

APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY : 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

ADDITIONAL REPRESENTATION

Number of contributors	5
Number of objections	5
Number of representations	0
Number of supporting	0

36 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

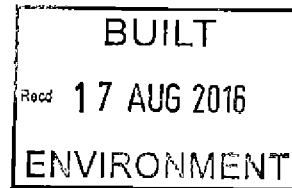
Comments: 11th November 2016
Letter and enclosures attached.

(Please note, this representation was originally submitted in August, but was not logged on the system, in error.)

14th November 2016

4 Bafford Approach
Cheltenham
GL53 9HJ

Planning: Environmental & Regulatory Services
Cheltenham Borough Council
P.O.Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP



17 August 2016

Dear Sir or Madam

Reference 16/01337/FUL - 1 College Gate

I write on behalf of my parents, who live at 36 Keynsham Road. They strongly object to this resubmitted planning proposal on the following grounds:

1. Their understanding is that this application is the same as the Applicant's 2013 submission; save that the Applicant seeks the surprising step of removing the steel-reinforced brick piers (buttresses) of the flood defence wall.
2. My parents believe that the 2013 application was withdrawn because the Applicant had not addressed the flooding issues to the satisfaction of the LPA.
3. With respect, the Applicant's submission contradicts virtually all of the calculations and assessments made by the Environment Agency, O'Brien & Price Consulting Structural Engineers, planning, drainage and structural engineering experts from within Cheltenham Borough Council, The Department of the Environment and Harvey, McGill and Hayes Consulting Engineers who designed College Gate's drainage system.

4. The proposed detached double garage would be situated within Cheltenham's Central Conservation Area. The application seeks consent to:
 - i) demolish two of the buttresses; and
 - ii) construct a double garage extremely close to the weakened flood defence wall.

Removal of Buttresses

5. The flood defence wall retains the considerable volume and weight of storm waters, trapped in College Gate.
6. The Applicant's appointed Engineer, Mr Strauss, claims that it is a reasonable assumption that the flood defence wall was built to defend the College Gate development from flooding. This is an incorrect assumption. The wall was built as a Condition of planning permission, with the insistence of the LPA that the wall be modified to form a flood defence for 32, 34 and 36 Keynsham Road (email from EA to CBC dated 19.08.13 - attached).
7. The flood defence wall was duly strengthened with the buttresses. CBC and O'Brien & Price determined that, while the flood wall was safe, it was not adequate. CBC was unable to order the developer to rebuild a durable flood defence wall, because the company was being wound up. No action was taken to remedy the significant defects of the flood defence wall, which remain to this day.
8. The removal of the buttresses would return the wall to its original, unsafe condition. I attach a letter from O'Brien & Price - Consulting Structural Engineers – dated 08.01.92. This letter is evidence that shows the wall was rendered safe by the installation of these buttresses.
9. This is reinforced by the EA's comments – "The flood wall includes some substantial support piers and visible waterproof membrane which highlight its function as a flood wall. To site the garage in the proposed location would potentially remove two

supporting piers....and thus risk the integrity of the wall and its function as a flood defence (EA to CBC dated 19.08.13).

Siting of the garage close to the weakened wall

10. Siting the garage so close to the flood defence wall will “reduce access to maintain the wall and potentially divert flood flows” (EA to CBC dated 19.08.13).
11. The EA’s Fluvial Design Guide (Section 9.13) emphasises the importance of being able to maintain flood defence walls, and states “Maintenance is a design issue and not something that is addressed after the design has been completed...”.
12. Mr Strauss refers to a previous planning application for a garage at 1 College Gate that was turned down on appeal. This appeal was determined on 23 April 1992, and related to an almost identical proposal. The Inspector accepted that there must be a clear 2metre-wide channel between any proposed garage and the boundary flood defence wall, and an 8 metre-wide channel between the proposed garage and the site entrance.
13. The Applicant suggests that a major difference between the application refused on appeal in 1992, and the current application is that the River Chelt has undergone significant flood alleviation works. As such, the flood risk is in some way removed. This is simply not the case.
14. The EA and CBC have made clear that the flood alleviation scheme does not, in any way, improve the very poor 1 in 50 year (Q50) drainage system on the site. College Gate will always continue to act as a floodwater sump for surface waters from across the area. It goes without saying that the ineffectiveness of the College Gate drainage scheme will always be governed solely by the site’s Q50 pumps.
15. The EA, as part of the 2013 application (for which it was not obligated to comment, but chose to do so), taking into account the flood alleviation scheme, stated that the 1992 decision should be upheld to ensure: -

"A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard).

