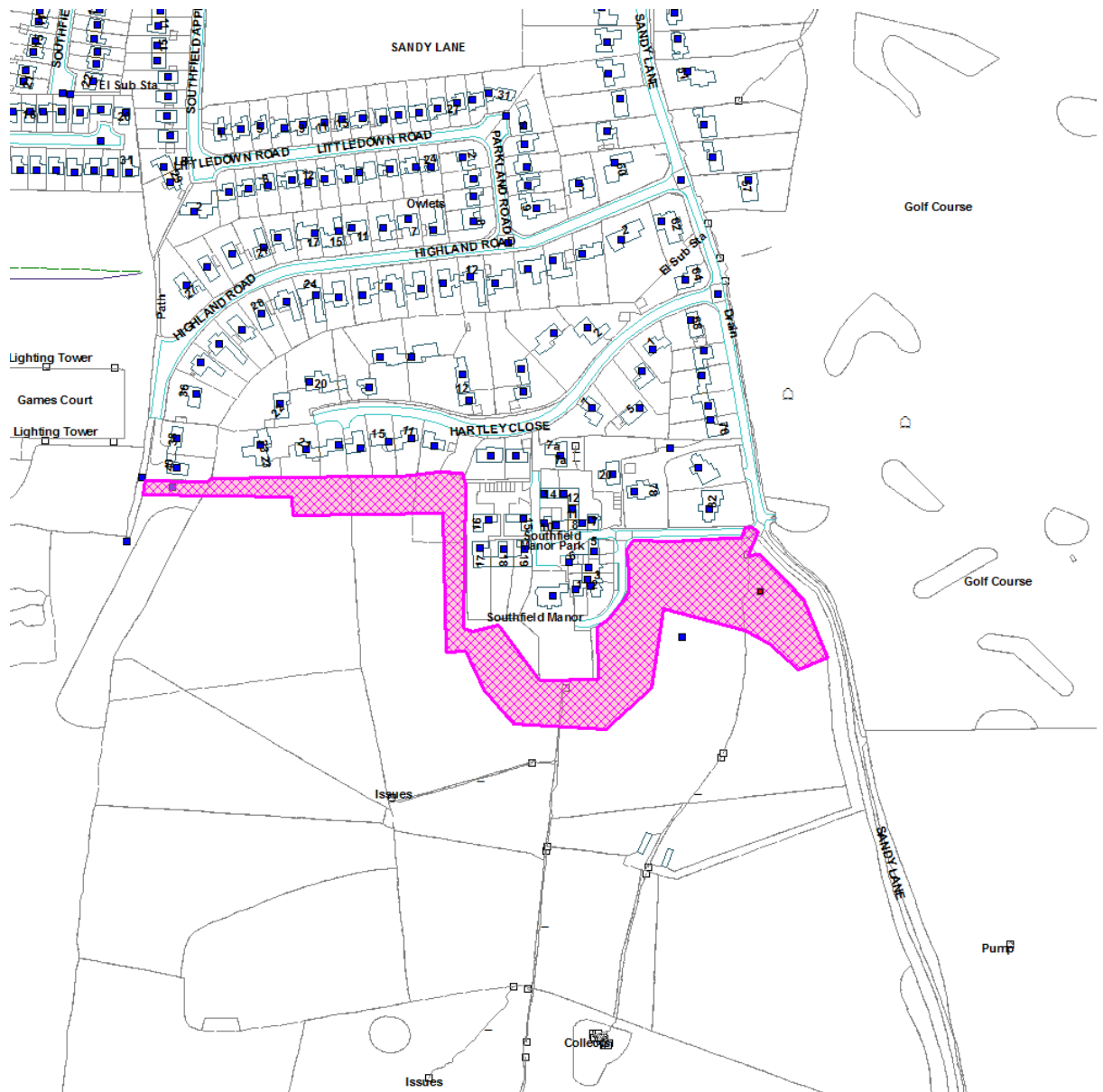


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|--|-------------------------------------|
| <b>APPLICATION NO:</b> 15/02131/FUL        | <b>OFFICER:</b> Mr Craig Hemphill   |
| <b>DATE REGISTERED:</b> 15th December 2015 | <b>DATE OF EXPIRY:</b>              |
| <b>WARD:</b> Charlton Park                 | <b>PARISH:</b>                      |
| <b>APPLICANT:</b>                          | Cheltenham Borough Council          |
| <b>AGENT:</b>                              | CH2M Hill                           |
| <b>LOCATION:</b>                           | Land off Sandy Lane, Charlton Kings |
| <b>PROPOSAL:</b>                           | Flood relief works                  |

