



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 18 January 2018
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hobley, Garth Barnes (Chair), Adam Lillywhite, Helena McCloskey, Chris Nelson, Tony Oliver, Louis Savage, Diggory Seacome, Pat Thornton, Simon Wheeler and Alex Hegenbarth

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 5 - 30)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **17/01088/FUL Land opposite Forden House,
Timbercombe Lane - WITHDRAWN**
 - b) **17/02402/CONDIT Ragged Stone, Old Reddings
Road** (Pages 31 - 54)
 - c) **17/02251/TPO 1 Hazebrouck Close** (Pages 55 - 74)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

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Planning Committee

14th December 2017

Present:

Members (14)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Oliver (TO); Seacome (DS); Thornton (PT); Wheeler (SW).

Substitutes: none.

Officers

Martin Chandler, Team Leader, Development Management (MC)
Emma Pickernell, Senior Planning Officer (EP)
Ben Hawkes, Planning Officer (BH)
Chris Chavasse, Senior Trees Officer (CC)
Nick Jonathan, Legal Officer (NJ)

1. Apologies Councillor Savage.

2. Declarations of interest

17/02022/FUL & LBC The Cheltenham Townhouse, 12-14 Pittville Lawn

Councillor Lillywhite – owns the hotel – will leave the Chamber.

17/01566/CONDIT Door 4, 4 Montpellier Walk

Councillor Seacome - the applicant has done work in his property – will leave the Chamber

16/02208/FUL Land at North Road West and Grovefield Way

Councillor Wheeler – has attended meetings regarding concerns about the BMW site (which is also owned by the applicant) but has had nothing to do with the application being considered tonight – will remain in the Chamber.

3. Declarations of independent site visits

16/02208/FUL Land at North Road West and Grovefield Way

Councillor Collins – has visited the site many times.

4. Public Questions

None.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 16th November 2016 be approved and signed as a correct record *without* corrections

6. Planning applications

Application Number:	16/02208/FUL
Location:	Land At North Road West And Grovefield Way, Cheltenham
Proposal:	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).
View:	Yes
Officer Recommendation:	Permit subject to a 106 Obligation
Committee Decision:	Refuse
Letters of Rep:	339
Update Report:	i. Additional neighbour comment
	ii. Letter from agent re. North Place
	iii. Officer update

EP introduced the application as above, reminding Members that planning permission for the whole site was first granted in 2007, following an appeal. Permission for the flagship BMW showroom was granted in 2014, and that scheme has now been implemented. The remainder of the site is the subject of this application, and already has extant outline planning permission for up to 16,800 sq. metres of B1 employment use – the fall-back position for the applicant. In addition, with the adoption of the JCS on Monday, the site is no longer within the green belt. Regarding the non-B1 uses, officers consider the principle to be acceptable as together they only make up a small percentage of site, and in addition they provide jobs for Cheltenham; refusal of the application on loss of employment land would not be sustainable at appeal. A sequential test has been carried out and gives rise to some ambiguity, but the officer view is that if the test were concluded, it would be of little assistance in determining the application, and that the proposal is therefore acceptable, giving greater weight to the economic benefit of the proposal than to the uncertainty re North Place. It will bring forward significant employment, and the design, lay-out, landscaping, flooding, drainage and ecology are all satisfactory. There has been a considerable number of objections which officers have taken on board, but considered against all criteria, officers feel the proposal is acceptable, and the recommendation is therefore to approve subject to S106.

Before the application is discussed, officers would like Members to watch a fly-through presentation which they have not yet seen.

(Presentation)

Public Speaking:

Mr Gary Fulford, Reddings Residents Association, in objection

Reddings residents support B1 use on the site, but do not consider retail use to be appropriate or necessary. Most of the 338 objections from residents, councillors, businesses, residents associations and the parish council relate to non-B class use. The Green Belt was designated for employment use for 1200 B1 jobs; BMW has taken 33% of the site for non-B1 jobs; the non-B1 elements of this