Without justification, the current application does away with the essential 2 metre and 8 metre-wide channels.

16. CBC's Chief Engineer went further in his consideration of the College Gate drainage requirements. I refer to his letter of 6 September 1991, in particular the paragraph marked with an asterisk on the attached copy.

17. In essence, this paragraph explains in no uncertain terms that flood flows down College Gate – and transversely (i.e. crossways) – must not be restricted or obstructed in any way in perpetuity.

This current application would evidently contravene this clear directive.

18. College Gate is a low-lying piece of land, which forms a basin. In times of flood, historically and today, it collects and stores storm waters from the area, and releases them into the River Chelt.

19. Nos.1, 2, 3 and 4 College Gate were built, with their ground floors recklessly constructed well below flood level. The development company added further to its problems, by throwing up an embankment alongside the River Chelt, on CBC-owned land. It was pointed out that this bund, consisting of concrete rubble and brick debris, formed a dam to the historic, free-flow of surface waters into the Chelt.

20. On 20 July 2007, floodwaters poured from the surrounding area, travelled along their historic paths and filled College Gate to overflowing. The River Chelt-retaining wall to the rear of 1 College Gate acted as the predicted dam, and the inadequate

Q50 drainage system could not cope. As a consequence, most of College Gate's homes were submerged, including the Applicant's property.

21. Mr Strauss states that "As the garage stood in dry land during the July 2007 floods, it has been shown to be outside the flood zone and a compensatory flood area is therefore not required...Given the proposed location of the garage is outside the flood zone...". In my opinion, these statements have no basis in fact for the following reasons: -

- i) there was, and is, no detached garage in 1 College Gate and therefore it could not have stood on dry land during the flood of 20 July 2007;
- ii) the removal of two of the flood wall's buttresses would revert the wall back to its original, unsafe condition;
- iii) the proposed garage would stand inside Flood Zone 2 and Flood Zone 3. These zones are stated under 'Constraints' on the 2013 and current applications, by the LPA. As such, a compensatory flood area is required.

22. It would appear that Mr Strauss has little knowledge of the actual flood event of 2007, or the designated Flood Zones. My parents and others were witnesses to the flood, and it is a matter of record that storm waters backed up beyond the College Gate entrance. This means the proposed garage, and its contents, would not have stood on dry land, during a heavy storm, but would have been inundated.

The Applicant's suggestion that College Gate will never flood again contradicts the flood risk maps held by both the EA and the LPA.

23. Mr Strauss also says that floodwaters "came from all directions, mostly the south and east, rather than the access road". He then proceeds to show only the lesser flood flows, which travel downwards, from the access road, towards the river. For some reason, he fails to illustrate the acknowledged, heavier, storm water flows from the south and east, which traverse the site from Old Bath Road. These flows, from the south and east, surge towards the lowest point in College Gate, which is the

2 metre-wide overland drainage channel running along the flood-defence wall. I presume Mr Strauss has omitted the heavier flood flows, because the Applicant would thereby negate his own argument, in which he is saying that the 2 metre-wide and 8 metre-wide channels are no longer required.

It is of some concern that Mr Strauss has removed the recently built, and important, rear extension that presently impedes flood flows, from this application.


CBC has video recording evidence of the torrents, cascading transversely into the site, from the rear gardens of 29, 31, and 33 Old Bath Road.

24. The current pumped/gravity drainage system can only cope with a moderate Q50 storm. The river-retaining wall acts as a dam, which prevents surface water finding its natural course into the river. On that basis, the Applicant has failed to show the way in which the very poor, Q50 drainage system can adequately protect College Gate from flooding, even before the additional impedances of this double garage proposal and the recent, rear extension.

25. The Applicant has not illustrated that flood flows are presently obstructed by a row of dense laurels planted around the curtilage of 1 College Gate. Sycamore trees and hedging block the designated 2 metre and 8 metre-wide storm water channels. In addition to these obstructions, there would be even more barriers, which include the detached double garage, new brick wall, a pair of timber gates and their support piers. The existing barriers, and the proposed flood flow impediments, contravene the Borough Engineer's express criteria of 6 September 1991.

My parents strongly believe that this proposal would introduce serious additional risks, and ask that this application is considered fully in light of the above evidence.

Yours faithfully

A large black rectangular box redacting the signature of the solicitor.

