

APPLICATION NO: 17/02460/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 19th December 2017		DATE OF EXPIRY: 20th March 2018 (extended by agreement with the applicant until 27th April 2018)	
WARD: St Marks		PARISH: n/a	
APPLICANT:	New Dawn Homes Ltd		
AGENT:	New Dawn Homes Ltd		
LOCATION:	Playing Field Adj 10 Stone Crescent, Cheltenham		
PROPOSAL:	Erection of 13no. dwellings with associated road and sewers		

Update to Officer Report

1. ADDITIONAL CONSULTATION RESPONSES

GCC Lead Local Flood Authority *12th April 2018*

I refer to the notice received by the Lead Local Flood Authority (LLFA) on the 19th March 2018 requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

Surface water flood risk

The applicant's Flood Risk Assessment (FRA) does not define/specify the level of surface water risk posed to this site. However, the FRA has stated with anecdotal evidence that land features and ground characteristics in the surrounding fields prevent surface water flows from reaching the site and being a source of flood risk to the proposed development. The applicant has also suggested the properties are positioned in the least at-risk locations, and a cut-off drain may be installed to manage the surface water from the fields.

Although it has been stated by the applicant that the soil from the adjacent fields lends itself to allow for infiltration, any surface during rainfall events (e.g. 1% or 3.33% Annual Exceedance Percentage (AEP)) will almost certainly generate runoff. The characteristics of the field will determine rate and quantity of runoff that will be generated. In addition to this, LiDAR clearly shows the development site to be the lowest point of the greater greenspace where surface flows will naturally drain to. A flow accumulation assessment carried out by the LLFA on the LiDAR confirms these flows do drain through the development site, see Figure 1.

This is reflected in the Environment Agency's surface water flood risk mapping, see figure 2, which show surface water flows travelling directly through the proposed site, in particular during a 3.33% AEP event (also known as the 1 in 30 year event) and the 1% AEP event. Also of note, the site is predominately within the 0.1% AEP extent (i.e. 1 in 1000 year flood extent).

