



10th February 2021

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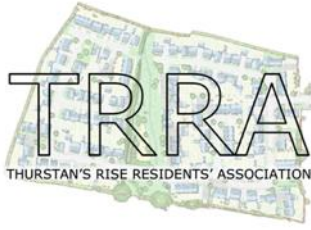
For the attention of Stephen Colegate

Principal Planning Officer
Forest of Dean District Council



Report on the failure of David Wilson Homes to comply with the planning permissions granted for Thurstan's Rise, Coleford:

**P1251/12/FUL,
P1167/13/FUL,
P0061/13/DISCON,
P0053/17/FUL,
P1112/19/FUL,
P0079/20/DISCON, and
P0510/20/NONMAT**



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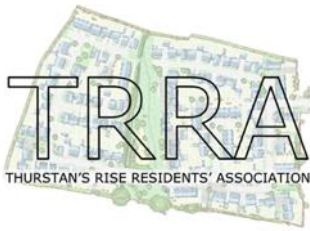
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**Re: P1251/12/FUL, P1167/13/FUL, P0061/13/DISCON, P0053/17/FUL,
P1112/19/FUL, P0079/20/DISCON, and P0510/20/NONMAT**

**David Wilson Homes – Thurstan's Rise – Coleford
Failure to comply with planning permission**

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1.0 Executive Summary

David Wilson Homes applied for planning permission in 2012 to erect 156 dwellings, including garages, landscaping and public open space on land adjacent to Owens Farm, GL16 8QR.

Permission was granted on 12th April 2013, with building work commencing in 2014 and continuing until 2018, when all building and landscaping works were deemed to have been completed.

However, as this report will evidence, a number of serious drainage problems remain unresolved, the majority of the landscaping is still uncompleted and many drain covers around the site are not in accordance with building regulations.

Specifically, we would like to draw your attention to five main breaches of planning:

- 1 The failure to provide adequate drainage via the main watercourse (Sluts Brook), causing a flooded lake to form across the public open space for many months of the year, every year.
- 2 The failure to re-grade the open watercourse on the south west boundary of the estate, so that it falls in a northerly direction towards the new drainage inlet headwall at the top of Cadora Way.
- 3 The failure to re-grade the pipe work inside the covered filter drain on the south west boundary of the estate so that it also falls in a northerly direction towards the new inlet headwall.
- 4 The failure to undertake the majority of the landscaping, as detailed within the landscaping proposals.
- 5 The failure to install the correct drain covers, contrary to building control regulations.

2.0 Introduction

Over the past 4 years many individual residents within Thurstan's Rise have attempted, without success, to liaise with DWH (David Wilson Homes) to ensure that Thurstan's Rise was completed as documented within the various plans submitted in planning applications P1251/12/FUL, P1167/13/FUL, P0061/13/DISCON, P0053/17/FUL, P1112/19/FUL, P0079/20/DISCON, and P0510/20/NONMAT.

Realising, about a year ago, that individual complaints were either being evaded, or ignored altogether, it was decided to form the TRRA (Thurstan's Rise Residents Association) – <https://thurstansrise.org.uk> – as a collective means of working with DWH to ensure they not only resolved the many problems that had arisen from poor detailed planning, but also to ensure that they complied with the overall designs on which planning permission was granted.

Having attempted to work with DWH to resolve the many issues over the past year, the TRRA is now of the opinion that the various planning breaches will not be resolved through further discussions with DWH, due to their continued inaction and their broken promises.

The various outstanding issues affect the public amenities within the estate, and the poor drainage provision is contrary to public interest as well as being harmful to the neighbourhood.

We believe that the main issues fall into three categories:

- 1) Drainage and Flooding Problems
- 2) Landscaping
- 3) Specific building control issues

Each of these is detailed within this report.

3.0 Drainage and Flooding problems

3.1 Background

The properties that have been most affected by flooding are those along the west side of the estate, from Plots 38-40 (77–81 Blakes Way), Plots 41-42 (1–2 Cadora Way) and, Plots 54-63 (8–26 Cadora Way) along the north side of the estate, bordering the private road leading from Staunton Road to Owen's Farm.

Before the building of the estate, there was an existing ditch along the west side, between the 'Open Fields' denoted on the site plan, and the estate. This ditch was included in the land purchased by David Wilson Homes (DWH) for development. The three plots in the southern corner (38-40) back on to the Coleford Natural Burial Ground and it seems that the builders may have deepened this part of the ditch, since the Coleford town clerk believes that it may not have been there, prior to the building of the estate.

