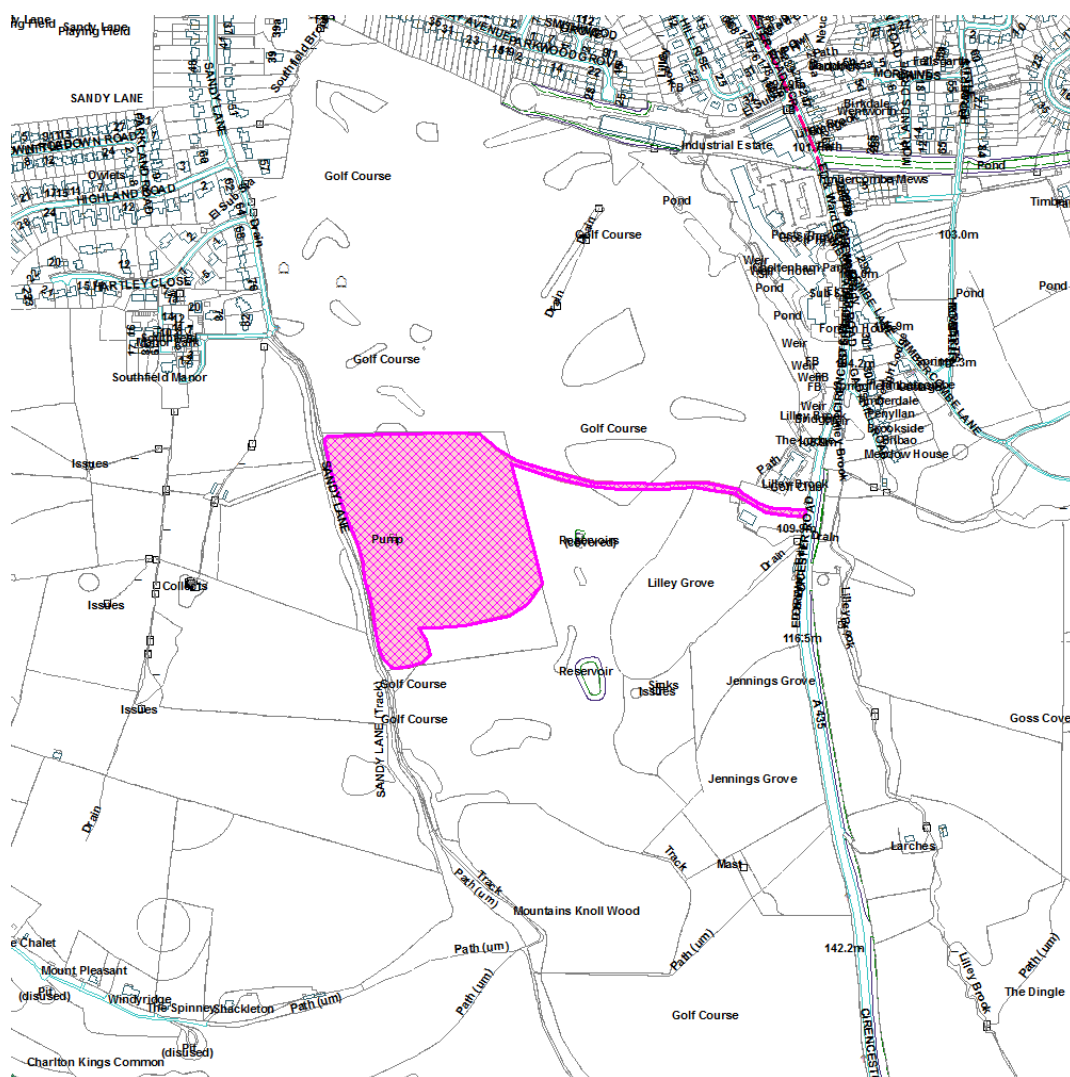


APPLICATION NO: 16/00383/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 8th March 2016	DATE OF EXPIRY: 7th June 2016
WARD: Charlton Park	PARISH: N/A
APPLICANT:	Lilley Brook Golf Club
AGENT:	Grass Roots Planning Ltd
LOCATION:	Lilley Brook Golf Club, 313 Cirencester Road, Charlton Kings
PROPOSAL:	Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material

RECOMMENDATION: Refuse



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lilley Brook Golf Course is an 18 hole, private members' golf course which sits at the foot of Leckhampton Hill on the western side of Cirencester Road. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) to the south of the borough, outside of the Principal Urban Area (PUA).
- 1.2 The golf course extends through to Sandy Lane to the west, and backs onto a number of residential properties. To the north and east, the golf course backs onto residential properties in Longway Avenue, Charlton Kings Business Park, and the Cheltenham Park Hotel.
- 1.3 There has been a golf course at Lilley Brook since 1922, with Cheltenham Golf Club having leased 132 acres of land including Lilleybrook Lodge in 1921. In 1964, the club purchased the land and lodge to include a further 27 acres, and later obtained an additional parcel of land. The current course layout was completed in 1969 together with a new clubhouse.
- 1.4 The application site is a parcel of land, some 5.35 hectares, located at the western edge of the golf course adjacent to Sandy Lane and includes an access through the site from the Cirencester Road.
- 1.5 The site is located within Flood Zone 1 and is therefore at a low risk of flooding; however, Southfield Brook lies to the west of the site, and Lilley Brook to the east.
- 1.6 The application is seeking full planning permission for engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole, academy golf course by importing 100,000 cubic metres (approximately 150,000 tonnes) of inert fill material.
- 1.7 It is proposed that the fill material would be imported to the site over a period of 18 months between 8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays when necessary. Access to the site for deliveries would be from Cirencester Road.
- 1.8 In addition to plans and drawings, the application has been accompanied by the following documents:
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment (revised November 2016)
 - Landscape and Visual Report
- 1.9 The application supersedes a previous application which was withdrawn in 2015. The previous application proposed the importation of approximately 50,000 cubic metres of inert fill material to be delivered via Sandy Lane following reinforcement of the unrestricted byway.
- 1.10 The application is before planning committee at the request of Cllr Baker and Cllr Smith due to the level of concern amongst local residents. Charlton Kings Parish Council has also objected to the proposal, although the site sits just outside of the parish boundary. Additionally, an objection has been raised by the Cotswold Conservation Board. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Smoke Control Order

Relevant Planning History:

15/00328/FUL

WITHDRAWN

21st April 2015

Re-grading of existing practice facility using approximately 50,000 cubic metres of inert landfill material. Works to include additional tree planting and areas of native shrub and wild flower planting. Reinforcement of unrestricted byway (Sandy Lane) to accommodate material delivery requirements

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 1 Landscape character
CO 2 Development within or affecting the AONB
CO 14 Development abutting the countryside
NE 1 Habitats of legally protected species
RC 11 Recreation and sport in the countryside
RC 12 Golf courses
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

County Archaeology

18th March 2016

In connection with the above planning application I wish to make the following observations concerning the archaeological implications of the proposed development.

