

APPLICATION NO: 17/00135/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 24th January 2017	DATE OF EXPIRY: 25th April 2017
WARD: Oakley Ward	PARISH:
APPLICANT:	Gloucestershire County Council
AGENT:	Mr Shauket Khan
LOCATION:	Priors Farm, Imjin Road, Cheltenham
PROPOSAL:	Two flood storage areas, creating new ditches and installation of new culverts.

Update to Officer Report

Recommendation: Permit

1. OFFICER COMMENTS

1.1. Determining Issues

1.2. The main considerations in relation to an application of this nature are as follows;

- Principle of development
- Landscape Considerations
- Trees and Landscaping
- Highways and Access
- Impact on neighbouring amenity
- Ecology
- Archaeology
- Other considerations

1.3. Principle of development

1.3.1. The Cheltenham Surface Water Management Plan (SWMP) identified Whaddon, Lynworth and Prestbury as high risk flood areas which have experienced frequent surface water flooding over many years. In June and July 2007, the area experienced extreme flooding events and over 300 properties were known to have experienced flooding.

1.3.2. The Local Lead Flood Authority (LLFA) is promoting a flood alleviation scheme designed to reduce flood risk to 213 properties at Priors and Oakley estates, at the 1 to 100 year flood event. The flood storage area is designed to store and slowly release the flow into the existing water network when capacity returns. The Council's Land Drainage Officer has been fully involved in the submitted scheme, as has the LLFA. As such, officers do not consider there would be any reason to question their conclusions from a flooding perspective.

1.3.3. Given the existence of surface water flooding concerns in this area the principle of flood relief works is considered to be acceptable. There are no specific policy reasons which would prevent the development of this site for these purposes.

1.4. Landscape Considerations

- 1.4.1. Cheltenham Borough Council has recently published a review of the AONB within the administrative boundary of Cheltenham Borough, titled, Landscape Character, Sensitivity and Capacity Assessment of the Cotswold's AONB within the Cheltenham Administrative Area. This document has been produced in order to support the preparation of the emerging Local Plan; however officers consider it is a material consideration when assessing landscape matters.
- 1.4.2. The physical development itself does not lie within the Cotswold Area of Outstanding Natural Beauty, but a small part of the red line area to the east is within the AONB. Given the sites sensitive location, it is important to consider the wider landscape impact of the proposal.
- 1.4.3. The site forms part of an area known as 'Oakley Pasture Slopes' (site ref: LCA 7.3). The report sets out that the area as a whole has high landscape sensitivity and a high landscape value. That said, the report acknowledges that the area to the west of the Oakley Pasture Slopes, which lies outside of the AONB and is the proposed location for the embankment structure, is more visually contained.
- 1.4.4. The surrounding landscape character is principally pastoral and scrub land use, with field boundaries denoted by mature hedging. The flood alleviation scheme will comprise of an embankment which will be fully grassed when completed. Some ancillary structures such as fencing will be present, but these represent a small part of the scheme. The general appearance will be one of a landscaped area, which at certain times, will hold water.
- 1.4.5. Cotswold Conservation Board have been consulted on the proposal, however a response has not been received. Given the largely soft appearance of the proposal and the assessment which identifies this area as more visually contained, the works are not considered to have any unacceptable impact on the character of the site and the wider Cotswold Area of Outstanding Natural Beauty and are considered entirely appropriate in this context.

1.5. Design and Layout

- 1.5.1. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect surrounding development.
- 1.5.2. The proposal is very technical in terms of its engineering requirements and the scale and location of the storage areas have been chosen to optimise the reduction in flood risk, but also with the requirement of minimising the visual impact of the earth embankment in mind. The location of the structures is such that there is minimal engineering work required to create contained areas, utilising the layout of the existing ground where possible.
- 1.5.3. The flood storage area will be created through the construction a new grassed earth embankment with associated control structures and connections to existing watercourses. The proposed works consist of an embankment which will be no higher than 2.8 metres above the surrounding existing ground levels and will reflect the current ground levels of the adjacent field to the east.
- 1.5.4. There will be additional ancillary structures forming part of the development which will include some fencing. This will be post and wire stock fencing and some timber post and rail fencing to reflect similar existing fencing in the area.

1.5.5. When considering the proposal in terms of it having an acceptable impact on the landscape character, alongside the design and layout aspects of the scheme, the proposal is respectful to its surroundings and is therefore in accordance with Local Plan Policy CP7.