The gradient of the ditch breaks roughly between plots 39 and 40, meaning that from that high point about 90% of the water running off the field and part of the Natural Burial Ground, should flow to the north, joining the ditch running down the private farm road. This should then join Sluts Brook, and flow into the central area designated as 'Public Open Space' (POS) now known locally as "Lake Caudwell".



Presumably, in order to maximise the number of houses which could be built on the site, DWH decided to install 300mm (12in) diameter, 'twin-wall' perforated drainage pipe along three sections of the ditch adjacent to the field. The ditch was then back-filled with soil to cover the drainage pipe and provide these houses with a garden area. Since the soil on the site is mostly clay, which is largely impervious to water, this resulted in major problems for (in particular) plot 41, where the pipe was covered to about a metre depth with heavy clay, making drainage into the underground culvert virtually impossible.

This meant that the run-off from the field flowed across the garden of plot 41 ([View video](#)), and continued down the slopes on either side, also affecting plots 40 and 42, whose garages were subject to flooding.



Although DWH have now carried out remedial works at plot 41, digging out the back-filled pipe and installing a gravel filter drain along part of it, these works are unlikely to be fully effective due to the silting up of the underground culvert detailed below, and the sheer volume of run-off at that corner of the field.

This was evident during the last heavy rainfall before Christmas (2020). It's also worth noting that the field to the west has not yet been ploughed, and the stubble from last year's crop has been left in place. Luckily this reduced the speed at which the water ran off the field, and lessened the impact of December's heavy rain.

A former flood risk engineer from Forest of Dean Council also suggested that a larger size gravel should have been used, to speed up drainage and reduce the amount of silting in the filter drain itself.

The first of the piped sections lies roughly between the south side of the field where it joins plot 40, to the north side of plot 41. The second section runs to the rear of plots 49 to 53, and the final section runs along the south side of plot 54 (8 Cadora Way) and should empty into the ditch running down the private farm road. However, this part of the culvert has been deliberately blocked with concrete, by the owner of Owen's Farm. Between these underground sections of twin-wall pipe the open ditches remain.



The first section of twin-wall, to the rear of plot 41, became silted up to about 1/3rd of its diameter after the winter of 2016/17, the first winter of occupation of plots 38 to 41.

This resulted in water flowing off the field at the corner adjacent to the Natural Burial Ground, backing up past the break of gradient between plots 39 and 40, and then flowing south into the adjoining ditch belonging to St John's C of E Primary Academy. This runs down the east side of plot 38 and caused flooding to the rear of the 'Two Rivers' housing association property at 30 Oakfields.

The silting of this section of culvert was reported to DWH in late 2016. They took no action other than to send their sub-contractors, EMG, to examine the problem. No attempt was made to clear the silt from the blocked culvert. Each subsequent winter has increased the level of silting of this section of twin-wall until it is now completely blocked, despite efforts by the owners of plot 40 to clear the entrance of silt.

During the summer of 2018, with the permission of the school, the owner of plot 38 excavated the end of the eastern ditch and found that there is a 150mm (6in) pipe leading from the end of the ditch into an inspection chamber in the garden of 30 Oakfields. This however, had been blocked off using a large concrete block, and then back-filled with over a foot of clay soil. Possibly this was done by the builders to prevent polluted water from the site entering the council drains during construction, but according to the tenant at 30 Oakfields, flooding into their garden from the ditch had been a regular occurrence for several years. There is also a second 150mm drain pipe, leading into the same inspection chamber, which carries water from the traditional graveyard lying between the school and the Recreation Ground.



There is however, only a single 150mm outlet pipe from the inspection chamber which carries the water down the eastern side of the estate (on 'Two Rivers' land) and empties into the deep brick culvert at the rear of the re-sited children's playground in the central area of the estate ([View video](#)).

Concerns have been raised with the Council on several occasions about the safety aspects of this culvert and the dangerous drop into the headwall area, but, to date, no action has been taken.

3.2 Recent Developments

Because of the general slope of the field from west to east, probably 70% to 80% of the water draining off it enters the ditch to the rear of plot 40 ([View video](#)), and then runs to the south, rather than to the north as intended. Since the twin-wall culvert to the rear of plot 41 is now completely silted up, all the drainage from this corner of the field is forced to run southwards. The volume of this run-off is considerably more than the 150mm outlet pipe from the school's ditch is able to accommodate. Added to this, Coleford Town Council have channelled water from the Angus Buchanan Recreation Ground down the east side of the Natural Burial Ground and into this ditch.