I advise that I have checked the application site against the County Historic Environment Record. In 1939 a Roman burial was discovered during gravel digging there, and for that reason there is in my view high potential for further Roman burials to be present within the proposed development area. I therefore have a concern that the proposed development will have an adverse impact on significant archaeological remains relating to Roman burials.

I note that archaeology is very briefly considered within the Planning Statement submitted in support of this planning application, which states that there will be no archaeological impact because no digging of the ground is proposed.

However, in my experience an engineering operation of this character and scale has the potential to have a considerable impact on archaeological remains, both from the rutting and churning of the ground through the use of heavy machinery and plant, and also from

the compaction of the ground during the operation. For those reasons, it is my view that there may be a very considerable adverse archaeological impact arising from this scheme.

Therefore, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development.

I look forward to advising you further when this information is made available.

Environment Agency

21st March 2016

Thank you for referring the above consultation, which we received on 11 March 2016. We do not object to the proposed development and would offer the following comments to assist your consideration at this time.

For completeness, we commented on a similar planning application at the above site, planning reference 15/00328/FUL, on 9 April 2015 (our reference SV/2015/108392/01-L01).

Based on volume of material involved, the proposed activity will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting Regulations. The applicant will need to apply to us for this, it is a separate process to planning, and they will need both planning permission and an Environmental Permit in place to carry out the activities proposed. We have no land use planning reasons to object to the proposed development, but that is not to say that an Environmental Permit would automatically be granted. We cannot pre-determine a Permit decision and the applicant will need to submit appropriate information to us for the Permit application to be granted. We recommend the applicant contacts our local Waste Team to discuss this at the earliest opportunity. Contact details are: 01684 864395, martin.quine@environment-agency.gov.uk

As part of the Environmental Permit process, the applicant will need to submit various information to us, including a waste recovery plan and details of where the waste material will come from, what it consists of and acceptance procedures. The Environmental Permit would only be granted if appropriate inert waste types were to be accepted and it can be demonstrated that there will not be unacceptable environmental impacts.

It should be noted that whilst the Permit would cover aspects such as the material types and operational dust control, it does not regulate operational hours, access/traffic arrangements or associated impacts from the traffic generated. As such you may wish to consider these aspects in your decision making along with any relevant conditioned controls if you decide to grant planning permission.

Finally, please note that we have not reviewed the proposed development from a flood risk perspective as the site is not located in a floodplain and there are no main rivers present. There are however watercourses nearby, the catchment area is steeply sloped and the change in soil/material may have an impact on surface water runoff. As such we recommend you consult the Lead Local Flood Authority (LLFA) on the proposals. The LLFA (Gloucestershire County Council in this instance) has lead responsibility for surface water flood risk under the terms of the Flood and Water Management Act.

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

Cotswold Conservation Board

22nd March 2016

The Cotswolds Conservation Board wishes to raise an objection. Many of the issues covered in the current application for 100,000 cubic metres of inert fill material were covered in the last application (15/00328/FUL).

The Board considers the importation of 100,000 cubic metres of inert landfill material into the nationally protected AONB to be a form of "major development" and therefore paragraphs 115 and 116 of the NPPF are relevant in this case. Accordingly the Board considers the proposal does not meet the exceptional circumstances tests of Paragraph 116. The landscaping proposals, at the scale of 100,000 cubic metres, seems to be a figure derived at based on a waste operation rather than what is actually needed (if at all) to re-profile the golf course? The Board continues to question whether the predominant purpose of the development actually involves profiting from waste disposal rather than engineering for the benefit of the golf course. The Board also questions, given the location in the "sensitive" AONB landscape (as stated within the EIA guidelines), whether this proposal has been screened for the need for an EIA. The proposal will result in a substantial level of HGV movements which will erode the rural road network and result in the importation of waste into the AONB. Although in landscape terms the scheme offers restoration of the landscape, the short term harm and wider impacts of this development on the environment of the AONB, have not been adequately assessed.

Concerns in respect of this form of development specific to golf courses were originally raised in a letter from the DCLG to Chief Planning Officers in 2009 (see Appendix 1 & 2). The Council are therefore requested to fully consider these issues before forming a decision on this application.

Land Drainage Officer

1st April 2016

Subject to GCC Lead Local Flood Authority (LLFA) being satisfied with the further information requested (see comment dated 22/3/16) and to be provided by the applicant; I raise no objection to the proposed development.

Landscape Architect

15th April 2016

Following our site visit yesterday I would like to make the following comments:

- In terms of the long-term visual effect on the landscape there is no overriding objection to the proposals.
- The loss of the tree in the middle of the site is regrettable and a scheme which retained it within the new landscape design would be welcome. The planting plan submitted with a previous application (15/00328/FUL) retained this tree. CBC's Tree Section should be consulted in all matters relating to trees.
- The Cotswold Conservation Board's concerns regarding the importing of fill material for re-profiling the site are noted and agreed with.
- A SuDS scheme based on landscape elements (e.g. ponds, swales) would be preferable as this would provide the opportunity to attenuate surface water run-off by storing water on site. Another benefit of such a scheme is that it would help to support biodiversity by providing food and habitat for wildlife. Consider creating a golf course design which integrates SuDS into the landscape scheme (e.g. a balancing pond could be a 'water hazard' for the golf course). It may be necessary to engage the services of a specialist Landscape Architecture practice to achieve this.
- Should planning permission be granted, please could the following conditions be applied:
 - LAN02B Landscaping scheme (short version)

- LAN03B Landscaping - first planting season
- A long-term maintenance plan for the landscaped areas should be provided.

Trees Officer

18th April 2016

The Tree Section welcomes the proposal to the 79 new trees to be planted in association with this application. These new native trees will make a significant visual as well as ecological benefit to this site as the trees establish and grow.

There are no objections to the proposed access requirements required to bring in this soil.

However there are concerns regarding the removal of the large mature (previously surveyed under BS5837 (2012) and considered a 'Category A' oak tree within the middle of this proposed range. Whilst it is not shown as been retained or removed, on site discussion said the tree was to be removed as a part of the application. Whilst the tree is not currently formally protected by a TPO, it is considered that this tree is has a 'high roosting potential' for bats (given the amount of cracks, crevices and potential cavities observed during a site visit). As such a secondary formal (rather than 'Scoping') bat assessment should be undertaken by someone suitably qualified eg is chartered by CIEEM with a view to undertaking such a specialist survey.

It is noted that the previous 2015 application (15/00328/FUL) showed the retention of this tree (drawing no LBGC PG-005 Vegetation Removed). As such it is recommended that this tree could still be retained. Providing a root protection area shown as a circle with 15metres radius from the centre of the trunk (as shown previously) is adhered to, the re-profiling of the soil area outside this zone would not have a significant impact on this local landmark within the site.