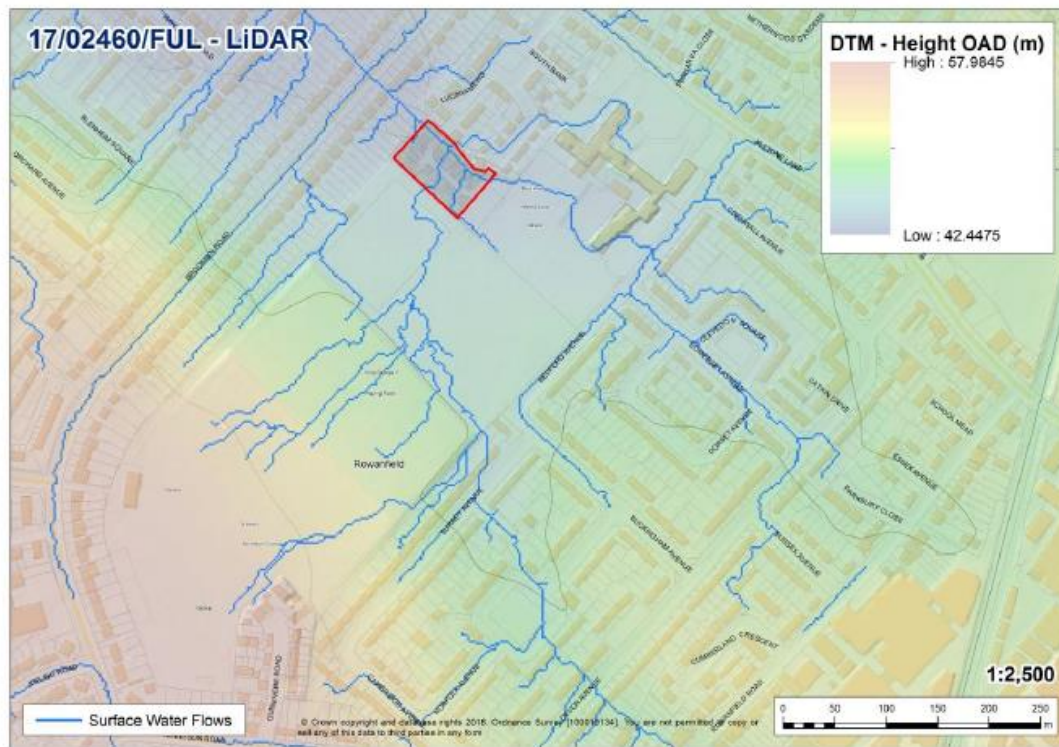


Figure 1 - LiDAR and Flow Accumulation

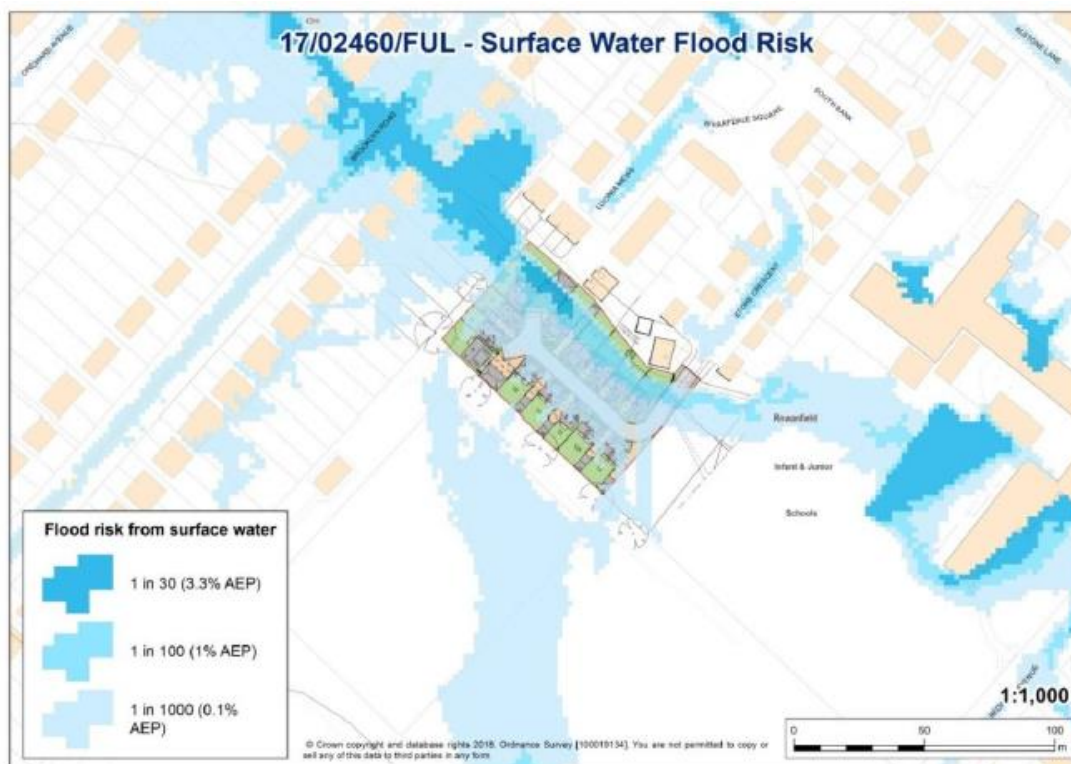


Figure 2 – Environment Agency Surface Water Flood Maps

As recommended by BS8533:2017 (Assessing and Managing flood risk in development. Code of practice), surface water flows that could enter the site from elsewhere should be realised and considered to ensure surface water does not pose a flood risk to development. The LLFA acknowledges the applicant has stated a cut-off drain could be installed;

however its hydraulic performance and ability to manage the surface water flows has not been explored nor stated (i.e the adequacy of the cut-off drain to capture the runoff that would drain to the site from the adjacent fields). Therefore, the FRA has not assessed the surface water flow from the adjacent fields sufficiently to convince the LLFA that these properties will not be at risk of flooding from surface water in accordance with the requirements of the NPPF. On this basis the LLFA does not support the principle of the development that is currently being presented.

Surface water management

While the LLFA does not agree to the principle of the development, as discussed in the previous section, the LLFA has also reviewed the proposal's method for managing the runoff generated by the site's hardstanding in the following:

Discharge strategy – **NON-COMPLIANT**

For the proposal to be compliant with the NPPF's discharge hierarchy the applicant must follow the following order of preference for discharging the site's surface water.

