



Notice of a meeting of Planning Committee

**Thursday, 21 February 2019
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Wendy Flynn, Alex Hegenbarth, Karl Hobley, Paul McCloskey, Tony Oliver, Simon Wheeler and John Payne

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

- a) **18/02171/OUT Land adjacent to Oakhurst Rise** (Pages 5 - 12)

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

This page is intentionally left blank

APPLICATION NO: 18/02171/OUT		OFFICER: Miss Michelle Payne
DATE REGISTERED: 27th October 2018		DATE OF EXPIRY : 26th January 2019
WARD: Battledown		PARISH: CHARLK
APPLICANT:	William Morrison (Cheltenham) Ltd & Trustees Of	
LOCATION:	Land Adjacent To Oakhurst Rise, Cheltenham	
PROPOSAL:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application ref. 17/00710/OUT)	

ADDITIONAL REPRESENTATIONS

53 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DG

Comments: 20th February 2019

18/02171/OUT - OAKHURST RISE

CHELTENHAM FLOOD AND DRAINAGE PANEL - COMMENTS

The Committee needs to review flood risk anew in this application as the drainage and flood management proposals have changed (for the worse) since the last refused application.

The principal risks posed by this FRA are the increased risk of flooding to neighbouring properties, and floods arising from the lack of drainage capacity in the existing infrastructure.

The new revision has multiple areas where the flood risk assessment fails against Government and County Policy and SuDs (CIRIA) Best Practice:

- Calculations fail to consider the overland surface water flows onto the site and the flows generated on the landscaped portion of the site, therefore pre-development run off measures are under-stated.
- Because of this omission the climate change allowance calculations are wrong and so are the post development run off rate and storage capacity calculations.
- The Model Methodology used in this is inappropriate for this site and not endorsed by the Environmental Agency for sites of this size.
- Desk Based model calculation inputs have been manipulated with flawed input data. To reduce the costs required to install storage, the manipulation of the methodology has very deliberately "shrunk" the surface area to be used for the calculation base from the site's actual size of 4.16 hectares to 1.36 hectares - this is a nonsense given that the entire site is sloping and impermeable.
- The FRA shows circa 50% of the site draining directly to outflow and does not have any attenuation structures for this flow prior to arrival at the flow control - which is a concern as it will be overwhelmed in storm conditions.
- The FRA design is not compliant with the DEFRA Non Statutory Requirements or the Local Authority SuDs Officer Organisation standards which requires SuDs drainage plans to cover

the entirety of the development site - not just the area covered by new buildings and roads etc.

- The revised FRA proposes a further 24% reduction in the water storage structure capacity from 1,444 cubic meters (which we pointed out in our review of the last FRA was already inadequate) to 1,100 cubic meters.
- The FRA proposed now claims to be able to control run off to a lower discharge rate of 4.6L/S. This is optically attractive but the committee should view this with great suspicion because since the storage is inadequate there is absolutely no security that in heavy storm conditions the flow control will be able to cope with the real surface water flows draining from this entire development and so it is therefore almost certain to fail in extreme weather conditions.
- Exceedence (overflow) water management is not disclosed despite being a core component of SuDs and a basic requirement for sustainable drainage proposals. There are no contingency plans provided to show what will happen if the flow control mechanism fails.
- The FRA does not detail how exceedence flows that can not be handled by the structure are safely managed to flood conveyance routes.
- No planned lifetime has been disclosed for the structures (so we presume it is at least 100 years). No finance model has been proposed for the ongoing maintenance of the structure, the risk is that the council will end up carrying the cost of maintaining the structure at some point in the future as it is easy for the developer to allow the proposed management company to fail .
- Severn Trent Water's (STW) letter and advice expired in 2107. In that (now invalid) letter, STW stated that the LLFA is accountable for ensuring that a climate factor is applied for the full run off of water from the site - which the LLFA have not done - and also that the run off should be directed to natural watercourses or land drainage channels which are drainage features NOT maintained by the STW.
- A comment on this proposal from 4 Charlton Court Rise states that in 1971 the existing drainage structure was already at full capacity - clarity is required as to what capacity the drainage has to accommodate this development's additional run off as well as that arising from the planned nearby Cromwell Rise development which we understand may also have an impact.
- The LLFA only states the FRA are "feasible" which literally means that the builder can construct something described in the plan. The LLFA do not assert that it is safe, or compliant with best practice, or that the details and calculations are reliable etc. In fact, they recommend that if the committee "is minded to approve" the committee can leave it to the planning authority and LLFA to sort this out later. Because their comments are so superficial, the LLFA comments must be set aside as should their recommendation.

Because the FRA and SuDs calculations and design are still unsafe and still non compliant with policy, we urge the Committee to REJECT the application until a comprehensive, safe and compliant FRA is presented that addresses all the above points properly.