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for flood relief works in the Southfield Brook Area within the Parish of Charlton Kings. The application site which is within the Area of Outstanding Natural Beauty. It is part of a field which is accessed via Sandy Lane and is located to the south of Southfield Manor Park and Hartley Close.
- 1.2 The application proposes works in two locations of the field. Location A's works include the construction of a contoured earth flood bund in the field to the south of Southfield Manor Park. Its purpose being to intercept and attenuate out of the channel flow from Southfield Brook and overland surface water run-off from the Cotswold escarpment. Location B's works are for a second smaller earth bund immediately south of properties in Hartley Close. The proposal sets out that the scheme provides the benefit of reduced flood risk to properties in Southfield Manor Park, Hartley Close and Sandy Lane.
- 1.3 The application is before Planning Committee as the applicant and proposer of the works is Cheltenham Borough Council.
- 1.4 The field is owned by Southfield Manor Park Residents Association Limited (SMPRA). Following consultation with SMPRA the view was that the scheme was unlikely to receive their approval if the originally proposed bund height was not lowered due to the impact it could have on amenity and outlook. Revised plans and flood remodelling have been submitted in response. In reviewing these revisions Officers have been advised that SMPRA have given their approval for the works.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Area of Outstanding Natural Beauty  
Smoke Control Order

### **Relevant Planning History:**

**02/01300/FUL 15th November 2002 PER**  
Renewal of CB20372/01 and CB20372/02 stables/hay/feed store

**99/00666/PF 29th July 1999 PER**  
Erection of Hay Store and Tack Room (Field Ref No 686)

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
CO 2 Development within or affecting the AONB  
UI 2 Development and flooding  
UI 4 Maintenance strips for watercourses

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Parish Council**

*14th January 2016*

What follows is the official view of Charlton Kings Parish Council.

Charlton Kings Parish Council welcomes any scheme which will reduce the risk of flooding within and beyond its boundaries. However we are disappointed that greater consultation did not take place before the plans were posted shortly before Christmas 2015, with a very short deadline for comments by the public and interested bodies.

In our view a scheme of this scale and impact should have been more widely publicised and also the subject of public meetings, where experts from the Environment Agency and the Borough Council would have been on hand to explain to members of the public the aim and impact of the proposal, followed by a Q and A session.

We note that first site visits took place in 2013, meaning that there has been ample time to engage with those affected by the scheme. The complexity of some of the documentation makes it difficult for the layman to understand the implications; hence the need for presentations for the general public. We would have welcomed the opportunity to discuss our concerns face-to-face with engineers and experts at such a meeting. We also echo the frustration of the Charlton Kings Flood Action Group (FAG), which was formed following encouragement from the authorities, but was not consulted before this scheme was formally submitted and validated.

On the specifics of the scheme we are seeking reassurance on the likely knock-on effects of the proposal on houses in our parish. We are concerned that excess water being diverted into Lilley Brook will increase the risk of flooding to properties in the St Judes Walk/Chancel Way/Charlton Close areas. We are also unsure what might happen when the bund is full - will excess water be diverted onto Sandy Lane? We think that this eventuality is covered (and mitigated) in the Risk Assessment 3.0, but we would like confirmation.

In conclusion, we request that the applicants organise a public meeting for interested parties and we offer the Parish Council's Stanton Room for this purpose. A presentation by experts would help us and residents better understand the scheme and also provide the opportunity for questions to be raised and answered.

To reiterate, we welcome the commitment by the EA and Borough Council to improve flood protection for residents; our concern now is with the detail and impact of the proposal, not just at the point of the protection scheme, but further downstream.