1. *into the ground (infiltration);*
2. *to a surface water body;*
3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer*

The applicant has suggested infiltration will most likely be restricted due to the local geology and soil. Despite this being contrary to the description given of the ground conditions of the field, borehole data has been supplied supporting the statement on infiltration. Borehole data is not a direct representation of a soil's infiltration capability, therefore infiltration tests in accordance with BRE 365 or similarly approved should be undertaken before infiltration is fully ruled out.

It has also been explained there is a lack of watercourses in the vicinity of the site that can reasonably be connected to, this is accepted.

The applicant has proposed to connect to the nearest sewer. This is the sole option presented for discharging the site's surface water, and despite this the applicant has not sought permission for a connection to this third party system, or identified if there is sufficient capacity in the system to receive a new connection that will result in an additional flow to the network. If permission to connect is not granted or there is insufficient capacity in the sewer, this could make the development unviable from a surface water management perspective as it will not be possible to comply with the NPPF.

Discharge rates – **NON-COMPLIANT**

The applicant has specified a 5l/s discharge rate will be designed for this site that will outfall to the existing STW sewer. This rate has not been supported by evidence to demonstrate it is the existing greenfield rate, therefore it has not been possible to assess the development's compliance with Standard 2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

It has not been demonstrated if the field currently positively drains to the sewer; therefore, any flow from this development will be considered as new additional flow to the sewer network. Thus, it needs to be demonstrated that there is sufficient capacity within the network to receive this new additional flow regardless of its flow rate. This will ensure the site does not increase flood risk elsewhere.

Drainage strategy and indicative plan – **NON-COMPLIANT**

The applicant has not specified the required attenuation volume to maintain the greenfield runoff rate and volume, nor has the site plan made provision for surface water attenuation. Therefore the LLFA is unable to assess the proposal's compliance with Standards 2, 4 and 6 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

While a cut off drain has been proposed, it has not been specified where the cut off drain will be located, if sufficient space has been provided within the red line boundary, its hydraulic performance and behaviour, and where it will discharge/connect to (with relevant permissions/consents to connect). Therefore, the LLFA can not be made certain if the cut-off drain can sufficiently manage the surface water runoff that could enter the site from elsewhere and if it is technically viable. The cut-off drain is particularly important for this development as without the feature surface flows could directly impact properties or overwhelm the on-site drainage (i.e. SuDS) rendering it ineffective.

Water quality – **NON-COMPLIANT**

From the information presented on Planning Portal the LLFA could not determine what provisions will be installed on this site to ensure water quality will be managed, therefore the LLFA can not determine if this proposal is compliant with the NPPF's requirements to ensure water quality from this site is not decreased.

Climate change – **NON-COMPLIANT**

A factor of 30% has been used account for resilience to climate change. This factor is non-complaint with the Environment Agency's latest national guidance (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), and therefore does not conform to the NPPF (Paragraph 93: <https://www.gov.uk/guidance/national-planning-policy-framework/10-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>). A factor of 40% is the accepted value for this development type.

Exceedance flow paths – **NON-COMPLIANT**

Details on how exceedance flows will be managed could not be found in the information provided on the planning portal; therefore the LLFA is unable to assess this development's compliance with Standard 9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. In accordance with best practice, exceedance flow paths should not be designed to flow through gardens of residential properties. Given the site is located at the lowest point of the field with residential properties along two boundaries, demonstrating how exceedance flows will be managed and the paths they will take to avoid putting properties at risk of flooding is especially relevant for this proposal.

LLFA Recommendation – Objection

Given the location of this proposed development within the greater field, and the Environment Agency's surface water flood mapping, LiDAR data and flow accumulation assessment, it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development. Thus far, the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased.

In addition to the above, the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA can not assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality.

The LLFA recommends Cheltenham Borough Council's LPA object to the principle of the proposal in its current form.