During heavy rain, the flow into the inspection chamber at 30 Oakfields, from two 150mm pipes, exceeds the capacity of the single 150mm outlet pipe to cope with the volume of water, and this then backs up in the ditch, eventually overtopping the end bank and flooding the property at 30 Oakfields ([View video](#)). Because this is at a slightly lower level than plot 38 on this estate, (77 Blakes Way), there is minimal danger of flooding on this plot, other than minor incursions into the front garden, but is potentially very unpleasant for several of the residents of Oakfields, whose gardens back on to those of the houses on Blakes Way.

In early 2020, on behalf of DWH, EMG re-surveyed the ditch behind plots 38 to 40, leading to the blocked culvert to the rear of plot 41, and established that the top of the twin-wall pipe is above the level where the gradient breaks between plots 39 and 40. This means that, even if it were to be cleared, it would be impossible for this culvert to drain all the water entering the ditch.

A further problem is that the gradient of the twin-wall pipe, itself, is insufficient to maintain a fast enough flow to prevent silt being deposited in it. Once it has been cleared, it will almost certainly require annual maintenance to keep it functioning at all. As the clearance of this culvert will require the use of heavy machinery, it will obviously be beyond the capabilities of the residents of plots 38 to 41 to carry out this maintenance.

In an attempt to reduce flooding to the rear of theirs, and neighbouring properties, the residents at 8 Cadora Way, resorted to digging a trench to lead the run-off from the ditch, down the gully of Cadora Way and into the road drains, which then feed into 'Lake Caudwell'.

During the heavy rains in February 2020, these road drains were barely able to cope with the volume of water, which was reaching the drain at the very foot of Cadora Way despite the intervening road drain holes ([View video](#)). The newly laid drain down Cadora Way should alleviate this regular flooding, although there are still some concerns that the volume of water running off the field ([View video](#)) may quickly erode the bank and block the new ditches on either side of the headwall.

However, when the water which at present flows 'the wrong way' to the rear of plots 38 to 40 is re-directed into this new drain, the volume reaching Lake Caudwell will be markedly increased – as will the amount of silt feeding into the lake.

The properties on plots 44 to 49 along Cadora Way, do not apparently have an issue with flooding, as the open ditch along this section is quite deep, but, as the ditch is included in the title deeds as part of their properties, these residents have '*riparian obligations*' to maintain the ditch to ensure the free flow of water. Since DWH has fenced off their rear gardens however, they have no access to the ditch for these purposes. This matter also needs to be rectified by DWH.

These issues have all been brought to the attention of the Forest of Dean District Council, and their flood risk engineers have visited the site on at least two occasions to examine the affected areas.

Although DWH attempted to address some of the above problems via their planning application P0510/20/NONMAT, many of the issues still exist.

3.3 "Lake Caudwell"

The central area of the estate contains the valley of Sluts Brook, one of three streams which join (now in underground culverts) in the centre of Coleford. This brook rises from a natural spring near Crossways, and flows across the field to the northwest of the estate before entering the central public open space between Inwood Drive and Cadora Way. For parts of the year, the brook is little more than a trickle, or completely dries.