*24th February 2016*

No Objection, but Comment: We reiterate our earlier comments on this scheme, dated 14th January 2016. The extra detail in the latest submission has been helpful. In our January comments we requested that a public meeting for interested parties be organised, offering the Stanton Hall for this purpose. We repeat this request. A presentation by experts would help us and residents better understand the scheme and also provide an opportunity for questions to be raised and answered.

*21st June 2016*

No Objection, but Comment: Our earlier concerns relating to potential flooding further downstream do not appear to have been addressed. We also concur with the comments made this month by the Environment Agency.

**Cheltenham Civic Society**

*25th January 2016*

This is a measure to be welcomed as a way of preventing further flooding

**Ward Councillors**

*9th March 2016*

I understand that the residents of Southfield Manor, who own this land, have still not voted on whether or not to support this proposal, would it not be sensible therefore to wait until the outcome of that vote before considering this application.

**Tree Officer**

*5th January 2016*

The Tree Section has no objections with this application. The increase in soil level when creating the embankment will create soil compaction in the rooting zone of the Ash adjacent to 82 Sandy Lane, in the long term this will be detrimental to the tree. It is recommended that the tree is removed and a replacement tree is planted to mitigate for its loss.

*8th June 2016*

The Tree Section has no objections with this application. There is still a concern for the long term health of the Ash adjacent to 82 Sandy Lane.

**Cotswold Conservation Board**

*21st December 2015*

Thank you for consulting the Cotswolds Conservation Board on the above application.

I can confirm we raise no comments.

The Board does however recommend that suitable planning conditions are attached (should permission be granted) to ensure the site is fully restored and appropriate new landscaping is provided and managed accordingly.

**GCC Local Flood Authority (LLFA)**

*29th December 2015*

I refer to the above application and your communication dated 17th December 2015 requesting that the Lead Local Flood Authority provide advice on surface water management.

This is a flood alleviation scheme and we are satisfied that the proposals will not therefore have any adverse impact on flood risk within the area of the works or outside this area. The completion of this scheme should have a positive impact on reducing flood risk in the future.

We would suggest that appropriate temporary measures be taken to mitigate against any adverse impact on flood risk during the implementation of the work.

The applicant has not indicated how this flood risk management asset will be maintained. I would recommend therefore that Cheltenham BC give consideration to this matter and put in place an appropriate maintenance regime. We have no other comments.

**Environment Agency**

15th June 2016

Thank you for referring the above application which was received on 1 June 2016.

We acknowledge receipt of new details submitted in relation to the proposed scheme as detailed above, this includes amended drawings and an Addendum Flood Risk Assessment (FRA) undertaken by CH2M.

**Flood Risk:**

We note that following local objections on 'amenity and outlook' it is proposed to lower the level of the proposed bund and thus reduce the size of the storage area. The comments within the FRA are noted in this regard, "...the outcome of this exercise confirms that the implementation of these changes will not increase the risk to downstream properties and that the standard of protection and scheme outcomes as indicated in the approved business case will not be adversely affected".

We are however concerned, in relation to the above, that the amended drawings are not in accordance with the changes to the scheme as detailed within the addendum to the FRA. For example, "...it is proposed that between chainages Ch90 and Ch130...the bund crest level will be reduced from 107.9m AOD to 107.45m AOD...Consequently spill in the extreme event, will now be managed over the entire 40m (Ch90 - 130) with any overspill being picked up by an open channel along the southern edge of the estate road and/or Sandy Road itself; onto and along the desired exceedance route (FRA)."

Unfortunately this does not accord with the drawings which have been submitted for approval as part of the application. The 'General Arrangements Location A' (ref. 204628.AL.01.00-002 Rev B) and 'Location A Typical Cross Sections' (ref. 204628.AL.01.00-003 Rev C) clearly show that the majority of the bank is to be lowered to 107.45m AOD and that this change is not limited to between Ch90 and Ch130. According to the 'Location A Longitudinal Section' (ref. 204628.AL.01.00-100 Rev B) the bank is to be lowered to 107.45m AOD between Ch90 and Ch200, with the exception of the access ramp between approx. Ch140 to Ch160.