Urban Design (revised comments)

13th April 2018

Fundamentally the same issues remain in terms of the very tight distances between the proposed units and the existing properties. I feel that if permitted, this would set a very awkward precedent and result in significant on-going harm. I did already suggest altering the house types as the most obvious physical solution to the problem but the plans still show 2-storey dwellings (actually more like 2.5 storey given the habitable room within the roof space and the skylights and dormers). Bungalows would also be a solution and the value of these types of property are high with strong demand. The parking area in the NW corner is also awkward and as a minimum, prominent windows would need to be placed in the side elevation of unit 6 which faces that parking area.

2. OFFICER COMMENTS

2.1 Other considerations

2.1.1 As noted in the main report published with the Agenda, this update will discuss additional matters relating to neighbouring amenity; trees and landscaping; flooding and drainage; and affordable housing and other planning obligations.

2.2 Neighbouring amenity

2.2.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality; in assessing impact on amenity, the Council will take account of matters including loss of privacy, daylight, and outlook. The policy is consistent with adopted JCS policy SD14, and paragraph 17 of the NPPF which sets out planning should always secure “a good standard of amenity for all existing and future occupants of land and buildings”.

2.2.2 Overall, the proposed development would not result in any significant impact on neighbouring amenity in terms of outlook and visual impact; whilst it is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development, officers do not consider that the resultant impact would be unacceptable; the overall heights of the dwellings are comparable to the surrounding two storey building heights and the development would not result in any overbearing effect.

2.2.3 There are some areas of minor concern where upper floor clear glazed windows would fail to achieve a minimum distance of 10 metres to the site boundaries, these are principally plots 6 – 9, although it is noted that these windows do achieve 10.5 metres to the rear boundaries of the properties in Brooklyn Road. Plots 1 and 2 would also some allow overlooking of no. 10 Stone Crescent.

2.2.4 Noise levels resulting from the proposed residential development have also been raised as a concern; however, the noise levels would be no greater than those normally associated with residential properties and gardens.

2.2.5 Additionally, noise and disruption to residents of the existing development during the construction of the development is not a reason to refuse planning permission; however, the hours of construction can be controlled.

2.3 Trees and landscaping

2.3.1 Saved local plan policy GE5 seeks to resist the unnecessary felling of trees on private land. In addition, saved policy GE6 advises that the planting of new trees and

measures adequate to ensure the protection of trees during construction works may be required in conjunction with development.

2.3.2 The Trees Officer's comments in relation to the council owned strip of land along the western edge of the application site have been duly noted, and officers acknowledge that the incorporation of this land into the development site would be preferable. This was previously highlighted in the Trees Officer's comment on the 2014 application; however the fact remains that the land sits outside of the application site, and whilst the future maintenance of these trees might prove difficult in the long term, it is not a reason to refuse planning permission. As this is private land, the owner could erect 2 metre high fence along this boundary at any time.

2.3.3 Officers are aware that a number of trees within the site have already been cleared; however, it is not known who carried out the work. Notwithstanding this, the trees that have been felled were located on private land, not protected by Tree Preservation Orders, or within a conservation area, and therefore the Council would not have been in a position to prevent this work.

2.4 Flooding and drainage

2.4.1 Adopted JCS policy INF2 seeks to avoid development proposals in areas at risk of flooding and set out that proposals must not increase the level of flood risk either on site or elsewhere. It goes on to say that new development, where possible, will be required to contribute to a reduction in existing flood risk, and to incorporate a suitable Sustainable Drainage System (SuDS).

2.4.2 The application site lies within Flood Zone 1 but much of the site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding, although the Council's Land Drainage Officer is not aware of any flooding problems in this location.

2.4.3 A Flood Risk Assessment has been submitted during the course of the application which has been reviewed the Lead Local Flood Authority (LLFA) and their detailed response can be viewed in full at Section 1 above. The LLFA conclude that *"it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development"* and *"the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased"*. Additionally *"the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA cannot assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality."* The LLFA therefore object to the development in its current form.

2.4.4 There are public sewers running through the site which were not identified in the 2014 application. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent from the sewerage company. Severn Trent Water in initially commenting on the application raised no objection to the proposals subject to the inclusion of a condition requiring drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority should planning permission be granted. However, a subsequent response sets out 'no build' zone areas and requires the sewers to be located within public open space to ensure 24 hour emergency access, and to prevent any accidental damage or building constraints by future house owners. Whilst this does not preclude the development of this site for housing, the sewers would need to be diverted into an accessible public area.