proposal will take another 12% of the site for 21 new full time jobs, at a cost of 132 B1 jobs on the existing permission. This represents a loss of £588,000 per year from the local economy. B1 use is likely to create a modal shift with local jobs for residents; the job number projections, with retail on the site, are misleading and incorrect – retail will encourage journeys from outside the area. B1 offices are generally open five days a week, from 8.00am to 6.00pm, with predictable traffic flows, which won't interfere with residents at home in the evenings and at weekends. Retail is 5.30am to 11.00pm seven days a week, with 24-hour intense lighting and variable traffic flows all day, every day. Background light will increase with headlights and security lights, as well as sunlight reflected off the white render; noise from traffic, deliveries, vehicle movements around the site, and fume pollution will also increase. The applicant's reports are 12 months old, pre-dating the JCS and Local Plan, and are now confusing having been revised several times since submission. The application is not transparent, and the traffic data is out of date and unreliable. Traffic fumes from stationery traffic are common around the site since BMW opened, as is regular flooding of local houses and sewers. Run-off water from Grovefield Way is not accounted for in the design proposals. The community, and Cheltenham, deserves the right solution in line with the visions of the Local plan. Urges Members to reject the application.

Ms Laura Humphries, Pegasus Group on behalf of Asda, in objection

Greenbelt should only be altered in exceptional circumstances, and justification for the removal of this site from the green belt was on the basis that it was required for employment. A significant proportion of the proposal is not for employment use, which undermines the JCS and the basis for removing the site from the green belt. The emerging Local Plan proposes to allocated the site for employment land, and policies are specific regarding the uses which will be supported and safeguarded on the site. Retail development is not supported even though it would represent a significant proportion of the overall scheme - the suggested legal agreement doesn't provide sufficient assurances to the delivery of employment elements. The applicant fails to demonstrated that there are no sequentially preferable sites available, and the NPPF is clear that where an application fails to satisfy the sequential test, it should be refused. The traffic data used in the transport statements was gathered in a non-neutral month, so the data is not representative, and trip generation figures used are unacceptably underestimated for a store of this size.

Mr James Griffin, Hunter Page Planning, in support

Thanks to planning officers for their work over the last 12 months, resulting in a balanced report and recommendation to permit subject to conditions and S106 agreement. It is important to remember that an outline permission already exists for 16,800 square metres of office space, granted in 2014, and that all three JCS authorities have not voted to adopt the JCS, removing this site from the green belt. The applicants acknowledge the significant level of concern about the food retail store, day nursery and café uses of the site, but these are not significant and represent a change of just under 15% from the extant permission granted in 2014. These proposed complementary uses are valuable to securing an implementable permission to deliver offices on the site, and also critical to attracting officer users and avoiding a sterile business park. There has been a policy shift in recent years in terms of what constitutes employment development, and the employment land review which supported the JCS, acknowledges that on-office uses generate employment and are needed to support a growing economy. This development will generate over 1,000 full-time equivalent jobs. Officers acknowledge that economic growth is a national objective and significant material consideration. The applicant has agreed to a legal agreement to construct and fit out office buildings 1 and 2 prior to occupation of the subordinate uses, above and beyond the extant permission and resulting in direct investment in the local economy. No transport objection has been raised by the local highways authority or Highways England, and much time has been spent refining the layout and landscape to be functional ye complementary to adjacent development. The application has been assessed independently in terms of retail impact, and there would be no harm to the town centre. There have been no objections from

statutory consultees regarding drainage, ecology or noise impact. The applicant and agent have worked hard with officers to provide a scheme that is appropriate in all aspects.

Ms Lycia Warwick, applicant, in support

Is firmly committed to the site, and intends to implement fully the development and B1 offices proposed, as reflected in the legal agreement. Following discussions with office occupiers and national agents, recognise that it is necessary to introduce uses that support the offices to avoid a sterile office park environment environment. This approach is now common as office users require facilities to support their staff. There has been significant interest from national businesses keen to move to the site based on the development, realising that the scheme is now deliverable, and named users are firmly committed and intend to invest to deliver jobs for the local economy.

Councillor Britter, ward councillor, in objection

Within five minutes' walk of this site are two supermarkets, a restaurant, a café, a permanent food and drink van, a drive-through KFC, a corner shop and a newsagent. There is also existing childcare, especially at the Reddings Community Centre, adjacent to the site, in addition to other local nurseries and child minders. The B1 element of the development is in keeping with 2007 permission and is supported; there are no exceptional circumstances to support A and D class development. The developer has outline permission for B1 office development and should progress it. With this proposal, the site would be open 5.30am – 11.00pm, seven days a week, 365 days a year, which is unacceptable. B1 use would be mostly 8.00am-6.00pm, five days a week, leaving residents in peace at evenings and weekends. The proposal is incompatible with a residential area, very different in nature from the extant permission.