Trees Officer

30th November 2016

Whilst it is regrettable that the fine oak tree in the middle of the proposal is recommended to be removed as a part of this application, it is noted that it is not a bat roost (as confirmed by the ecologist). Similarly, the replacement 79 trees will mitigate for this tree's loss in the longer term.

Please could you condition that all replacement trees must achieve establishment and grow to maturity/or a min of 10 years. In the meantime any/all failures will need to be replaced with the same species.

GCC Local Flood Authority (LLFA)

17th March 2016

I refer to your communication received on 14th March 2016 regarding the above application and your request for the Lead Local Flood Authority (LLFA) to provide advice regarding the proposed management of surface water.

The site is situated in Flood Zone 1 according to the flood maps for planning provided by the Environment Agency and this would indicate that the site is at very low risk of flooding from fluvial sources. The updated surface water flood maps indicate the potential for significant accumulations of surface water on parts of the existing site.

The applicant has given appropriate consideration to the potential increase in surface water run-off from the development and the flood risk this would otherwise have on downstream existing development. The flood risk assessment and drainage strategy has demonstrated that the development will incorporate an adequate sustainable drainage system to capture the run off, provide attenuation and infiltration sufficient to ensure the site discharge will not exceed the pre-development flows after allowing for the future impact of climate change.

The proposed scheme should also mitigate the pre-existing risk from surface water accumulations.

On the basis of the evidence submitted I am therefore satisfied that the application is compliant with the relevant standards and I have no objection to the proposals.

GCC Local Flood Authority (LLFA) (revised comments)

21st March 2016

I refer to your communication dated 14th March 2016 regarding the above application and my response dated 17th March 2016 in connection with the management of surface water on the proposed development.

I have now received further information relating to this application relating to the severity of the existing surface water accumulations at the lower points of this site and on the land downhill of this development. I have therefore undertaken a review of the applicant's proposals in light of this information.

The applicant has provided details of a proposed sustainable drainage system based on the deployment of a series of infiltration/attenuation/conveyance trenches which eventually discharge via a drain connection and outfall to the Lilley Brook. In principle, on the basis of the information provided by the applicant, this proposal would seem appropriate, however I would now require further clarification from the applicant relating to the proposed method of peak flow control. In particular I need the applicant to submit further information to demonstrate how the peak run off rate from the development will be controlled for the 1 in 1 and 1 in 100 year rainfall event in order that it will not exceed the pre development rate for the same event after making allowance for climate change and that it will not exacerbate the existing surface water flooding problems downhill of the site.

Please note that our earlier advice of no objection to this application is therefore rescinded until the requested information has been provided and these matters have been satisfactorily addressed by the applicant.

GCC Local Flood Authority (LLFA) (further revised comments)

21st April 2016

I refer to your communication dated 18th April 2016 regarding the above application and the email from Matthew Kendrick, the applicant's representative dated 18th April 2016. I also refer to my previous letter dated 13th April 2016.

The applicant's drainage engineers have suggested that the values outlined for the volume/rate of run off are "likely to be overestimated". I request further evidence to support this statement. I also require evidence to demonstrate that the proposed trench system will provide sufficient attenuation and infiltration to manage the excess run off over the pre development greenfield equivalent after allowing 40% for climate change, this is to comply with the recent changes to climate change allowances published by the Environment Agency. The applicant needs to show how the proposed trench will manage the excess run off and avoid the risk of flooding. The applicant is requested to consider the possibility that the proposed inclusion of a pipe in the trench may accelerate the conveyance of water rather than slow it down and I have concerns that this could increase flood risk in the lower areas below the development site, the applicant is required to demonstrate how this risk will be avoided. It is suggested that the applicant should consider providing a system of attenuation at the lowest point of the piped trench to address this risk.

In my letter dated 13th April 2016 I advised of my concerns regarding the potential for overland flow from the catchment above the site and the impact this could have on the development site itself and the adjacent areas. The applicant is requested to describe how that flow will be managed including how the risk of this water being diverted into Sandy Lane can be avoided.

The applicant's proposal to incorporate a control device is welcomed; this will need to restrict the discharge rate to the watercourse at the pre development flow rate after allowing for an increase of 40% arising from the impact of climate change. It is also requested that the applicant should provide evidence to confirm that the drain connecting the SUDS to the watercourse has sufficient capacity to receive water from the development site after allowing for any other surface water captured by the same pipe.

GCC Local Flood Authority (LLFA) (final comments)

2nd December 2016

I refer to the above application, your request for advice from the Lead Local Flood Authority (LLFA) on the applicant's proposals for the management of surface water and my previous responses.

I note the applicant's revised strategy dated 7th November 2016 and their revised assessment of the required attenuation volume. The applicant has acknowledged the need to manage the flows from the upper catchment and to include this in their mitigation proposals. They have stated that the attenuation volumes will be made sufficient to accommodate excess flows the development site and the upper catchment comprising a total of 10.2 Ha. The applicant has also agreed to include an allowance of a 40% increase in rainfall intensity arising from the effects of climate change. The applicant has agreed to restrict the discharge rate to the pre development equivalent.

The Environment Agency has indicated that it has no objections in principle to the applicant's proposed point of surface water discharge subject to the applicant obtaining a permit for Flood Risk Activities if this is deemed a requirement. The applicant should also ensure any requisite Land Drainage Act consent is obtained from the Principal Engineer, Civils and Flood Risk Management, Cheltenham BC.

The strategy documents provide only a conceptual plan with indicative information of the location and scale of the swale, basin and outfall. The LLFA will require further information to clarify the detailed design of the swale, basin, control device and channel connection to the existing watercourse.

On the basis of the information provided the LLFA is satisfied that the proposals are broadly compliant with the requirements for a viable SUDS and I can advise that **the previously recorded objection may now be withdrawn**. However, there applicant has not yet provided the design details and therefore, if the LPA is minded to approve the application, **it is recommended that the following condition be included in the approval;**

Condition: Development shall not begin until drainage design details of the proposed swale, basin, control device, connecting channel and outfall structure have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. **Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

GCC Highways Development Management

5th April 2016

I refer to the above application received on 15th March 2015, submitted with application form, planning statement, transport assessment and drawing refs. KWW/011/02, KWW/011/04 and KWW/011/05.

Proposal

The proposal to carry out engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material is located at Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings.

The proposed development comprises engineering works required to re-profile and re-contour the existing practice ground to address a number of golf related issues that currently affect this area. The proposal will create a mini 9 hole academy golf course to enable adults and juniors to practice sufficiently, as well as raising tee levels for the practice ground. This will provide a safe practice area for such players away from the main course which will engender the teaching of the sport and greatly assist the club professional in delivering tuition to both existing and potential club members.

