree. The landscaping works hereby approved shall thereafter be maintained until it is returned to the control of Teignbridge District Council, 12 months following completion
4. The development shall be carried out in accordance with the agreed "Estates Agreement" dated 26 January 2018

## **3. DESCRIPTION**

- 3.1 The site lies within a Teignbridge District Council-owned public car park, within Chudleigh Conservation Area, accessed off Market Way. The Applicant, South West Water, seeks planning permission for above ground landscaping works to provide a Sustainable Urban Drainage System (SUDS).
- 3.2 The submitted supporting information statement says that, in order to safeguard shellfish waters in the Teign estuary, the sewerage assets in Chudleigh are being improved. Most of the improvement works are Permitted Development but the above ground works here involve the provision of three interconnecting "Rain Gardens" measuring 8 metres by 1.5 metres, 8 metres by 1.5 metres to 2.5 metres and 8.7 metres by 1.5 metres to 3.2 metres (2 are L shaped) within the car park, to provide a SUDS feature.
- 3.3 The Rain Gardens are effectively planted up kerbed areas with inlet and outlet gullies connected to a drainage system which allows the surface water flows to be attenuated before discharging to the surface water sewer.
- 3.4 They have been sited within the car park as an optimal location for rainwater/surface water run-off collection
- 3.5 Their installation will provide minimal disruption to the layout of the existing car park, parking bays and roadway.
- 3.6 The statement continues that a full environmental assessment has not been undertaken as the site is not within an environmentally sensitive area. The area is low ecological risk as it is currently dominated by car park hardstanding. The SUDS can make a contribution to the ecological values of the site by providing improved habitat and the site is not within Flood Zone 2 or 3.
- 3.7 Two trees are within the application site which are proposed to be incorporated within the proposed development. We are told that shallow excavation works will be undertaken within their root protection area to remove the existing tarmac and there will be a provision of perimeter concrete kerbing on strip foundations around the Rain Gardens. The immediate area around the trees trunks exists as garden

area and hand digging under an arboricultural watching brief with appropriate root pruning could enable the installation of the Rain Garden and long term retention of the trees in accordance with BS 5837:2012.

- 3.8 The applicant has, in response to the Teignbridge Engineer's initial comments prior to submission, forwarded an e-mail from Drainage stating that:

*"It will need to be shown that the number of parking bays can be maintained and that there is sufficient space for vehicles to circulate through the car park. Can you confirm who will be responsible for the ongoing maintenance of the Rain Gardens and associated gullies?"*

*Once you have the detailed scheme ready for delivery our Estates team will need to prepare an agreement between ourselves and SWWL."*

- 3.9 It is considered that disruption time during construction is a small price to pay in order to safeguard the car park from flooding risk and there will be no net loss of spaces. The plans supplied clearly show the resulting layout, alterations to the parking bays, etc., including some spaces to be extended out. The proposed layout still meets recommended circulation space requirements.

- 3.10 They also addressed the list of queries made by Teignbridge's DC Drainage Engineers:

- *The SuDs Design Calculations.*

- 3.11 The Rain Gardens are part of a larger surface water separation scheme to reduce CSO spills and protect The Teign Estuary Shellfish Waters as described in the 'Planning Support Information 1095-DOC-01-B'. The larger scheme has had extensive hydraulic modelling to prove that the proposals have no additional flood risk within SWW's network. The SuDS element of the scheme are simple Rain Gardens and not full bio-retention with soakaway elements. The purpose of the Rain Gardens are to reduce run-off rates and volumes through the use of engineered soils and vegetation and have been design in accordance with 'The SuDS Manual' guidance'. The Rain Gardens will provide 4.8 m<sup>2</sup> of effective storage while more importantly reducing the rate of run-off into the surface water sewer.

- *The SuDS Management and Maintenance schedule.*

- 3.12 The maintenance schedule will be in accordance with 'The SuDS Manual - Table 18.3 Operation and Maintenance Requirements for Bio-retention Systems' however it should be noted that is for full bio-retention systems which Rain Gardens fall under but Rain Gardens are simpler and maintenance will be expected to be less than that laid out in the guidance.

- *Surface water flood flow path plan to show how blockages in the drainage system will be accommodated by exceedance flow routing.*

- 3.13 Each of the 3 Rain Gardens have overflow gully gratings on the downstream ends situated just below the kerb level. In the unlikely event that the perforated outlet pipes from the Rain Gardens were to block then the flow would overflow into the gullies. The gullies are also there to take flow in the case that the incoming flow exceeds the percolation rate of the Rain Gardens. The interconnection surface water sewer between the Rain Garden and the receiving surface water sewer have

been sized to take flows up to and including a 1 in 30 year rainfall event. If the Rain Gardens were to overtop the gullies' connection to the existing surface water network downstream would intercept the flow, the overland flows are mapped within the hydraulic model of the greater surface water separation scheme.

