Committee and date
South Planning Committee
10 February 2015

Development Management Report

Responsible Officer: Tim Rogers
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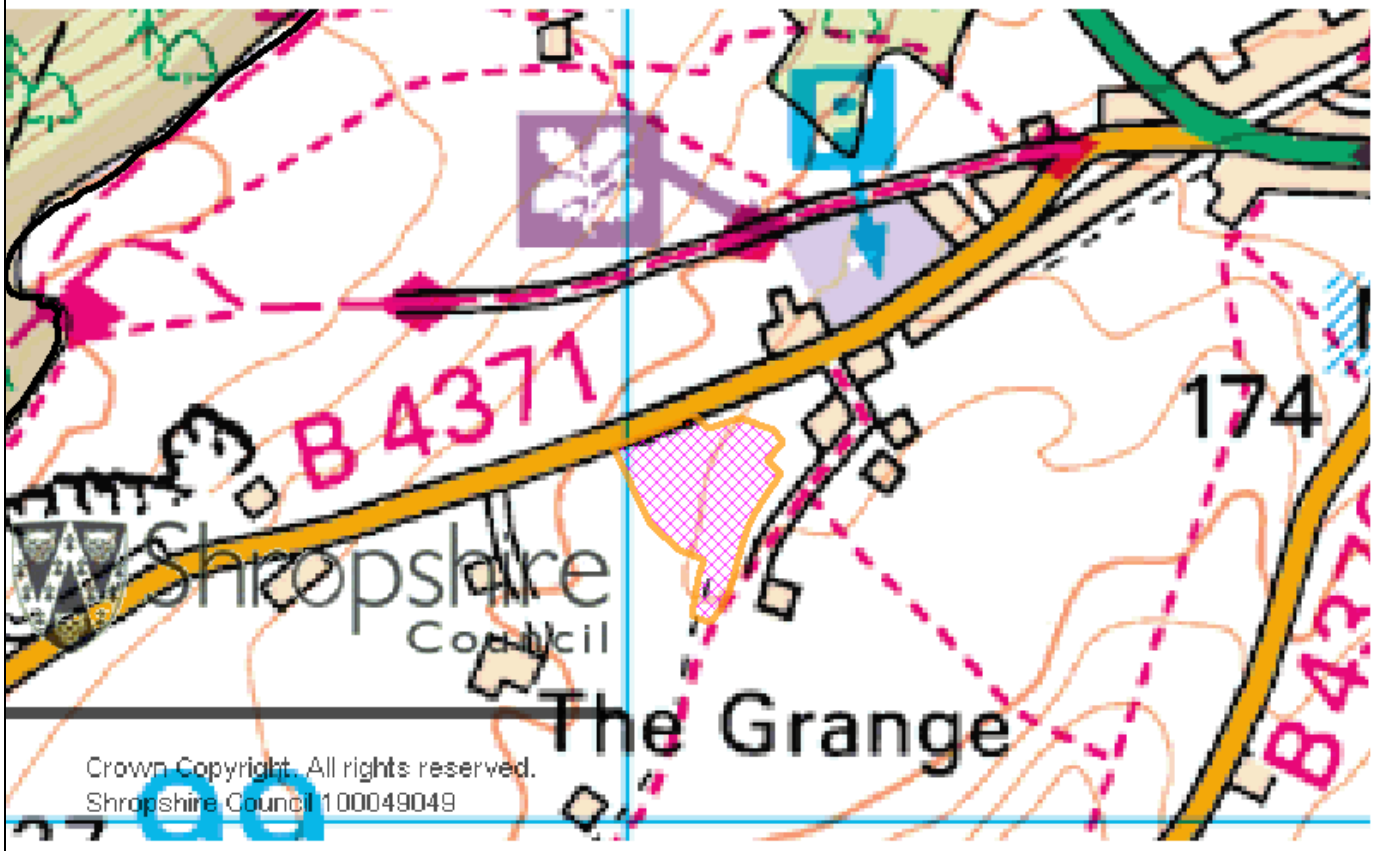
Summary of Application

Application Number: 14/01753/FUL	**Parish:**	Much Wenlock
Proposal: Construction of an attenuation pond designed to attenuate 12,000m3 of water		
Site Address: Land South West Of Bridge House Stretton Road Much Wenlock Shropshire		
Applicant: Shropshire Council		
Case Officer: Thomas Cannaby	**email:** planningdmse@shropshire.gov.uk	

Grid Ref: 361073 - 299465



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application, along with application 14/01574/FUL (also on this committee agenda), is part of an action plan following an integrated urban drainage management plan assessment to understand and manage flood risk in Much Wenlock.