Location

Lilleybrook Golf Club is located on the southern edge of Cheltenham, on rising land at the foot of the Cotswold escarpment. The application site is situated in the western part of the existing golf course.

Visibility

Construction vehicles will utilise the main point of access to gain access to a temporary construction route that will be created through the car park. Sufficient visibility can be gained from the access point of the golf club. At a set back of 2.4m from the centre line of the access 215m visibility can be achieved to the right (south) and 120m can be gained to the left (north). The section of highway that runs adjacent to Lilleybrook Golf Club is subject to a 40mph speed limit.

The site uses separate entrance and exit accesses located along the A435 frontage separated by a low boundary wall.

Access & vehicular trip generation

The construction traffic generated from this proposal has a natural limit. The proposed total amount of vehicle movements generated on the suggested basis of 8.5 cubic metre loads will give a total of 11,765 deliveries for the importation of materials. The applicant intends to limit the number of expected deliveries to approximately 31 per day. This equates to 4 trips an hour (4 arriving and 4 departing), based on an 8 hour window Monday to Friday. At the maximum rate of importation the traffic movements would last eighteen months.

Whilst the construction of the mini 9-hole golf course is being undertaken there will be an increase in traffic movements generated onto Cirencester Road (A435). Cirencester road is a class 1 A road. There will be no significant impact as a result of the temporary increase in traffic movements from Lilleybrook Golf Club onto Cirencester Road during the construction period and no change to the existing traffic patterns will occur once construction has been completed.

The submitted planning statement outlines the criteria set within a construction method statement. All information included within the planning statement shall be adhered to

throughout the construction period. This will reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Summary

The highway authority recommends that no highway objection be raised.

Note: The safe, secure and convenient pedestrian movements within the private golf course car park should be considered and maintained in order to reduce any potential conflict resulting from the proposed construction route.

Charlton Kings Parish Council

12th April 2016

Charlton Kings Parish Council considers that it should have been a statutory consultee on this application, as although it is outside the parish, it is adjacent and has impact on the parish and its residents. We know that this latest application from the Lilleybrook Golf Club has again generated considerable concern amongst residents and we are aware of the distribution of a local flyer and the responses from officials of the club.

We object to this application as we are not fully satisfied with some key elements of the scheme and share the concerns of several statutory consultees/bodies who are seeking additional information. Likewise we are seeking reassurance and wish to comment in the following areas:

Flooding and drainage: We agree with the comments made by the GCC Local Flood Authority i.e. further evidence must be provided regarding peak flow controls. We believe that the current standard of safeguard controls for 1 in 100 year events no longer apply in the light of storm rainfall events regularly exceeding these controls levels. This aspect has been of most concern to residents in our parish living close to the site (in Sandy Lane for instance) and reassurance is required from the appropriate expert authorities that all drainage and flooding issues have been addressed and safeguards put in place. There are too many question marks for us to have confidence that the scheme will not adversely impact on drainage in the locality. For instance, might there be additional flood risk to properties in our parish, especially those in Chancel Way on the edge of the Environment Agency's Flood Risk Zone 2 area?

Regarding drainage, an effective drainage and attenuation scheme that manages the flows from the proposed development area, and those from uphill of it, would not only help prevent possible flooding to properties downstream of the course, but would also help the club reduce water-logging issues on the lower course. The proposal is unclear as to whether the water from the drainage system ultimately discharges to the Lilley Brook or Southfield Brook. Without this information, analysis of the effects downstream cannot be made.

The land-drainage / attenuation scheme appears to be designed to manage the rainfall on the area, but not that of the catchment uphill of the development area. From our understanding of the scheme, the proposed land-drainage / attenuation system will not effectively store water within the land-drains. Due to the difference in level, with the ground falling from the south to the north, water from the southernmost drains will surcharge the more northerly drains, preventing them from discharging water and, if the connecting carrier drain reaches full capacity, the more northerly drains will actually discharge water onto the ground, to then flow overland, onto the lower course.

We note that the Environment Agency has raised the issue of nearby watercourses and the implications for surface water run-off; we support its call for the appropriate flood authorities to be fully consulted.

Traffic movements: We are pleased to note that this latest proposal is much less invasive than the earlier one, as no construction traffic will travel along Sandy Lane; it is important that this is stipulated as part of any permission. In other words, no traffic associated with any part of the plan is permitted to use Sandy Lane and access/egress to the site must only be from Cirencester Road. We have read the submission by GCC Highways and while we understand that the additional traffic movements on the A435 may not reach their 'significant' threshold, we are nonetheless concerned by the large number of daily movements by heavy trucks, presumably OGVs, in and out of the golf club and up and down the A435. By our calculations this equates to 31 movements per day over 18 months and this may damage the carriageway. From a safety perspective we recommend that consideration be given to introducing a temporary lower speed limit of 50mph further up the hill, well before it currently changes to 40. The number of lorries turning right into Cirencester Road across the path of traffic flowing downhill would cause a very real safety issue for fast downhill traffic.

Environment: Again we agree with the consultee comments, which raise a number of important issues that need clarifying, in particular the type of waste and its impact on the habitat and potential harmful impact on local watercourses. We note that a licence will be required, alongside any planning permission.

AONB: While in the long term the site will visually apparently not look that different, the scheme needs to provide a detailed landscape plan setting out the vision and the final landform, with consideration given to the potential for features such as ponds. The Cotswold Conservation Board makes some good points about importing inert landfill into an AONB and there could be policy implications here.

Archaeology: The sheer scale of this project in an area which has a high probability of housing Roman remains (according to County Archaeology) causes us concern. We would like to see an archaeological assessment and field evaluation carried out and reviewed by County Archaeology before a decision is made on the application.

Trees: to our knowledge there is an oak tree in the middle of the proposed site and we would like the Tree Officer to take a view on this.

Charlton Kings Flood Action Group

3rd May 2016

I am writing on behalf of the Charlton Kings Flood Action Group, which as I mentioned in a previous letter of 23 December 2015, is a group recently formed under the auspices of the National Flood Forum to represent collectively the views and concerns of residents on issues of water management and flood mitigation to the various agencies and local government.

This letter voices our objections to the recent proposal for work at Lilleybrook Golf Club cited above. It reiterates in more outline form the detailed and extensive objections that we know you have received on this proposal. Our central concerns are these, that the proposed work will significantly increase the flow of water downstream in times of storm, and that the proposal sets a poor precedent for this kind of work, with a Flood Risk Assessment that does not comply satisfactorily, for instance with the principles for Sustainable Drainage System as set out in the H R Wallingford manual of 2015. In particular, the assessment does not model serious rainfall events of the kind that took place in 2007, apparently basing its assessment on 120 minute winter storms. Nor does it build into its plan for a sloping site the desired or specified kinds of ways of diversifying, absorbing and slowing the flow of water on what is not a permeable site, a feature of the catchment as a whole as identified in the Cheltenham Surface Water Management Plan. In these respects the assessment differs from the assessment for a comparable project for

flood alleviation 15/02131/FUL near Southfield Manor Park, which is of a much more rigorous standard. Other letters to you have indicated how cursory the assessment is in its desk-top examination of likely flooding effects downstream, with no reference, for instance, to Environment Agency Surface Flooding Maps that could contribute to a necessarily wider view of the situation.