Given the above we are concerned that the drawings do not accord with the revised modelling and the potential impact of any changes tied to this permission may not have been adequately assessed. The reduction of the height of the bank appears to be a length of approx. 90m rather than just the 40m referenced within the FRA.

In addition there is no detailed information regarding the 'open channel to the southern edge of the estate road' as referenced within the FRA, either within the FRA or on any of the drawings. It is assumed this is an existing channel, it is currently in or will be brought into an adequate condition to serve this new proposed function, where it is an existing drainage ditch this new use will not unacceptably disrupt its current function (e.g. drainage), and it will now be maintained as a part of this Southfield Brook Flood Alleviation Scheme. We recommend that this detail is confirmed as part of the planning application.

**Conclusion:**

Whilst we do not wish to unnecessarily delay any determination we recommend these points are clarified and confirmed prior to any formal planning approval.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

*30th June 2016*

Thank you for referring the amended flood risk assessment (FRA) addendum dated 17 June submitted in support of the above application which was received on 29 June 2016.

Having reviewed the document we note that it contains some relatively minor alterations, and these appear to be in line with the comments in our previous response (our letter ref SV/2015/108779/04-L01 dated 15 June 2016). We have no specific comments on the amendments. We would reiterate our previous comments that the applicant should ensure that any revisions in the FRA are reflected in the submitted drawings.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

## **5. PUBLICITY AND REPRESENTATIONS**

**5.1** Letters of notification were sent to 32 neighbouring properties on receipt of the original application. Further letters have been sent out on receipt of the revised plans. In response to the publicity 8 letters have been received. 5 letters of objection have been received with 2 letters of support and 1 letter with neutral comments. In summary the main concerns relate to:

- Will add to flooding problems
- Visual impact of the embankment
- Impact downstream

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.1.1** The main considerations when determining this application relate to the principle of the proposed works, design and layout, and flooding.

**6.1.2** The Cheltenham Surface Water Management Plan (SWMP) and Preliminary Flood Risk Assessment (PFRA) both identify Southfield Manor Park, Hartley Close and adjacent Sandy Lane as a high flood risk area. This area has experienced frequent surface water flooding including the 2007 extreme flooding event.

**6.1.3** The proposed development comprises local drainage improvement measures to address fluvial and overland flooding. The development includes two grassed earth embankments, widening of existing ditches, installation of filter drains and culverts and new manhole connections. The application sets out that the works will improve the standard protection to the 1 in 100 year flood event plus an allowance for climate change (20%).

**6.1.4** Given the existence of surface water flooding concerns in this area the principle of flood relief works is considered to be acceptable.

### **6.2 Design and layout**

**6.2.1** The application identifies two locations for the flood relief works to take place.

### **6.2.2 Location A: (revised plans following comments from SWMP)**

Works consist of an embankment, approximately 1.5m (reduced from 2m) above local ground level at its highest point. The sides of the embankment are designed as no steeper than 1 in 4 slopes, and to be slightly shallower in places in order to make the embankment look less artificial. The areas which are affected during construction will be seeded and reinstated to match conditions prior to construction. Retention of existing channels, and a 300mm culvert between the new inlet structure and an existing manhole. The embankment will not be higher than 1.5m (reduced from 2m) above the surrounding existing ground levels in the field. The ground re-grading is to be kept to a minimum, and the depth of the channel will not be more than 1m below the existing ground levels.

### **6.2.3 Location B:**

Works consist of a proposed extension to the existing drainage ditch with a low bund to the north to prevent out of channel flows discharging to the houses on Hartley Close. The embankment will be approximately 0.5m to 0.6m above local ground level at its crest, and will follow the contours of the ground. It will be formed by employing a balanced cut and fill process where material excavated to cut the channel will be used to fill the embankment where possible. This will have the benefit of reducing the number of heavy vehicle movements needed along Sandy Lane, the Southfield Manor access track and across the grassland. Also proposed is the widening of the existing channel to the west of the new embankment, with a 300mm diameter filter drain laid along the channel. Shallow channel and low level embankment will be kept to a minimum, with the height of the new works not more than 0.6m.