Solicitor

Cheltenham Borough Council
Development Control
PO Box 12
Cheltenham
Gloucestershire
GL50 1PP

Our ref: SV/2013/107089/01-L01
Your ref: 13/00127/FUL
Date: 19 June 2013

Dear Sir/Madam

**ERECTION OF DOUBLE GARAGE- 1 COLLEGE RD, CHELTENHAM, GLOS
GL53 7SF**

*******EMAIL SENT 19 JUNE 2013*******

Hi Wendy

Further to our telephone conversation yesterday, we wish to provide the following comments:

As you are aware we were originally consulted on the above application, and provided a low risk return letter back in March. Subsequently we were made aware of a previous appeal for a similar proposal on the same site, which was dismissed on flood risk grounds. Following receipt of the Appeal Decision Notice and supporting information, including a letter of representation from the residents at 36 Keynsham Road, we were asked to provide further comments in response to those concerns raised in relation to flood risk.

Following the submissions, and the site visit on the 11th June attended by Matt Kerry, we can confirm that the boundary wall in question does not form part of our Flood Alleviation Scheme and the proposals would not have an effect on our Flood Defence Infrastructure. Therefore, based on the scale and nature of the development (Minor), and in line with our initial comments, we would not ordinarily be a statutory consultee in accordance with the DMPO (England) Order 2010.




Whilst we do not intend to make bespoke comments on the proposals, following a review of the evidence and our site meeting we understand the following:

- The wall between the application site and properties off Keynsham Road (32, 34, 36 etc) was finished as a flood defence;
- This wall was modified to alleviate the risk of flooding from surface water to those properties in Keynsham Road;

Environment Agency
Newtown Industrial Estate (Riversmeet House) Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

- The wall was constructed as a requirement for development of the 5 properties at the end of the College Gate road;
- A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard;
- This property and neighbouring properties suffered from external and internal flooding in 2007.
- The wall includes some substantial support piers and visible waterproof membrane which highlight it's function as a flood wall. To site the garage in the proposed location would potentially remove two supporting piers (although this is not clear from their drawings) and thus risk the integrity of the wall and its function as a flood defence, reduce access to maintain the wall and potentially divert flood flows.

 The area in general is afforded protection from flooding from the River Chelt by our Flood Alleviation Scheme, however the improvements made to the River Chelt Flood Alleviation Scheme (before 2007) were not designed to reduce the risk from surface water flooding in this location.

County and Unitary Authorities have been given the role as Lead Local Flood Authorities (LLFA's) to manage local flood risk including surface water, groundwater, and rivers and streams that are not main rivers. In this instance we would therefore recommend consultation with your own Land Drainage Department and Gloucestershire County Council as the LLFA to assess whether consideration of those concerns previously raised by the inspector relating to flooding are still valid.

In the meantime I trust the above is of assistance, and clarifies our position with regards to this application.

Regards

Anita

Yours faithfully

Mrs Anita Bolton
Planning Advisor

Direct dial 01684 864529

Direct fax

Direct e-mail anita.bolton@environment-agency.gov.uk

End

Our Ref:

08.01.1992

O'BRIEN & PRICE

**CONSULTING
CIVIL & STRUCTURAL ENGINEERS**

RODNEY LODGE, RODNEY ROAD,
CHELTENHAM, GLOS. GL50 1JF.
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**Re: Boundary wall between 36 Keynsham Road and the develop-
ment land of Argyle Road**

As you now we have been continuing our enquiries into the above and have had some success now in gaining additional information concerning the boundary wall. We can advise the following:

1. The wall is constructed of a Dartford brick, type Mediera which has the following properties.

Water absorption,	22.5%
Durability classification as BS3921,	FL
Efflorescence,	Slight
Compressive Strength,	fk 28N/mm ²

The above information means that the brick is frost resistant, but because of its high water absorption characteristics it does not comply with the requirements of BS3921 or BS5628 for use as a damp proof course. This means that the wall will always show rising dampness, but that this will not effect its strength.

2. The comments made in our report of May last year under items 3, and 8 still stand, that is:
3. We believe the mortar below ground is not of the appropriate quality.
8. The foundations are not deep enough to prevent the wall suffering movement due to variations in soil moisture content as a result of the presence of nearby trees.

3. In addition we note that the top of the wall has been finished with a capping of Engineering brick. This does not comply with BS5628 part 3 which requires DPC's to be installed beneath cappings, or if an Engineering brick is used as the DPC it should be laid in two courses with broken joints, and in 1:3 Portland cement: sand, mortar. The consequences of this are that water will be able to penetrate the body of the brickwork and unless the mortar is of 1:3 cement:sand this will gradually be broken down by weathering.
4. Some of the deficiencies noted in our Report have been addressed by modification works that have been undertaken to the wall specifically items 1, 4, 5, 6 and 7.

Re items 1, 4, 6 and 7.