On issues of procedure and transparency, we also notice, as with the previous proposal to which we objected in December, that this proposal was initially given a very short consultation period over a public holiday. In this case too, we notice that the responsibility was given to a single planning officer rather than the planning committee, and this seems inadequate for a plan of this significance.

From the point of view of residents, further, you will know that some houses in Sandy Lane and downstream from this area were flooded in 2007, and since then Charlton Kings residents have naturally been monitoring and recording the run-off from the course. They have noted that this has been significant in recent years, with springs appearing on the course for instance when there is rain. They are concerned too that there was inadequate consultation between the Golf Club and residents, and that there is a lack of transparency on both the very large amounts of money involved and the possibility of future, larger projects on the course. In our discussions on this matter we questioned the actual need for the scheme, since we noted that there are certainly other possible and more suitable sites for the disposal of this kind of material. We also questioned how the developer could justify the volume of material imported when it has more than adequate resource in its own land for landscaping work.

We note too that more information has been requested by the Gloucestershire County Council Local Flood Authority who share our concerns about the lack of clarity about the downstream effects of this proposed work and we wholly support this. Members of our group also share the concern expressed by a civil engineer at the Charlton Kings Parish Planning meeting that the proposed draining system was inadequate and could lead in a storm to backing up which would ultimately exacerbate the surface run off at lower levels.

In particular, the Charlton Kings Flood Action Group is focussed on ensuring that future developments in or near vulnerable areas which affect our community are reviewed against the standards established in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Sustainable Drainage Systems for Local Development Framework FINAL REPORT Volume 3 October 2011 . This document is very relevant to this proposal in calling for higher standards in reviewing development proposals in vulnerable areas as detailed below:

5.1.4 In areas of identified surface water flood risk and or where the receiving watercourse has insufficient channel capacity, a greater reduction in surface water runoff should be required. In all instances, opportunities to improve runoff rates from a site and reduce flood risk should be sought.

5.1.5 It is recommended that landraising is not undertaken to ensure overland flow paths are kept clear. This will involve the use of SUDS techniques which should take into account the local geological and groundwater conditions.

Further, with respect to the Golf Club application, in our recent meeting we discussed how a more adequate plan from the hydrological point of view might also be one that enhanced the course itself, with the introduction of lakes, vegetation, sumps, ponds, swales, and different levels or zones. Certainly, were the work to go ahead in the future in any form, we would suggest that it is reasonable to expect that the Club plans must be amended to take responsibility for ensuring that the FRA materially reduces flood downstream risk, and that the system is properly maintained and managed over its lifetime. To ensure that these aims are secured, we would also like to see that the quality of any works of this scale developed

by the club now or in the future are subject to independent external professional inspection at completion and regularly thereafter which holds the developer accountable for monitoring and remedial measures. Ideally too, any such developments should demonstrably comply with current best practice requirements of improving flood risk and water management. If I had collated the many objections of which I am aware that itemise how inadequate the current plans are in this respect, this letter would run to several pages.

Finally, as I mentioned in my previous letter, despite these objections, I would like to assure you that our aim is to engage positively and productively with the County Council and other bodies to ensure that we can contribute to the development of a sustainable flood policy that benefits the whole area, and to increasing community representation.

Charlton Kings Flood Action Group (revised comments)

5th December 2016

Further to our earlier letter of objection, I am writing to you as chair of the Charlton Kings Flood Action group to relay continuing concerns from our residents about this application and both the broader issues it raises about flood policy and mitigation in Cheltenham and Charlton Kings, as well as the specific issues about the lack of clarification about the scheme itself. In this latter respect, we are very concerned that there is a lack of detail at the moment about what is involved in the construction phase of this project and the engineering involved.

With reference to the actual planned construction phase of this development we have a number of concerns about implementation, responsibility and oversight. To begin with, there is a lack of clarity about the nature, source and composition of the waste material to be used for the proposed land-raising, and this prevents analysis of the proposed structure, for instance with respect to issues relating to contamination or the transportation of sediment (either downstream and/or potentially blocking the proposed swale-pipe and rendering it useless). Related to this, given the scale of the proposed development we would consider it reckless to progress this application without giving the public and the council's advisors the opportunity to scrutinize any existing plans for the construction phase, and be able to comment if need be. We would also like reassurance that a suitable Environment Agency review has been conducted, and that the EA will be formally consulted and involved throughout the process. We would think that this would be a minimal requirement for proposal of this scale and environmental/ecological sensitivity.

Such concerns raise broader issues also, and we have three recommendations. In the first place, we believe strongly that: -

- The site would be best served by being classified as a Designated Structure in accordance with the DEFRA policy on the Designation of structures and feature for flood risk management purposes (<https://www.gov.uk/government/publications/designation-of-structures-and-features-for-flood-and-coastal-erosion-risk-management-purposes-information-note--2>) adopted as policy by the Gloucestershire Council Local Risk Strategy Implementation Plan. This would allow for an integrated approach to the management of flood risk in the area, with the broader view of community interest and flood protection as the key and over-riding factor.
- Secondly, we urge the Gloucestershire Council to progress the promised establishment of a SUDS Approval Body role under Schedule 3 of the Flood and Water Management Act 2010 (FWMA) (ref Gloucestershire Annual Progress and Implementation Plan_(15-16)) And that these Designated structures should come under the supervision and control of this SUDS body when formed at Gloucestershire Council. This would ensure a better process of managing and guaranteeing planning outcomes than is currently the case through the passive devolution of this responsibility to the Lead Local Flood Authority.

- Thirdly, should this Lilleybrook plan be progressed further, we would expect that a non-performance bond as provided for in para 11 of schedule 3 of the FWMA would be put in place prior to development so that flood risk management can be assured in the event of any interruption of work.

Further, with reference to the plan documents currently available, we have a number of additional serious concerns that have not yet been addressed. Perhaps the main one, currently, in addition to those raised in our previous letter, is about the shortcomings of the plan in terms of its failure to clarify its proposals to ameliorate the downstream effects of the work, as well as to consider the effects of the works themselves, and issues arising from their maintenance, in this respect. For instance, section 4 concentrates on on-site impacts, but neglects full consideration of those off-site, even though the Gloucester Council identifies the site and downstream land as 'medium- high flood risk location' due to the specific soil and surface water flooding characteristics of the location.