2.5 Affordable housing and other planning obligations

2.5.1 Adopted JCS policy SD12 requires new development proposals for 11 or more dwellings in Cheltenham, outside of the Strategic Allocation sites, to provide a minimum of 40% affordable housing. The affordable housing should, where possible, be provided on-site and seamlessly integrated and distributed throughout the site. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

2.5.2 As originally submitted, the application proposed the erection of 14 dwellings but made no provision for affordable housing as the applicant was unaware of the change in policy following the adoption of the JCS; former local plan policy HS4 only triggering the need to provide affordable housing in new developments of 15 or more dwellings.

2.5.3 The current scheme for 13 dwellings now proposes a policy compliant level of affordable housing, comprising 4no. affordable rented units and 1no. intermediate housing unit. However, the housing has been grouped together in the far corner of the cul-de-sac and not dispersed throughout the site.

2.5.4 Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of the affordable housing.

3. CONCLUSION AND RECOMMENDATION

3.1 Whilst officers consider the principle of developing this site for housing to be acceptable, together with the proposed access from Stone Crescent, there are a number of concerns in relation to the proposed layout and mix of housing; overprovision of car parking spaces; neighbouring amenity; and drainage and flooding. Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of affordable housing.

3.2 The recommendation therefore is to refuse planning permission for the following reasons:

4. SUGGESTED REFUSAL REASONS / INFORMATIVE

- 1 The proposed layout and mix of housing fails to make the most effective and efficient use of The proposed layout and mix of housing fails to make the most effective and efficient use of the site. The layout is uninspiring and would fail to improve the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site. Furthermore, the layout would result in some uncomfortable relationships between both the proposed units and existing neighbouring properties, with some of the proposed dwellings having first floor, clear glazed windows within 10.5 metres of the site boundaries.

Additionally, the proposed affordable units have not been dispersed throughout the site but grouped together and would share a rear parking court which is wholly unacceptable as it would not be sufficiently overlooked, and would be likely to cause inconvenience and discourage use. The parking court also fails to provide any opportunities for soft landscaping to be incorporated resulting in an unattractive and extensive area of hardsurfacing. Moreover, the proposed bin and cycle storage for the affordable units is inadequate in size, and inconveniently located in the far corner of the

parking court, and has clearly not been designed to encourage the use of these facilities. The parking court, and bin and cycle store within, would also be located in close proximity to properties in Lucinia Mews and would be likely result to in a nuisance to the occupiers of these nearby dwellings.

The proposed development is therefore contrary to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), policies SD4, SD10, SD11, SD12 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 2 There are currently no minimum or maximum parking standards throughout Gloucestershire; however, the level of car parking proposed for this development is considered to be an overprovision in this sustainable location. Such a level of car parking provision would be likely to encourage the use of the private motor car, and therefore discourage the use of sustainable modes of transport.

The level of car parking proposed is therefore contrary to the aims and objectives of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 3 The application site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding. The submitted Flood Risk Assessment has not identified or assessed surface water flows from elsewhere nor demonstrated that the proposal will manage these flows sufficiently to ensure flood risk is not increased. Additionally insufficient detail has been submitted to demonstrate that the proposal would provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance with national standards, or that the development would increase flood risk to the site or elsewhere, or reduce the water quality.

As it stands, the proposed development is therefore contrary to policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 4 Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) state that where infrastructure requirements are generated as a result of site proposals, new development should be supported by appropriate on- and/or off-site infrastructure and services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms as appropriate. Arrangements should be negotiated and agreed with developers prior to the grant of planning permission.

This development would lead to:

1. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space (Supplementary Planning Guidance - Playspace in Residential Development, JCS policy INF4, and Section 8 of the NPPF).
2. A need to provide for financial contributions towards education and library provision for the future residents (JCS policy INF6 and Section 8 of the NPPF).
3. A need to provide for an element of affordable housing (JCS policy SD12 and Section 6 of the NPPF).

No agreement has been completed to secure payment of the necessary commuted sums itemised above, along with the provision of affordable housing. The proposal therefore fails to meet the expectations of policies SD12, INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), Supplementary Planning Guidance, and national guidance set out within the NPPF.

INFORMATIVE

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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 above reasons for refusal.

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