1.2 This application is for the construction of a 12000m3 attenuation pond on the upstream reach of Shylte Brook, which forms the main river running through Much Wenlock Town Centre.

1.3 An inlet headwall will be constructed part way along the existing 1050mm diameter culvert and the water will discharge into a retained through-flow water channel in the pond. The pond will have lagoons that spur off the main channel at varying water depths and will have 1 in 3 side slopes up to the existing topography that will fill up when baseflows are exceeded. There will be an outlet control structure which connects back into the existing 1050mm diameter culvert.

The pond extends approximately 200m by 150m at its widest point,, with a low earth bund surrounding the pond with a width of approximately 4m.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed attenuation pond would be situated to the south west of Much Wenlock town near Stretton Road, on the upstream reach of Shylte Brook. The site to establish the pond is 1.43 hectares (area of earth works and construction).

2.2 The land slopes down in an easterly direction, with Shylte Brook running in a north-easterly direction with a 1050mm diameter concrete culvert carrying the watercourse through the site, and the Shylte Brook continuing to be culverted beneath Stretton Road Industrial estate. There is also an existing 80mm diameter UPVC water main running adjacent to the Shylte Brook culvert through the proposed site. The proposed attenuation pond is at the approximate location of an old reservoir

2.3 The site is largely open, with some storage use, mainly constituting grassland with hedgerow boundaries. A public footpath runs adjacent to the site, but outside the area for development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is referred to committee for determination in line with the Council's adopted scheme of delegation as Shropshire Council is the applicant.

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4.0 Community Representations

- Consultee Comments

Much Wenlock Town Council – supports application

Shropshire Council is asked to acknowledge the following key issues:

- The size of the attenuation areas compared to national guidance (1 in 30 risk as opposed to 1 in 100+Climate change).
- The risks when either area overtops or fails. What are the Exceedance routes? Will the risks be more or less than currently?
- Will the attenuation areas relieve the pressure on the escape area at The Pound? How can this be made safer?
- What can be done about the undersized culvert and the nuisance associated with the work undertaken in the 2000s?
- The risks of attenuation in a rapid response catchment. Reservoirs are a problem because of dam failure these areas are mostly below ground level with only limited banks.
- How will the attenuation areas be maintained? Who will be responsible?
- These attenuation areas are the first option in the Integrated Urban Drainage Management Plan(IUDMP). It is estimated they only reduce risk by 41%. What will the council say about reducing the risk further?

Shropshire Council:
Drainage – the FRA and the attenuation pond designed to attenuate 12000m3 of water are acceptable.
Rights of way – Public footpath 12 Much Wenlock runs through the development site but is not affected by the proposal.
Ecology – No objection subject to conditions.

- Public Comments

Much Wenlock Civic Society:

- Strongly supports effective measures to reduce the long established flooding risks in Much Wenlock.
- Local concerns over the precise operation of the attenuation ponds.
- Ponds will alleviate flooding of existing properties, not eliminate flood risks arising from approval of any additional development.

Much Wenlock Community Flood Action Group – Supports application

MWFLAG supports measures to reduce the risk of flooding in the town. We consider it is especially important that slowing measures to reduce the peak flows in the inadequate infrastructure of the town are implemented. These attenuation areas are a first step in the right direction because if operated

- and maintained properly they will provide some relief for two areas of the town that are especially vulnerable.
- While supporting the development of the attenuation areas the capacity has not been designed to nationally recommended levels.
- Attenuation within rapid response catchments does not work effectively if it fails or is overtopped. These basins are largely below ground level so the risk of catastrophic bank failure is limited. The overtopping issue is still present but flows should be less than currently because of the water storage in the basin.
- There is concern about the exceedance route for the Stretton Road

attenuation basin which threatens the historic core of the town. Water from this attenuation area will be directed down Victoria Road where it will join
- water escaping from the Pound and run down the High Street and Back Lane.
there is concern that actions within Much Wenlock must not increase the risk
- to people living downstream in Farley. Measures to increase capacity in the town must not increase flows downstream putting properties in Farley at risk. Provided these attenuation areas are taken further by the other IUDMP proposals, we support the applications