- 3.14 In response to the Town Council's comments, South West Water has stated that there has been significant engagement about the process and they have spoken at length to the Town Clerk and Town Council members. However, in terms of the objections South West Water have the following comments:

Disruption is inevitable in the car park in order to build the Rain Gardens, and every endeavour will be made to reduce the overall programme. This work will help to reduce surface water flooding risk for Chudleigh residents living in The Gardens and will benefit the community in the following ways:

- Improved flood risk management
- Improved quality of surface water discharges to the local environment
- Improvement to ecology and biodiversity of the local area
- Enhanced attractiveness of the car park area
- Improved air quality and carbon dioxide absorption
- Educational opportunities

The lengths of parking bays have been retained as per existing and vehicle circulation plans have been issued and approved by Teignbridge District Council. Manoeuvring space within the car park, whilst marginally reduced from the existing, will still comply with recommended circulation space requirements. The car park has been modelled in industry-standard vehicle circulation software (Autotrack). The circulation plan has been provided and agreed with Teignbridge District Council and it should be noted there will be no loss in parking spaces.

Through agreement with Teignbridge District Council regarding use of their land for the Rain Garden it was required and agreed that long-term maintenance of the Rain Garden will be the responsibility of Teignbridge and a commuted sum has been agreed for this purpose. South West Water will retain maintenance for a period of 12 months from completion to allow plants and ground cover to be established.

- 3.15 The Agent has asked that we do not impose any pre-commencement conditions. The Case Officer has advised the Agent that a condition has been recommended that works should be carried out in accordance with the submitted arboricultural statement and that a sycamore tree identified within the submitted arboricultural statement as being in poor condition should be replaced with a field maple, container grown, 18-20 cm girth.
- 3.16 The Case Officer can confirm that South West Water has entered into a licence agreement with Teignbridge District Council's Estates about the proposed operations and that it advises that 12 months after completion of the Rain Garden, South West Water will vacate the site, handing over a commuted sum of £5,000 which will help to pay for the ongoing maintenance of the top soil and planting. Everything else (underground works, etc.) will be maintained by South West Water.
- 3.17 Notwithstanding this a planning condition is recommended requiring the site to be maintained by South West Water for 12 months following completion of the works and thereafter by Teignbridge District Council and that the development shall be

carried out in accordance with the Estates "License Agreement" dated 26 January 2018.

#### **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S13 (Town Centres)

S20 (Chudleigh)

S21A (Settlement Limits)

EC9 (Developments in Town Centres)

WE11 (Green Infrastructure)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

CH8 (Town Centre Enhancement)

National Planning Policy Framework

National Planning Practice Guidance

#### **5. CONSULTEES**

Tree Officer - Informal comments received suggest that works should be carried out in accordance with the arboricultural statement and that the sycamore should be replaced with a field maple, container grown, 18-20 cm girth.

Drainage Engineers - 8 November 2017 - To be able to fully consider the surface water drainage design proposal, the applicant is required to provide the following supporting information:

- The SuDs Design Calculations.
- The SuDS Management and Maintenance schedule.
- Surface water flood flow path plan to show how blockages in the drainage system will be accommodated by exceedance flow routing.

3 January 2018 - Have reviewed the additional surface water drainage information and providing that South West Water maintain responsibility for the ongoing maintenance of the Rain Gardens and associated gullies then I have no further objections to this proposal.

Prior to commencement of the works, the applicant is required to liaise with our Estates team to finalise the agreement for the works within the Council's car park.

#### **6. REPRESENTATIONS**

No representations received

## **7. TOWN COUNCIL'S COMMENTS**

Town Council wish to lodge an objection to the application for the following reasons:

1. The applicant has estimated that the works proposed will take around 8 weeks to complete. During that time there will be significant disruption and loss of spaces in what is the only car park in the centre of Chudleigh.
2. The plans provided are of poor visual quality and we really cannot tell if the length of the parking bays next to the Rain Gardens will be compromised. If they will be, then manoeuvring in and out of them could become difficult.
3. The applicant advises that the Rain Gardens will require little maintenance. This may be true but what is certain is that they will require some maintenance such as weeding, pruning and litter picking. The applicant neglects to say what arrangements have been put in place for this to be done. The Council wish to see clarity over this issue.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

**Business Manager – Strategic Place**