1.6. Trees and Landscaping

1.6.1. The Council's Tree Officer has been consulted on the application and has made a detailed representation. No objection is raised in principle to the proposal providing various new plans can be submitted and agreed as well as minor adjustments being made to some of the drawings. In addition, a Tree Protection Plan will need to be submitted and agreed.

1.6.2. Officers have sought clarification in relation to the stage at which the above information is required. Given there is no objection in principle, the Tree Officer considers the additional information and assessment required can be done through suitably worded conditions, but this information would be required prior to development commencing.

1.6.3. With regards to landscaping, the proposal itself will be grassed over, but in order to ensure any loss of trees or landscaping is suitably mitigated, a detailed landscaping plan will also be required.

1.7. Highways and Access

1.7.1. Gloucestershire County Council Highways has been consulted in relation to this application. A detailed consultation response has been received setting out construction access, maintenance access, public rights of way and construction work. The main aspect of the works from a highway perspective relates to construction works. Vehicles will be temporarily taken around the edge of Priors Farm recreation ground during the period of construction. No development is required in relation to this aspect of the proposal.

1.7.2. On all matters assessed in relation to highway safety, GCC Highways has confirmed that no objection has been raised, however conditions have been suggested which have been attached to this recommendation.

1.8. Impact on neighbouring amenity

1.8.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

1.8.2. The proposal itself will not have any unacceptable impact on neighbouring amenity; there are no neighbouring dwellings within the immediate vicinity. It is likely that there will be some noise and disturbance during construction works as a result of vehicular movements to and from the site. For this reason the Council's Environmental Health Officer has drawn the applicant's attention to the standard hours of construction work.

1.9. Ecology

- 1.9.1. Paragraph 118 of the NPPF advises that local planning authorities should aim to conserve or enhance biodiversity by applying various principles. One of these principles is to ensure adequate mitigation within development proposals.
- 1.9.2. The submitted information has been reviewed by the County Council's Principal Ecologist who has not made any specific recommendations in relation to the application. The application is accompanied by an Ecological Appraisal and a Great Crested Newt Report. The submitted reports conclude that subject to implementation of the measures recommended, the proposed development could be implemented without significant adverse ecological impacts and be in accordance with the relevant legislation and policy guidance. In light of this, officers have attached a condition ensuring that the measures set out within the report are fully implemented. With the addition of this condition, the proposal is considered in accordance with paragraph 118 of the NPPF.

1.10. Archaeology

- 1.10.1. The application is accompanied by both a geophysical survey and an archaeological evaluation report. Gloucestershire County Council's Archaeologist has been consulted and has provided a detailed response based on the information provided.
- 1.10.2. In summary, no objection has been raised to the principle of the development subject an appropriate programme of work to excavate and record any significant archaeological remains being undertaken prior to the development of the Priors Farm flood scheme area in order to mitigate the ground impacts of this scheme. In order to facilitate this, a condition has been suggested to ensure the necessary works to take place.

1.11. Other considerations

- 1.11.1. Members will note that the application site is owned by Cheltenham Borough Council. There are aspirations for potential mixed use development within the site and the surrounding Priors Farm area which could include sports pitches, a flood alleviation pond, allotments and residential development. This forms part of the preferred options consultation for the emerging Cheltenham Local Plan that is ongoing.
- 1.11.2. Cheltenham Borough Homes have made a formal representation raising concerns regarding the development and consider the attenuation pond will have a significant impact on the number of houses which could potentially be delivered within this site, should it be allocated for some residential development.
- 1.11.3. Officers recognise these aspirations for the wider Priors Farm area which could include securing much needed additional housing within the Borough. Whilst this may be the case, as set out in section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions made in respect of planning applications must be taken in accordance with the development plan unless there are material considerations which would indicate otherwise.