Regarding the 'Sandy Lane bund' itself, it has been pointed out to one of our group that the LLFA scrutiny of the flood control plans is based on satisfying itself that there will be 'no increase' of run off that would be observed in a 1 in 100 year and climate change event. We consider this benchmark to be highly unsatisfactory, particularly as the DEFRA policy used as a reference for applying this test specifically authorises planning authorities to apply more stringent tests. Progressing this proposal using such an outdated standard would be in marked contrast to the Southfield scheme that was based on modelling that predicted a roughly 10% reduction of 1 in 100 year flow rates after development (see section 4.11 of Modelling Report of 16 Feb 2016). The water velocity and volume leaving the catchment basin and swale should be similarly reduced, we strongly feel.

In this regard, we feel the Council should fulfill its obligations to protect the adjacent community and rigorously apply national policy to reduce flood risk in known areas of risk, and comply with its SUDS guidance document, which goes beyond the minimum standard of flood management (that it is not increased elsewhere) adopted here. In place of this, the document offers detailed guidance for planning approvals meeting the basic principle of SUDS policy: to reduce flood risk among other key factors, as in the 2010 Flood and Water Management Act which states (our use of bold):

"Sustainable drainage" means managing rainwater (including snow and other precipitation) with the aim of—

- (a) **reducing** damage from flooding,
- (b) improving water quality,
- (c) protecting and improving the environment,
- (d) protecting health and safety, and
- (e) ensuring the stability and durability of drainage systems.

Finally, we would like reassurance, in line with the Minerals and Waste Policy for Gloucestershire, that the proposal for disposing of what is effectively around 150,000 tonnes of waste material does not contravene the guideline that states:

A failure to assess proposals against all relevant development plan policies, including in circumstances where 'waste' issues need to be firmly established, could risk undermining the legitimacy of any decision taken by the determining local planning authority.

GCC Minerals and Waste Policy

13th May 2016

The proposal appears to suggest that 100,000 m³ of recycled material is to be used, which is likely to equate to around 150,000 tonnes. This represents quite a significant amount of material and the potential issues resulting from its importation should be given the requisite

attention. It is assumed that prior-processed, recycled materials will make up the vast majority of the material to be used and that "as dug" material will be materially insignificant. In order for the proposal to avoid being classified as a 'waste' application, all imported material must have been subject to some form of processing activity and no further processing should be allowed to take place on site. If this was to be the case, the policies contained within the adopted Gloucestershire Waste Core Strategy (WCS) and the relevant saved policies contained within the adopted Gloucestershire Waste Local Plan would need to be considered. A failure to assess proposals against all relevant development plan policies, including in circumstances where 'waste' issues need to be firmly established, could risk undermining the legitimacy of any decision taken by the determining local planning authority.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 118 properties surrounding the site on receipt of the application in March. In addition, two site notices were posted, one on Cirencester Road and one on Sandy Lane. In addition, 139 letters were sent out to notify neighbours and other interested parties of the revised FRA received in November 2016.
- 5.2 In response to the publicity, objections have been received from 26 local residents. All of the representations received during the course of the application have been circulated to Members in full; however, the main concerns raised in the representations relate to flooding, impact on the highway network, and the type of fill material proposed.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the impact on the AONB, flooding, traffic and highway safety, trees and landscaping, ecology and biodiversity, and archaeology.

6.2 The application

6.2.1 It has been queried whether the submitted planning application is the appropriate form of application, or whether the proposals should be considered by the waste planning authority, the County Council, as a 'waste disposal' operation.

6.2.2 In this regard, the County Waste and Minerals Team have commented on the application and have confirmed that the proposal should not be classified as a 'waste' application on the assumption that prior-processed, recycled materials will make up the vast majority of the material to be used and that all imported material will have been subject to some form of processing activity with no further processing allowed to take place on site.

6.2.3 The Planning Statement submitted with the application confirms that it is proposed to use inert soil, soil forming material and other suitable granular material that would have been screened and processed prior to being imported to the site. Moreover, the predominant purpose of the development would be for 'waste recovery' engineering works to create a mini 9-hole golf course rather than a simple 'waste disposal' operation.

6.2.4 Officers are therefore satisfied that CBC should be the determining authority.

6.2.5 It is not known as this time where the fill materials would be imported from as this would be dependent on availability at the time of the development. However, should planning permission be granted, the applicant would need to apply for an Environmental Permit from the Environment Agency (EA) under the terms of the Environmental Permitting Regulations. This is separate to planning and the applicant would need both planning permission and an Environmental Permit in order to carry out the proposed works.

6.2.6 As part of the Environmental Permit process, the applicant would need to submit information to the EA, including a waste recovery plan with details of where the waste material would come from, what it would consist of, and acceptance procedures. An Environmental Permit would only be granted if appropriate inert waste types were to be accepted and it could be demonstrated that there would not be any unacceptable environmental impact. The Permit would also cover aspects such as operational dust control.

6.3 Environmental Impact Assessment

6.3.1 The proposal is considered to be a Schedule 2 development, as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, by virtue of the fact that it is listed in the first column of Schedule 2 at 12(f) (Golf courses and associated developments) and the site is located within the AONB, a 'sensitive area'. In accordance with the Regulations, the proposal has therefore been screened by the Authority to determine whether significant effects on the environment are likely and whether an Environmental Impact Assessment (EIA) is required.

6.3.2 The NPPG at paragraph 018 identifies that only "a very small proportion of Schedule 2 development will require an assessment", and the table at paragraph 058 provides an indication of the type or scale of development that is likely to require an assessment for each development type. For golf course and associated developments, the indicative criteria and threshold is for "New 18 hole golf courses"; however, each development must be considered on its own merits.

6.3.3 In screening the development, the Authority has taken account of the selection criteria in Schedule 3 of the Regulations which are: the characteristics of development; the location of the development; and the characteristics of the potential impact.

6.3.4 Having done this, officers can confirm that an EIA is not required in respect of the development proposed. However, that is not to say that there would be no environmental impact and the report will now discuss the various material considerations.

6.4 Impact on the AONB

6.4.1 Local Plan Policy CO2 seeks to prevent development which would harm the natural beauty of the landscape within the AONB and states that 'major' developments will only be permitted in exceptional circumstances; this policy is consistent with advice set out in paragraphs 115 and 116 of the NPPF.

6.4.2 Paragraph 115 requires 'great weight' to be given to conserving the landscape and scenic beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. In addition, paragraph 116 states that, '*Planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest*'.

6.4.3 It is therefore necessary to consider whether the proposal would amount to 'major' development within the AONB. The emerging JCS states that whilst major development can be defined in quantitative terms (i.e. a threshold number of dwellings), "*consideration of what constitutes 'major' development is both a matter of context and a matter of fact*".

and degree: what is deemed to be 'major' in one area may not be deemed to be so in another" due to the varied natural form of the AONB.