**6.2.4** A new culvert and filter drain in location A and B respectively will be laid over a distance of 100m in total with a new or upgraded manhole at intersections with existing drainage. Any existing gardens, footpaths or roads that are affected by the works will be reinstated.

**6.2.5** The works are designed to hold and store excess surface water, and then gradually releasing the flow into the existing water network when capacity returns.

**6.3** The works are detailed and during the construction period will be clearly visible. Once the works have been completed the application sets out that the land will be returned to and maintained as a grass meadow. The works when completed are considered to have limited impact on the immediate area and the wider Area of Outstanding Natural Beauty. It is noted that the Cotswold Conservation Board have provided no objection to the application.

**6.4** The design and layout and the impact on the Area of Outstanding Natural Beauty is considered to be acceptable, and comply with the objectives of policies CP7 and CO2 of the local plan.

## **6.5 Flooding**

**6.5.1** The application is supported by a detailed flood risk assessment which was submitted in February 2016 (a further addendum to this document was submitted in June 2016 following the revision to the scheme). The Flood Risk Assessment provides additional information and response to comments made by local residents following the submission of the original application in December 2015.

**6.5.2** The Flood Risk Assessment provides a detailed breakdown of the existing conditions, including the site itself, run off upstream and from the escarpment, and provides detailed modelling of potential flooding events. The document provides guidance on a do nothing scenario, and a do something scenario, and includes what impact the works would have on flooding downstream. The flood risk assessment concludes by considering the best option available to achieve the required improvements (set out in section 6.2 above). The

conclusions set out that the do something scenario will significantly reduce the number of properties which would be likely to experience flooding. The flood risk assessment also concludes that these works will not increase flooding downstream and that it is *evident from the results that there is a reduced peak flow of water going into the Southfield Brook during rainfall events after the scheme is in place, this is due to the flows being attenuated by the storage upstream.*

- 6.5.3** The flood risk assessment and the supporting documents and plans are necessarily technical, the consultation responses are therefore of distinct relevance, representing specialist advice. These documents are all available on public access. The applicant is Cheltenham Borough Council with the works being proposed by the Councils Land Drainage Officer, the Officer who would normally provide comments on flooding and drainage matters for planning applications. In reviewing the details submitted, the Environment Agency has considered the application and following the receipt of corrected plans and details, provides no objection to the proposal. The Local Flood Authority has provided comments in support of the application, asking that the site is managed during construction and that the maintenance of the site is secured; these can be secured by way of conditions.
- 6.5.4** Comments have been received in recent weeks following the heavy rainfall questioning if the proposed works will provide the necessary protection. Given the comments provided by the EA the Local Flood Authority on the detail of the application and modelling it is difficult to disagree with their conclusions.

## **6.6 Trees**

- 6.6.1** The Tree Officer has provided comments on the impact that the works could have on the long term health of the Ash adjacent to 82 Sandy Lane. To ensure that this tree is protected during construction a condition for its protection is recommended.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The flood relief works will improve and manage flooding issue in the area. The proposed works will reduce flood risk to properties north of Hartley Close and North of Southfield Manor by attenuating the overland flow and then gradually releasing the flow into the existing water network. The works are supported by the EA and the GCC Local Flood Authority. The works will not affect the current land use with the land being fully accessible except in times of flooding. Following the construction the works the land will be returned to a grassed meadow and will therefore have only limited impact on the landscape.
- 7.2** In considering the planning balance, Officers are of the view that it falls in favour of the proposal. The recommendation for this application is for permission to be granted.

## **8. CONDITIONS / INFORMATIVES**

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No works shall take place at the site until a management and maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be managed in strict accordance with the approved management plan thereafter.

Reason: This information is required prior to works taking place to ensure that the development is managed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP7 and CO2.

- 4 No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 No development shall commence on site unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of highway safety and visual amenity and having regard to Policies TP1 and CP4 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 6 No works shall take place at the site until a management and maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be managed in strict accordance with the approved management plan thereafter.

Reason: This information is required prior to works taking place to ensure that the development is managed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP7 and CO2.

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.