- 1.11.4. The representations from Cheltenham Borough Homes are relevant for the Local Plan consultation but hold very limited weight as a material consideration in the assessment of this application. Residential development of the wider parcel of land remains an aspiration for the land owner and the local plan process will fully scrutinise all representations in relation to this point. Whilst the efficient use of land is a fundamental principle of good planning, and officers understand why CBH allude to this in their representations, it is important to stress that the proposed flood alleviation scheme does not in itself prevent additional land uses coming forward. Clearly, it will represent an additional constraint for any future proposed housing to successfully respond to but in no way does it sterilise the future use of land.
- 1.11.5. Members are advised that in local plan terms, the site has no allocation or designation. The suggested allocation in the current consultation document includes the provision of this flood alleviation scheme and the representations from CBH should be scrutinised through the preparation of the Cheltenham Plan. This application should be determined against the provisions of the current local plan against which it is an acceptable form of development that brings with it inherent value to a number of existing houses.
- 1.11.6. The application site also lies to the south of an area which has been identified for a new crematorium building. As part of this project a new access road will be required and it is anticipated that this will be constructed along the south of the Cemetery and Crematorium boundary, a part of which is within this application site.
- 1.11.7. Concerns have been raised by the Council's Property Team that the proposed alleviation scheme would encroach upon an access road in this location. It may be that the proposal does impact upon an access road in this location; however, for similar reasons to those set out with regards to future aspirations on within the area for housing, officers are unable to attach weight to this concern. The proposed scheme would be a constraint that any potential access road would need to take account of and it seems unlikely that it would preclude the construction of such an access road.

2. CONCLUSION AND RECOMMENDATION

- 2.1.1. The principle of the proposed development is acceptable. The proposal is designed to reduce flood risk to a significant number of residential properties and there are no policy reasons this type of development should not be located on this particular site.
- 2.1.2. Given the largely soft appearance of the proposal and a landscape assessment which identifies this area as more visually contained, the works are not considered to have any unacceptable impact on the character of the site and the wider Cotswold Area of Outstanding Natural Beauty and are considered entirely appropriate in this context. In addition, the design and layout of the scheme is respectful to its surroundings and is therefore in accordance with Local Plan Policy CP7.
- 2.1.3. The Council's Tree Officer raises no objection to the scheme; however additional information is required in relation to trees and landscaping which can be secured by way of the conditions.
- 2.1.4. On all matters assessed in relation to highway safety, GCC Highways has confirmed that no objection has been raised, however conditions have been suggested which have been attached to this recommendation.

- 2.1.5. Both the archaeological and ecological impact of the proposal is considered to be acceptable, subject to conditions. In relation to ecology, this condition ensures the development is carried out in accordance with the submitted Ecological Appraisal. In the case of archaeology, an appropriate programme of work to excavate and record any significant archaeological remains will need to be undertaken prior to the commencement of works.
- 2.1.6. Finally, whilst representations in respect of the wider aspirations for the site have been considered, these hold minimal weight. In local plan terms, the site has no allocation or designation. This application should be determined against the provisions of the current local plan against which it is an acceptable form of development that brings with it inherent value to a number of existing houses.
- 2.1.7. With all of the above in mind, the proposed flood alleviation scheme is considered acceptable when considered against relevant Local Plan Policies and the guidance set out within the National Planning Policy Framework.
- 2.1.8. The recommendation is therefore to approve this application subject to the conditions set out below.

3. CONDITIONS/INFORMATIVES

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

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

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

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

- 3 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development of the Priors Farm flood scheme area, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

- 4 Details of a traffic management plan shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with the approved plans.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians.

- 5 Wheel washing facilities shall be provided no less than 20m from the connecting public highway with the intervening area constructed out of a bound material, details to be agreed in writing with the Local Planning Authority prior to the development being

constructed. The approved details shall be fully implemented and shall be maintained for the duration of the construction thereafter.

Reason: - To reduce loose debris being carried out on to the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

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

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

- 7 Notwithstanding the submitted information, prior to commencement of development, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the landscaping is an integral part of the development and its acceptability and there are important trees scheduled for removal which should be adequately mitigated.

- 8 The development hereby approved shall be implemented in full accordance with the measures set out within Section 5.0 of the submitted Ecological Appraisal.

Reason: To safeguard ecological species, having regard to Policies NE1 and NE3 of the Cheltenham Borough Local Plan (2006).

INFORMATIVES

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

problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

- 2 The applicant/developer is required to obtain a road space permit for the proposed temporary traffic lights. This can be obtained from Gloucestershire County Council Streetworks Team on streetworks@gloucestershire.gov.uk before commencing any works.
 - ii. The proposed development will require the provision of a formal temporary footpath closure and the Applicant/Developer is required to obtain the permission of the County Council and cover any associated costs before commencing any works on the highway.
- 3 The applicant's attention is drawn to the Council's standard hours of operation for construction works which are as follows;

0730 hrs to 1800 hrs Monday to Friday
0800 hrs to 1300 hrs Saturday
No work on Sundays and Bank Holidays