6.4.4 Having considered the scale and nature of this proposal, officers are strongly of the opinion that it would not constitute major development in the AONB, and therefore the works must be assessed against their impact on the natural beauty of the landscape, with "great weight" being afforded to the conservation of the landscape and scenic beauty of the area.

6.4.5 Given the works proposed in this application, it would be difficult to argue that the development would result in any long term harm to the natural beauty or visual amenity of the landscape. Whilst the works would alter the contours of the land within the application site, the change in levels is limited in its extent, and on completion, the development would fully integrate with its surroundings, as part of the wider golf course facility. No new buildings or structures are proposed as part of the development.

6.4.6 At the same time, however, it is important to acknowledge that during the construction period, the provision of the temporary access through the site would result in limited short term harm. Indeed it is the short term harm and wider impacts of this development on the environment of the AONB by importing waste materials, that the Cotswolds Conservation Board raise objection to, whilst acknowledging that *"in landscape terms the scheme offers restoration of the landscape"*.

6.4.7 The Council's Landscape Architect also comments that *"In terms of the long-term visual effect on the landscape there is no overriding objection to the proposals."*

6.4.8 Therefore, whilst there would undoubtedly be a short term visual impact on the AONB during the development, in the long term the proposal would blend with its surroundings as part of the wider golf course facility, and is compliant with local plan policy and paragraph 115 of the NPPF.

6.5 Flooding

6.5.1 Local Plan Policy UI2 seeks to prevent development that would increase the quantity or rate of surface water run-off; this policy is consistent with advice set out in paragraph 103 of the NPPF.

6.5.2 Although the site is located in Flood Zone 1 and therefore at low risk of flooding from fluvial sources, given the site area, a Flood Risk Assessment (FRA) has accompanied the application. The updated surface water flood maps indicate the potential for significant accumulations of surface water on parts of the existing site.

6.5.3 The Lead Local Flood Authority (LLFA) has been duly consulted on this application. The LLFA are responsible for managing local flood risk, including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies. During the course of the application, the surface water drainage has been the subject of extensive discussion and negotiation between the applicant's Flood Water Management Consultant and the LLFA.

6.5.4 The submitted FRA proposes *"that a surface water drainage scheme is implemented to ensure that the proposed re-development of the site does not increase flood risk to third parties downstream of the site."* The surface water drainage scheme proposes a swale, bund and attenuation basin on the site.

6.5.5 On initial receipt of the application, the LLFA raised no objection to the proposals; however, having received additional information relating to the severity of the existing surface water accumulations at the lower points of the site and on the land downhill of the development, they rescinded their initial advice of no objection until further information

had been provided to satisfactorily address a number of matters. In particular, the applicant was required to demonstrate how the peak run off rate from the development would be controlled for the 1 in 1 and 1 in 100 year rainfall event in order that it would not exceed the pre-development rate for the same event after making allowance for climate change and that it would not exacerbate the existing surface water flooding problems downhill of the site.

6.5.4 Subsequently, further evidence was requested by the LLFA to include evidence to demonstrate that the proposed trench system would provide sufficient attenuation and infiltration to manage the excess run off over the pre-development greenfield equivalent after allowing 40% for climate change, so as to comply with the recent changes to climate change allowances published by the Environment Agency. The applicant was also requested to provide evidence to confirm that the drain connecting the SUDS to the watercourse has sufficient capacity to receive water from the development site after allowing for any other surface water captured by the same pipe.

6.5.5 In their latest response, the LLFA confirms that they are “*satisfied that the proposals are broadly compliant with the requirements for a viable SUDS*”. However, only a conceptual SUDS design has been prepared to show the arrangement of the drainage system, and the LLFA would require further information to clarify the detailed design of the swale, basin, control device and channel connection to the existing watercourse. The LLFA therefore recommend that the detailed drainage design of the proposed swale, basin, control device, connecting channel and outfall structure be secured by way of a condition, should planning permission be granted.

6.5.6 The applicant has acknowledged the need to manage the flows from the upper catchment and to include this in their mitigation proposals in their revised strategy and their revised assessment of the required attenuation volume. They have also stated that the attenuation volumes will be made sufficient to accommodate excess flows the development site and the upper catchment comprising a total of 10.2 Ha. In addition, the applicant has also agreed to include an allowance of a 40% increase in rainfall intensity arising from the effects of climate change, and restrict the discharge rate to the pre-development equivalent.

6.5.7 The Environment Agency has indicated that it has no objections in principle to the applicant's proposed point of surface water discharge subject to the applicant obtaining a permit for Flood Risk Activities if this is deemed a requirement.

6.5.8 The Council's Land Drainage Officer raises no objection to the proposed development.

6.5.9 To conclude, the proposed development would not result in any increase in the quantity or rate of surface water run-off and is therefore compliant with local plan policy and paragraph 103 of the NPPF.

6.6 Traffic and highway safety

6.6.1 Local Plan Policy TP1 seeks to prevent development that would endanger highway safety and is generally consistent with advice set out in Section 4 of the NPPF.

6.6.2 All materials would be delivered to the site via Cirencester Road (A435); it is not proposed to access the site from Sandy Lane. An existing egress from the golf club would be temporarily widened to accommodate simultaneous entry and exit by HGVs so as to ensure that vehicles are not required to wait on the public highway.

6.6.3 The materials would be transported to the site using large, 8.5m³ capacity tipper trucks and would require a total of 11,765 deliveries over the proposed 18 month construction period. This is likely to result in a reasonably consistent flow of deliveries

throughout the day, Monday to Friday, for the duration of the works. The number of daily deliveries is expected to equate to 31, with an average of 4 deliveries an hour.

6.6.4 Specific routing would be imposed upon HGVs entering and exiting the site through a Construction Traffic Management Plan. The submitted Transport Statement recommends that HGV traffic is restricted to the south of the site along the A435 utilising the A436/A417 to access the M4 or M5. Temporary signage and wheel washing facilities would be installed throughout the construction period. This could be controlled by way of condition and should planning permission be granted it is recommended that conditions requiring the submission of a Construction Traffic Management Plan and Construction Method Statement be attached.

6.6.5 The County Highways Development Management Team has considered the proposed development in conjunction with the submitted Transport Statement and raises no objection. Whilst the works were underway there would be a temporary increase in traffic movements but this would not result in any significant impact on the highway network.

6.6.6 Members are advised that the site plan at Appendix A of the FRA shows the proposed site access to be via Sandy Lane; however, this is an error and would not impact on the determination of this application. The red line on the formally submitted site location plan, and the information set out within both the Planning Statement and the Transport Statement, clearly proposes an access from the Cirencester Road.

6.7 Trees and landscaping

6.7.1 Local Plan Policies GE5 and GE6 seek to resist the unnecessary felling of trees and will seek their retention or the planting of new trees where appropriate.