2 Comments in support:
- The proposal will add significantly to flood protection of vulnerable properties on that side of town. That it will be maintained by SC is reassuring.
- Attenuation areas first step in making Much Wenlock more resilient to
- flooding.
Self draining, with continuous flow, not stagnant pools
- Alleviate the current situation for some smaller flood events, but not a solution for all events.
Providing these attenuation areas are equipped with suitable monitoring and overtopping measurement devices, the people of Much Wenlock will be able to collect sufficient data to support a future development program to bring
- these pools in line with what is needed to deal with the stated nationally recommended levels.
Consideration on the plans is not shown for excessive exceedance. The levels seem to indicate that a secondary area may be flooded in extreme circumstances. Whilst this is good (ie another area gets flooded before the town) the plans show no indication of any measurement device pre-leading the areas input point. At this point an extreme exceedance measurement device is need to indicate excessive failure of the system (should it occur).

1 Objection:

If the pond/s have no water flow, e.g. from a stream, stagnant water is the preferred habitat for mosquitoes. Their perambulations will not be limited to the land SW of Bridge House or the Industrial Estate. Unnecessarily living with mosquitoes will be objectionable, so I object before that occurs.

1 Comment:

Details flood history of the area
Development cause of flooding, not climate change.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Much Wenlock town centre is naturally prone to surface water flooding due to steep

rural catchments and subsequent ponding in urban areas. The catchment is fast acting (short time-to-peak) and is prone to flooding particularly when soil saturation is high. Changes to land use are a contributing factor to the flooding issues in the town such as the draining of natural wetlands, changes to farming practices, urbanisation, quarrying and the historic industrial past of the area.

6.1.2 An Integrated Urban Drainage Management Plan (IUDMP)1 for the town of Much Wenlock was undertaken by Shropshire Council to understand the flood mechanisms and the effects of flooding. An Action Plan for managing flood risk in the long term was agreed by the key stakeholders (Shropshire Council, Severn Trent Water and Environment Agency). A preferred option has been taken forward by Shropshire Council to construct an attenuation pond on the upstream reach of Shylte Brook (main river through Much Wenlock town centre).

6.1.3 Policy CS18 of the Shropshire Council Core Strategy aims to promote sustainable water management, both in existing development and for new proposals. The proposed attenuation pond would seek to mitigate flood events and to alleviate the impacts of flooding on the town in a sustainable manner, and as such would comply with the objectives of policy CS18.

6.1.4 The site is identified in the Much Wenlock Town Plan as being an allocated area for an attenuation pond in line with policy RF5 of that document, with any other form of development prohibited on this land. As this application would be for the provision of the attenuation pond for which the land is reserved, the application is considered to be in compliance with the policies set out in the Much Wenlock Town Plan.

6.1.5 Some third party comments and the Town Council have questioned why the attenuation pond is designed for a 30year return period and not a 100 year return period. Its is understood that as part of the design process, pond sizes for the 100 year return period event were also calculated and were found to be considerably larger. The flood outlines were not found to change significantly between the 30 year and 100 year design events, therefore large additional spend for the construction of larger ponds would not provide a significantly larger benefit. This is further compounded by the level of flood risk from other sources. The 30 year return period proposed was therefore considered to be the optimum solution for cost and benefit.

6.1.6 During a flood event of greater magnitude than a 30 year return period, the attenuation pond will fill up and, eventually, overtop. The pond is designed to overtop in a controlled manner, via an engineered spillway, and the route of the resulting exceedance flow would then be the same as it is today. The exceedance flow would travel overland via the industrial estate and into the short open reach of Shylte Brook before it enters the ‘town culvert’. It should be noted that, even during an event such as this, the pond would bring benefit since it will have filled up and stored flood water, reducing the peak flows downstream.