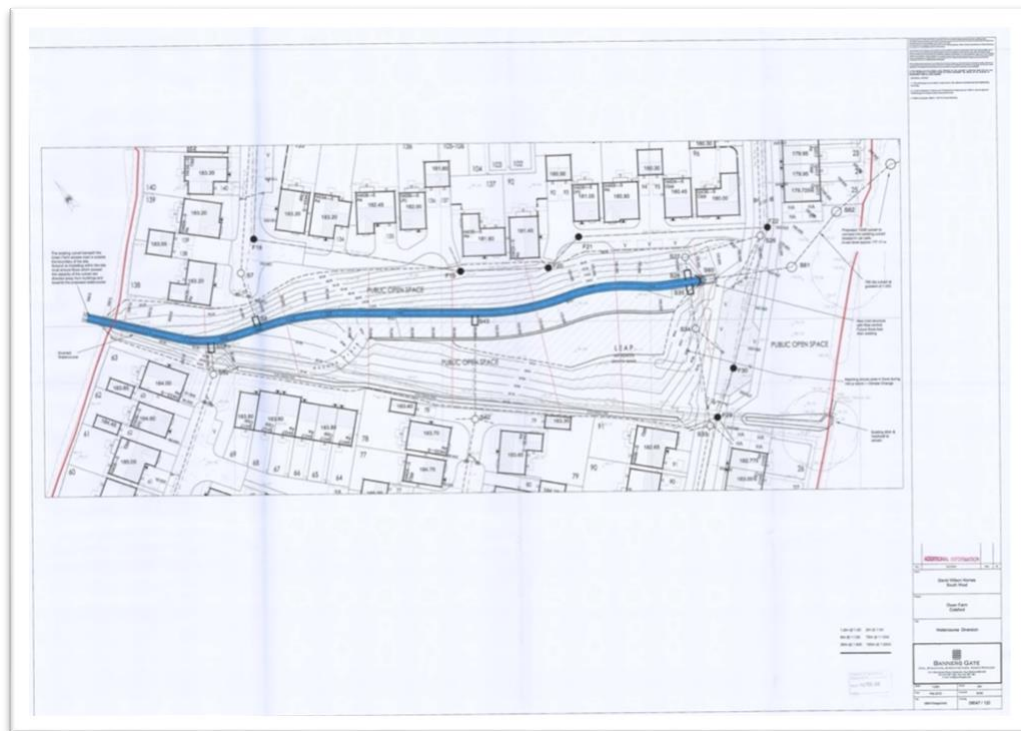
In winter however, as well as what emerges from the spring, it forms the main drainage channel for all the surrounding fields, and can swell very quickly into a raging torrent carrying a heavy load of silt ([View video](#)).



Historically, Sluts Brook has been the cause of regular minor flooding in the neighbouring Oakfields estate. Since the building of Thurstan's Rise estate, the increased rapid run-off from hard concrete and tarmac surfaces means that water is channelled into this section of the brook much faster than it was previously. In 2015, during the building of the estate it was the cause of a major flood in Oakfields, which resulted in several vehicles in the car park there being seriously damaged. Following this incident, steps were taken to moderate the flow of the brook, to avoid sudden large volumes of water overwhelming the capacity of the culverts below Oakfields, and further downstream.

It seems that at this stage the installation of a 'hydro-brake' was considered, but, presumably on grounds of cost, a simpler 'orifice plate' was installed. (This is, as the name suggests, simply a metal plate with a fixed size hole in it, which restricts the water flow to a fixed maximum rate which the culverts downstream are able to accommodate.) Due to this restriction, in times of heavy rain the water will back up in the central area, forming 'Lake Caudwell', but this should drain completely as soon as the incoming flow rate from the brook falls below the outgoing flow rate allowed by the orifice plate.

This should mean that for most of the year, the central public open space is either dry or contains a small free-flowing brook. Below is the plan, submitted by DWH, to show the watercourse diversion:



A provision was shown in the DWH proposed drainage layouts (as submitted for planning permission) for the public open space to 'double' as a flood storage area for a "100-year flood" (shown below with a red outline):



This means that DWH were predicting that there was only a 1 in 100 chance (1% probability) of a 'flood event' being equalled or exceeded in any given year.

Sadly, neither the free-flowing brook nor the landscaped POS (public open space) has ever been the experience of the residents, due to the main drainage from the estate (Sluts Brook) being continually silted up, resulting in the POS being either under water, or a waste land:



Prior to the LEAP (Local Equipped Area for Play) being re-sited (planning application P1112/19/FUL), the play park spent much of its life under water:



The probable cause of this is a blockage of the orifice plate by the quantity of silt washing off the surrounding fields and into Sluts Brook.

Not only is the area now smelly, unpleasant and unsightly when not full of water, it poses a significant danger – particularly to children – when it is.