6.7.2 Many of the trees within the golf course are covered by a Tree Preservation Order (TPO) but a large, mature Oak tree centrally located within the application site, which is proposed to be removed, is not currently protected. The tree has however been previously surveyed and identified as being a high quality 'Category A' tree.

6.7.3 The Tree Section, whilst acknowledging the loss of the mature Oak as being regrettable, welcomes the 79 new native trees proposed as part of the application. These new trees would mitigate for the loss of the tree and result in a significant visual, as well as ecological, benefit to the site as the trees establish and grow. Additionally, they raise no objection to the proposed access requirements.

6.8 Ecology and biodiversity

6.8.1 Local Plan Policy NE1 seeks to prevent development that would materially harm, either directly or indirectly, a site supporting any legally protected species.

6.8.2 Much of the application site is mown and managed grassland, typical of the golf course, and offers little in the way of biodiversity; however, the hedges and trees surrounding the site do have some value in providing habitats and are to be retained.

6.8.3 The proposed landscaping scheme would provide some enhancement to the habitat value through the planting of rough grassland around the fairways, improved copse planting, and an area of calcareous wildflower mix along the western boundary. Additional tree planting would also strengthen the existing vegetation along the site boundaries, particularly the western boundary adjacent to Sandy Lane.

6.8.4 Should planning permission be granted, it is recommended that a phased planting scheme be required by way of a condition; this would secure the timely planting of the

trees along the site boundaries, where they would be unaffected by the construction works.

6.8.5 Gloucestershire Centre for Environmental Records (GCER) has not alerted the Authority of any ecological information that they hold which indicates that further consideration should be given to biodiversity issues when determining this application. However, it was noted on site by the Trees Officer that the large, mature Oak tree, proposed for removal, had a high roosting potential for bats due to the amount of cracks, crevices and cavities. Therefore in accordance with the requirements of policy NE1, a bat survey was requested.

6.8.6 A bat survey was subsequently undertaken which concludes that two identified features within the Oak tree with the potential to support roosting bats, a rot hole and cleft, do not currently support bat roosts. Additionally, no evidence of past usage was found. However, it recommends that if the tree is not felled within 12 months of the survey, a further survey should be undertaken.

6.9 Archaeology

6.9.1 The County Archaeologist has advised that the County Historic Environment Record shows that in 1939 a Roman burial was discovered on the application site during gravel digging there. He therefore considers that there is high potential for further Roman burials to be present within the development area and that the proposed development could have an adverse impact on significant archaeological remains relating to Roman burials.

6.9.2 In response to this, during the course of the application, a desk-based Archaeological Assessment was submitted. The report confirmed that the application site may contain significant archaeological remains of Roman date, and that there is also the potential for prehistoric and Anglo-Saxon remains to be present that could be adversely affected by the development. The County Archaeologist therefore recommends that the archaeological impact of the development should be investigated by way of an archaeological field evaluation, the results of which should be provided in advance of determination of this application. This is in accordance with paragraph 128 of the NPPF.

6.9.3 At this time, due to the cost of the necessary trenching work, the applicant's agent has confirmed that the field evaluation requested by the County Archaeologist will not be carried out prior to determination, and it is therefore suggested that the application be refused based on a lack of information on this matter. If this is the sole reason for refusal, it is anticipated that the applicant will commission the necessary field evaluation and resubmit for planning permission.

6.10 Other matters

6.10.1 Given the nature of the application and proposal which ultimately seeks to provide a new 9 hole academy golf course, officers consider it necessary and appropriate to secure the completion of the works, and therefore the provision of the academy course, within a reasonable timescale through a s106 agreement. However, such an agreement has not been entered into by the applicant at this time.

6.10.2 In the absence of a legal agreement, there would be no requirement for the applicant to complete the works in their entirety, therefore opening up the possibility that only the importation of the fill material would occur. The implication of this would be that ultimately a waste 'disposal' operation would have been carried out; one that should have been considered by the County Council as the waste planning authority. A secondary reason for refusal is therefore suggested relating to the absence of a legal agreement.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In principle, the proposal is considered to be an acceptable form of development within the AONB. Whilst there would undoubtedly be a short term visual impact on the AONB during the development, in the long term the proposal would blend with its surroundings as part of the wider golf course facility.
- 7.2 During the course of the application, the surface water drainage has been the subject of extensive discussion and negotiation between the applicant's Flood Water Management Consultant and the LLFA. Following receipt of a revised FRA, the LLFA confirm that they are *"satisfied that the proposals are broadly compliant with the requirements for a viable SUDS"*. The detailed drainage design could be secured by way of a condition.
- 7.3 The County Highways Development Management Team has considered the proposed developed in conjunction with the submitted Transport Statement and raises no objection. Whilst the works were underway there would be a temporary increase in traffic movements but this would not result in any significant impact on the highway network.
- 7.4 The Tree Section, whilst acknowledging the loss of a large, mature Oak within the site, welcomes the 79 new native trees proposed as part of the application. These new trees would mitigate for the loss of the tree and result in a significant visual, as well as ecological, benefit to the site as the trees establish and grow.
- 7.5 The proposal to implement a landscaping scheme is welcomed and would provide enhancement to the habitat value of the site through the planting of rough grassland around the fairways, improved copse planting, and an area of calcareous wildflower mix along the western boundary. Additional tree planting would also strengthen the existing vegetation along the site boundaries, particularly the western boundary adjacent to Sandy Lane.
- 7.6 A bat survey was undertaken which concludes that two identified features within the Oak tree with the potential to support roosting bats, a rot hole and cleft, do not currently support bat roosts. Additionally, no evidence of past usage was found.
- 7.7 Notwithstanding the above, the application is recommended for refusal for the following reasons:

8. REFUSAL REASONS

- 1 There is the potential for Roman burials, and prehistoric and Anglo-Saxon remains, to be present within the development area that could be adversely affected by the development. In the absence of an archaeological field evaluation it has not been possible to fully assess the archaeological resource within the area or understand the archaeological implications of the proposed development. In the absence of such information, the proposal fails to accord with national guidance set out within the NPPF at paragraph 128.
- 2 No legal agreement has been completed to secure the completion of the works, and therefore the provision of the academy course, within a reasonable timescale. In the absence of such an agreement, there would be no requirement for the applicant to complete the works in their entirety, therefore opening up the possibility that only the importation of the fill material would occur. The implication of this would be that ultimately a waste 'disposal' operation would have been carried out; one that should have been considered by the County Council as the waste planning authority. An agreement is therefore necessary to make the development acceptable in planning terms in accordance with national guidance set out within the NPPF at paragraphs 203 and 204.

INFORMATIVE

- 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 authority cannot provide a solution that will overcome the reasons for refusal set out above.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.