* Stiffening piers have been constructed at the back of the wall. We have not been able to obtain the full engineering design of this, but from the information available it would appear that the piers will stiffen the wall sufficiently to enable it to withstand retained flood water. This would be achieved without relying on the flexural strength of the original wall at the base (weakened by the presence of blockwork). The stiffening would also provide sufficient strength for the 1.9m high wall to resist wind loads.

The addition of the new brickwork skin on the developers side of the wall appears to have been undertaken simply as a protection to the damp proof membrane which has been laid against the wall.

Re item 5

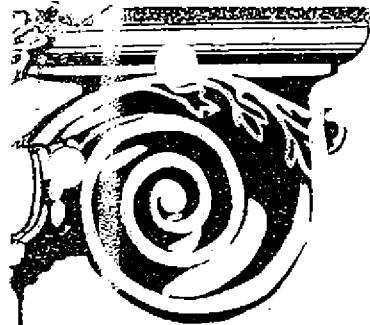
We understand that the deficiency in bonding noted in our report has been rectified by the addition of remedial wall ties.

In conclusion we feel the wall is very much improved for the work that has been done. It can be regarded as safe, but there are still some significant items outstanding affecting its durability, particularly in the long term.

Yours sincerely
O'Brien & Price



M. R. Hewett



CHEL TENHAM borough council

DIRECTORATE OF ENVIRONMENTAL SERVICES C. M. Ride, MIEH., MBIM., Director.
P.O. Box 12, Municipal Offices, Promenade, Cheltenham, Gloucestershire, GL50 1PP.

Harvey, McGill and Hayes,
Consulting Engineers,
17, Rodney Road,
Cheltenham,
Glos.,
GL50 1HX.

telephone: 0242-262626
facsimile: 0242-227131
direct dial:

your ref: DJH/AMW/91/804
our ref: PJP/DER/CH8
ask for: Mr Phillips
extension: 2230

For the attention of Mr D. Hughes

6th September, 1991

Dear Sirs,

River Chelt - Development off Argyll Road, Cheltenham

Thank you for your letter and enclosures dated 2nd September, 1991 relating to the surface water drainage provision at the above development. I confirm the comments made by Mr Phillip's during his telephone discussion with Mr Hughes on 4th September, 1991.

I agree that an area of 1870 m² is a reasonable assessment of the impermeable area comprising the access road from Argyll Road, the site road, and garages and associated hardstandings which is likely to drain towards the site. I also agree with your assessment of the impermeable areas within the site comprising property roof plan areas and hardstandings. Therefore, I concur with your total impermeable area of 0.26 hectares. I also consider that the semi-permeable area within a boundary formed by the site and access off Argyll Road, Argyll Road, Old Bath Road and the River Chelt which may drain onto the site is approximately 0.5 hectares. This assumes that the roofs of houses in both Argyll and Old Bath Roads drain to the combined or surface water sewers within these highways.

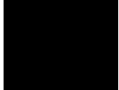
Given the above parameters, a single flygt pump capability of 26 l/s and a drainage system of commensurate capability, I concur that your proposed system will accommodate an average rainfall intensity of 36.0 mm/hr. over the impermeable area utilising a single pump. This represents a storm of one hour's duration having a return period of 50 years, as you have indicated. However, I would draw to your attention that during such a rainfall event the rainfall intensity will peak at about 3.75 times the average intensity. Similarly, I estimate that run-off discharge would also peak in excess of 3.3 times the average discharge rate. These factors should be taken into account in your

detail design of the run-off collection and disposal systems. I believe that the 50 year protection your system offers is reasonable. In the event that overland flow from the semi-permeable surfaces outside the site area coincides with impermeable surface flows, I estimate that a similar discharge rate of 26 l/s will occur. Therefore, as you indicate, provision will have to be made for both pumps to operate in tandem in this event.

As the overland flow from semi-permeable areas will not be accommodated within the drainage system, and you have proposed that such flows continue overland to the collection chamber prior to the pumping chamber, it is imperative that ground levels are sufficiently lower than floor levels to accommodate this flow, and also that the flow paths are not restricted or obstructed in any way in perpetuity. These conditions apply not only in the direction of flow but also transverse to it. Also, I am slightly concerned that, in the vicinity of the collection chamber, the river boundary/property boundary walls intersection splays may interrupt the flow regime of the overland flow.

Finally, whilst I consider that the design storm parameter which you have adopted is reasonable, I believe that your Client should be made aware that more intense, shorter duration storms may adversely affect the site. Whilst the overall concept of your surface water drainage proposals for this site concerns me, as a result of your Client constructing the houses at a low level, the detail design of the collection systems and pumping station must remain your responsibility.

Yours faithfully


for Chief Engineer