At the last meeting the planning officer struggled to articulate the grounds for refusal.

If the committee now agrees that the FRA is inadequate and unsafe they must refuse.

To help the Committee and planning officer to articulate the reasons to be recorded for refusal they should include:-

- The design does not follow the best practice standards prescribed for SuDs CIRIA Manual C753.
- The design does not follow the Non Statutory Technical Standards for sustainable drainage systems.
- The design does not apply yet County Policy that calls for betterment (on top of the climate change factor) from new developments.
- The design does not apply the latest and most appropriate modeling methodology for calculating the run off and does not account for overland flows and drainage from the entire site.
- The FRA lacks details on exceedence or flood conveyance routes to ensure the safe management of water away from the property both when the system is working or when it fails.
- The FRA lacks detail about the planned lifetime for the structures and also fails to disclose how post development maintenance will be funded and financed after construction.
- There is no clarity that the STW drainage infrastructure is available for this developement or that the drainage infrastructure has the capacity for these additional flows.
- Any revised FRA must come back to the planning Committee for review and approval. These arrangements will not be deferred to a "post planning approval" assessment by the LPA or LLFA because this process does not provide any assurances that the design will not subsequently change or worsen and the LPA resources do not yet have the training or experience or supplementary planning guidelines on this matter to help them to review these important matters properly.

Back Walls
Stow-on-the-Wold

Comments: 20th February 2019

I am writing regarding the above planning application .

I visit my sister who lives in Oakhurst Rise on a regular basis and cannot believe that permission is being sought for 69 houses at the top of the cul-de-sac. Possibly with more in the pipeline this is just the start. The road has a sharp left hand turning with a restricted view and hazardous steep incline especially in winter. What sort of impact are works vehicles going to have on residents if these plans are passed? Will it really be affordable housing?

Apart from the problem of increased traffic, healthy trees will have to be felled if a single individual would have a problem and have to get permission plus the wild life will suffer, this is already in decline so why are the developers going to be allowed to add to this decline. The whole situation is ridiculous.

Comments: 20th February 2019

I am writing regarding the above planning application.

I visit my sister on a regular who lives in Oakhurst Rise, the turning up to Oakhurst Rise is a sharp left hand turn with restricted vision going up a hazardous steep incline especially in winter. Along with increased traffic and works vehicles what sort of impact is this going to have on residents, not only that road but the whole of that area. The roads are just not big enough.

It is ludicrous to be asking for 69 houses to be erected at the top of this cul-de-sac if this gets passed how many more will be asked for is this just the start.

Not only the houses having an impact healthy trees will have to be felled , wild life will suffer this is already in decline so why are the developers going to add to this.

The whole situation is ridiculous.

Birchley House
Birchley Road
Cheltenham
Gloucestershire
GL52 6NY

Comments: 17th February 2019

I wish to object to the application; I feel that the access is totally unsuitable - it is too steep and narrow and not at all appropriate to take the increase in traffic that will result from the proposed development.

I believe that the additional traffic through Ewan's Farm will be totally unfair on the existing residents, and those roads (with their parked vehicles) are not capable of accomodating the increase in traffic without significant disruption and inconvenience to all.

42 Brookway Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HD

Comments: 16th February 2019

Watching this not so small patch of Cheltenham's green spaces disappear after decades of use by nature's creatures is unacceptable.

It acts as one of Charlton Kings lungs & is essential to keeping this area from becoming an industrial desert.

Charlton Manor
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 20th February 2019

I just received a call at 1611 on Tuesday 19th February to indicate that, contrary to expectations, there would be no site visit to Charlton Manor with respect to 18/02171/OUT. I can only presume the committee members attending sites today are the same members who visited in July, and that the chair is content that all members have a full appreciation of the heritage impact of the proposal, to both Ashley Manor and to Charlton Manor.

However, for the record, we have had:

- no visit to the heritage asset by a CBC conservation officer during either the application process for 17/00710/OUT or this latest application, despite requests.

- no visit to the heritage asset post presentation of the new application, which has a higher roof lines / bigger properties and greater built mass at the top of the hill, which is arguably where the impact on the setting of Charlton Manor is greatest
- proposals for greater and denser screening and significant tree planting above the boundary to the west of our property, which affects the light to main reception rooms of the house and to the solar panels that make it economically viable to run as a family home
- and the renovation works that precluded access to the Victorian stable block in July (listed, built in 1864 but described as 'modern outbuildings' by the developers' application), and within 10 metres of the proposed site, are now approaching completion and therefore would have been accessible to the committee had they visited today.

In addition, Professor Nicolas Doggett's opinion on the harm to this heritage asset (including his comments that the full extent of the harm can only be appreciated from within the setting of the manor), while sent in January 2019, was acknowledged and posted on the planning portal after the case officer report recommending approval was made available to the public.