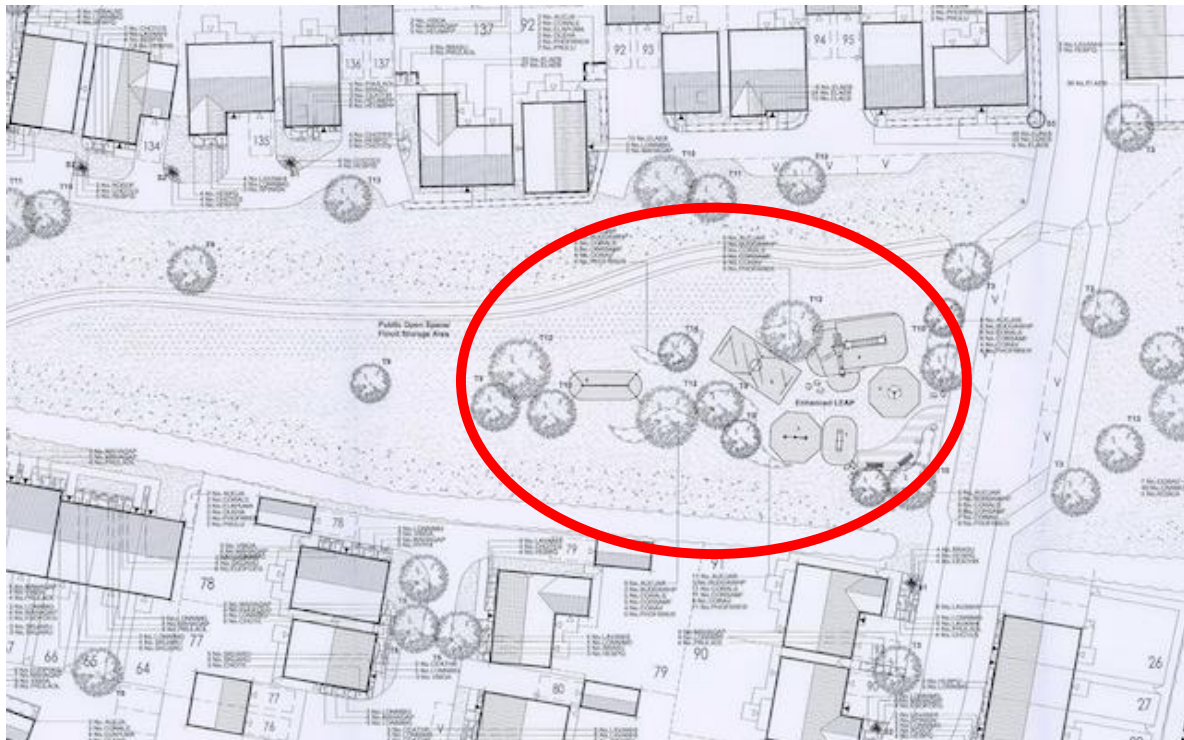


The incidents over the Christmas and New Year periods when two children fell through the ice on the frozen lake highlighted this, and it is extremely fortunate that to date there have been no fatal accidents.

The TRRA undertook to erect a safety notice warning of thin ice, but in view of the nature of the danger, it is obvious that a permanent solution must be found as a matter of urgency.

DWH have continually maintained that the estate main drainage system (Sluts Brook) is working perfectly and that "Lake Caudwell" was always planned as a 'balancing pond', even though there is no reference what so ever to this on any of the drainage or landscape plans submitted to Planning.

It is also worth noting that if a balancing pond was intended, as they claim, then why also plan build a children's play park (LEAP) in the middle of it.....?



4.0 Landscaping

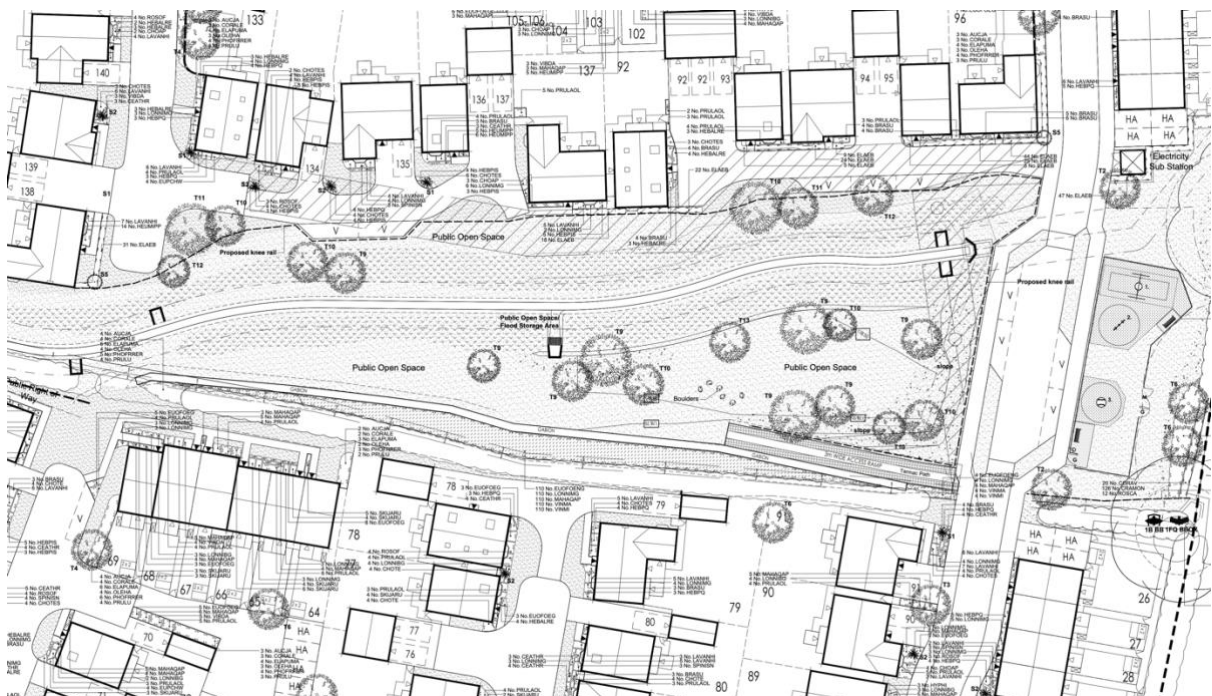
Despite numerous requests to DWH over the past four years (and many broken promises from their directors), DWH have continually failed to complete much of the landscaping across the site, as per their submitted landscaping proposals (P1251/12/FUL and P1112/19/FUL) and as specified in their most recent drawings:

GL1153 04A, dated 16/07/2019 (Golby + Luck)

GL1153 05B, dated 19/06/2019 (Golby + Luck)

GL1153 06A, dated 16/06/2019 (Golby + Luck)

An example of which is shown below:



The Public Open Space (currently Lake Caudwell) remains a waste land when it isn't flooded (during 6 months of the year), despite this supposedly being one of the main features of the Thurstan's Rise planning concept.





The detailed landscape proposals within P1112/19/FUL (approved on 13th February 2020) specify – *within the public open space* – a meadow mixture of wild flowers (11 varieties), meadow grasses (4 varieties), stream edge wild flowers (18 varieties), stream edge grasses (7 varieties), as well as 24 trees and 550 shrubs and bushes on top of the gabion wall to prevent soil erosion.

Around the electricity substation (and adjacent parking area) 47 hedging plants and 26 shrubs are detailed on the plan; however, none are in evidence. And the knee-rail section at the bottom of Inwood Drive – removed when bollards were installed – awaits reinstallation:



Alongside this, the rubble from when the headwall drainage outlets were originally built (4 years ago) has never been cleared of bricks and builders rubbish and this remains a problem, inhibiting rain water drainage.

Of the very few trees that have been planted, many have now died.

5.0 Building Control Issues

5.1 Drain Covers

Many of the 'Polypipe' plastic drain covers that have been installed on property driveways are only rated as 'pedestrian' (FACTA A – 5kN) which is in breach of building regulations and, unsurprisingly, they have cracked when driven over:



DWH assured us, last summer (2020), that an audit would be undertaken across site to ascertain which drain covers had been incorrectly installed and that these would be replaced with correctly specified ones. However, this hasn't happened and many of the existing drain covers remain contrary to building regulations, whilst also representing a health and safety issue.

Despite offering to help DWH with this audit, by providing a 'reporting' portal on the TRRA website, no remedial action would appear to be planned.

6.0 Conclusion

The TRRA believes that all of the above issues should have been either dealt with, or completed, prior to DWH leaving site.

However, it's now two and a half years since DWH departed site and, despite continued effort to get them to rectify the many outstanding problems, they continue to both prevaricate and dissemble.

The only option that we now appear to have left is to involve the Planning Enforcement Team, ensuring that DWH solve the drainage issues, complete the landscaping works and comply with building regulations, prior to the adoption of the estate by the council.

The outcome that we are looking for is, quite simply, that DWH complete the site as specified within the detailed planning documents which they submitted as part of their planning applications.

They need to:

- 1) recognise and rectify the inadequate drainage solutions that currently exist on the site, both with regard to the incorrectly graded culverts and filter drains on the western boundary of the development, and also the major problem of flooding within the public open space.
- 2) complete all landscaping works, as per the planting schedule provided within their submitted documentation.
- 3) replace all the incorrectly specified drain covers to meet building regulations.

We hope that the Planning Enforcement Team can fully engage with these breaches of planning and we welcome your comments and your proposed action plan.

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