6.1.7 The Town Council has queried if the proposed development would improve the pressure on the escape area at The Pound. The Council’s drainage officers have commented that attenuation pond would reduce the likelihood of floodwater escaping at The Pound. The maximum allowable discharge from the pond has

been calculated taking the capacity of the channel and culvert at The Pound into account. The proposed scheme involves no physical works at The Pound.

6.1.8 The Scheme is designed to relieve 'pressure' on the drainage systems, including the culvert installed in the early 2000s, which serve the town. By temporarily storing water upstream and reducing flows within the town culvert, the drainage systems in the town will have a better chance of coping since they will be able to discharge more freely.

6.1.9 The stability of the slopes being constructed as part the proposed Shylte Brook pond formed part of the detailed design. A reinforced concrete 'spillway' forms part of the design so the structure will overtop in a controlled manner during an extreme event and a layer of geotextile reinforced grass is to be installed at the dry side of the slope to prevent erosion. Part of the ongoing maintenance of the site will include regular inspection to ensure that the structure is functioning as it is designed.

6.1.10 Not all of the flood water stored by the attenuation pond will be above natural ground level. Indeed, the volume that can be stored above natural ground level (i.e. that which is 'held back by the dam') is such that the structure will not be classed as a large raised reservoir.

6.1.11 Shropshire Council will be responsible for the ongoing maintenance of the proposed structure.

6.1.12 This planning application is for the Stretton Road attenuation pond only. A wider action plan to combat flooding in the area exists, with the current application represents the implementation of part of this. Shropshire Council, as Lead Local Flood Authority, will be continuing to work to further reduce flood risk in Much Wenlock.

6.2 Siting, scale and design of structure

6.2.1 In terms of visual impact the proposed attenuation pond would be dry above the through-flow channel for the majority of the time not in use, and so the visual impact would be limited to the low earth bund surrounding the pond. This would be grassed over and is not considered to have a significant impact on the visual amenity of the site or its surroundings.

6.3 Other issues

6.3.1 The application has been subject to ecological surveys, which have discovered the potential for protected species to be impacted by the proposals to a limited degree. The Council's ecologist has not objected to this development, subject to conditions to ensure that protected species and their habitats are safeguarded during the construction process and the operation of the attenuation pond.

7.0 CONCLUSION

7.1 The proposed attenuation pond would be fulfilling the allocation of the land as set out in the Much Wenlock Neighbourhood Plan, and would be part of the delivery of the action plan resulting from the Integrated Urban Drainage Management Plan which aims to reduce flooding and mitigate the impacts of flood events in the area.

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As such the development complies with Core Strategy policy CS18. The visual impact of the development would be limited and impacts on protected species can be satisfactorily addressed via condition.

7.2 For the reason above it is recommended the Committee approve the application, subject to conditions as set out below.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
  The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

National Planning Policies:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

Supplementary Planning Guidance:
Much Wenlock Neighbourhood Plan.

RELEVANT PLANNING HISTORY:

12/02218/FUL Formation of new agricultural access GRANT 11th July 2012

11. Additional Information

View details online:
http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Turner
Appendices APPENDIX 1 - Conditions

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APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The external materials and their colour shall be as shown on the deposited plan and as specified in the submitted documents, no alterations shall be made to these materials or colour without the express consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed development shall harmonise with surrounding development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development to which this consent applies. A detailed badger survey must be carried out in the period May to mid-September prior to the commencement of works by an experienced ecologist and a report submitted to and approved in writing by the Local Planning Authority, including any necessary mitigation.

Reason: To ensure the protection of badgers

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Shylte Attenuation Pond survey dated by Robert Mile to 4th September 2014 review.

Reason: To ensure the protection of great crested newts, a European protected species and reptiles

6. All existing trees, shrubs and hedgerows within and bordering the site, except as specifically referenced in the approved documents, shall be protected, retained and maintained for the duration of any development works and for 5 years thereafter.

Reason: To safeguard the visual amenities of the area.

Informatives

1. Policies material to the determination of this application:
National Planning Policies:
NPPF, NPPG

Shropshire Core Strategy:
CS6, CS17, CS18

Supplementary Planning Guidance:
Much Wenlock Neighbourhood Plan.

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

3. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

4. Trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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