Historic England are not able to comment on the harm to Charlton Manor as they are only a statutory consultee for grade II* properties; hence our focus on ensuring that issues associated with this heritage asset properly documented in the decision making process. From our perspective, there is limited evidence of that being the case.

I would be grateful if you could ensure that this note is attached to the record for this application.

4 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 18th February 2019

Letter attached.

Tor
Ashley Road
Cheltenham
Gloucestershire
GL52 6NS

Comments: 19th February 2019

Please carry forward all my previous objections from the previous refused planning application

Flood risk, loss of sports amenity, flora and fond, ancient trees, privacy and being overlooked as my property borders the proposed development, poor access to site up a steep hill and through a narrow road that's completely unsuitable, increased traffic, and amenities that are already overstretched, doctors, schools etc

25 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 20th February 2019

First of all I cannot believe that we are even discussing this 7 months after the last application - how much tax payers money must be wasted with continual applications following so quickly after each other. I would rather see my Community Charge spend elsewhere! I do believe that the last application was refused on access to the site, impact on the local community and impact on the wild life (badgers) and I cannot believe that reducing the number of houses to 69 has answered any of these issues.

The access to Oak Hurst Rise remains totally inadequate, which was shown even more clearly in the bad weather recently and the badgers will still be disturbed. The local traffic around Ewans Farm and Sixways will still be a total mess with a potential 120 extra cars!

I also recall from the last meeting that Holy Apostles and Balcarras school have suggested expanding their intake to allow for the additional children the local impact however has anyone looked at the access to both of those schools? - Both schools are located within residential areas with only one way to access them and if there is increased traffic it will only be time before an accident occurs.

Finally I would like to say that I see there are a small number of comments supporting the application but strangely enough none that live in the area - some as far as London! but even these "supporters" will not be happy if they are trying to get out of Cheltenham via A40! I do hope sense prevails tomorrow.

4 Charlton Court Road
Charlton Kings
Cheltenham
GL52 6JB

Rec'd 18 FEB 2019

SERVICES

Cheltenham Borough Council
Planning Department
Municipal Offices
The Promenade
Cheltenham

17th February 2019

Ref: 18/02171/(OUT/FUL?)

PLANNING FOR LAND ADJACENT TO OAKHURST RISE

To Whom it may concern

This proposed development is leaving me with the impression that the pursuit of profit alone is driving greed beyond all reason. The effects on the surrounding area should be evident to the most obtuse minds. However, to make them plain I will repeat my previous objections.

The area is undisturbed with old ground cover that dissipates surface water fairly evenly over the sloping surface. Any water that does not soak into the ground flows evenly across the whole width of the plot and slowly down the slope eventually into the drains or the culvert at the bottom. The culvert has coped with this situation in the past except for July and September 2007 when the above property was flooded twice. The cause of the flooding appeared to have been work covering open ground at Whitefriars now St Edwards school behind the property coupled with debris restricting the flow into the pipe.

The culvert passes from the surface to underground at the boundary of the above property. Under ground is an old pipe of undetermined diameter said to be in good order on the purchase in 2001. It is too small to cope with any increase in water from the open culvert. This was confirmed in 1971 by Severn Trent Water who deemed the culvert to be AT CAPACITY. After the flooding, work was carried out by Cheltenham Borough Council (CBC) on the culvert to alleviate the pressure on the entrance to the underground pipe and control the flow further up the watercourse. This has so far been effective but it does not alter the fact that the flow can be controlled but the CAPACITY cannot be increased without enlarging the pipe which surfaces the other side of Charlton Court Road.

After the flooding in 2007 I carried out some research on the land behind the above property and discovered that there were a number of planning applications on file in the CBC Planning Department, each stating 'existing facilities' as a means of dealing with surface water. As far as I could ascertain none existed. The fact that there has been no further flooding since the work by CBC is an indication that the work was successful, however, there has been no increase in capacity. The water at the start of the underground pipe has reached the top of the entrance on a couple of occasions but not overflowed.

Any disturbance of the ground at the proposed development site is certain to change the flow of surface water resulting in additional water entering the culvert at the bottom. From my perusal of the paperwork related to this aspect I cannot see any

realistic solution to this problem within. The reports etc. conveniently gloss over the germane issues and stress the solutions, which to me, are the crux and should not be accepted without challenge.

This is not an issue that can be a 'wait and see', once it is started it cannot be returned to its original state.

There are many other issues involved in this development but I am very sure that they have been aired so I will not waste your time repeating them here.

Yours Sincerely



P.S. These comments will also be submitted in the case of CROMWELL COURT application Reference: 18/02581/FUL which will also have an impact on the same culvert.