Despite requests, no impact assessment has been carried out on small business in the area, in particular the playgroup, existing child carers and nurseries, Springfield provisions, Spar, the newsagent on Hatherley Road, or Warden Hill and Benhall shops. They and the local community centre may not be viable if the proposal is permitted.

Homeowners say their properties didn't flood before the BMW development, but localised flooding has occurred on several occasions since. Due to the slope of Grovefield Way, the site acts as a soakaway for excess rain on the road, and capacity for this run-off water hasn't been taken into account. The NPPF states that new developments shouldn't pass on flooding to neighbouring sites. The mains drainage was meant for the small original village, and combines foul and storm water. Even during moderate rainfall, the manholes in North Road West regularly lift, and local sewage flooding occurs. Capacity for this development must be assessed, as any subsequent upgrade work would be at taxpayers' expense. Similarly, can the existing ditch drainage system support the total storm water discharge from this proposal because it will be about the same as 2 fire engine hoses at full bore.

Roads in the area are already congested, with HGVs, shopping traffic, nursery traffic. A Costa drive-through will have serious implications for the Reddings and area and the implementation of the JCS traffic strategy. Local traffic will vastly increase, seven days a week, compared to five days for B1. Many large local developments of the last four years are not included in the applicant's 2013 traffic report. The impact from the additional traffic created by the BMW showrooms is greater than anyone envisaged. Grovefield Way is the southern bypass, and traffic is slow or stationary for up to three hours in the afternoons, with heavy pollution, contrary to emerging evidence regarding pollution and health, particularly detrimental on the very young, those inside the vehicles, and residents. With this proposal, standing traffic emerging onto Grovefield way will create even more pollution.

The landscape proposals need more tree screening along the whole boundary of the site to mitigate light and noise pollution as the inspector intended in 2007. Light pollution from buildings, cars and

carparks will be aggravated by the sun reflecting off the glazing and the white render. The existing KFC drive-through creates huge amounts of rubbish, which impacts on wildlife, and will increase with Costa. No additional bins or clear-up plans are set out.

There will be a further in parking in nearby roads, from customers and workers. BMW staff already cause local tension and problems with the park and ride. The proposal offers nothing back to the community, and the developer has gone against the clear indications of the Inspector in 2007. This behaviour wouldn't be tolerated from domestic owners. If local means local, as the government has suggested, then the community has spoken and their wishes and concerns should be listened to. Their wish is that it will be refused.

Member debate:

CN: is very conflicted by this. Has lots of questions and is sure other Members will have too. The officer mentioned that the site is no longer in the green belt; can this be clarified? The three councils have now signed off the JCS, but does the Secretary of State not have to agree for the site to be legally taken out of the green belt? The officer also said that the loss of employment land was not sufficient to sustain an appeal – but on what basis? Examples would be helpful here. Regarding the sequential study, is confused about the North Place issue, and the NPPF says sequential test has to be carried out. Officers are saying that not satisfying the sequential is test not adequate reason for refusal in its own right; can officers explain the justification of this? The representative of Asda said the legal agreement doesn't give assurances on delivery of the B1 element of the scheme – what is officers' opinion of this? She also said that trip estimates for traffic has been underestimated – what is officers' opinion on how up to date estimates are. The applicant said there is a huge amount of business interest in the site – so why is retail element included if there is so much business desire to be there? Councillor Britter made the point that no impact assessment on local businesses has been carried out. Is disappointed this was not done; would have thought it was essential. In the report, the officer states that the proposal won't adversely affect any of the policy-protected centre of Cheltenham, but what about the non-policy protected areas? The lack of protection doesn't mean these areas should be given no consideration, so why wasn't an impact assessment conducted? Are there enough parking spaces? With the BMW scheme, it didn't seem that enough parking was provided, and a significant number of staff have an arrangement with the Park and Ride as they are not allowed the park on the BMW site – so what are we letting ourselves in for with this current proposal? If the retail element represents 12% of the application, does this include the car parking element?

MC: can officers provide a figure: as a result of all the recent developments in area, how much S106 money has been earmarked for highways spend and on what? Looking at the history of the site – the applications and appeals since 2005 - and reading in the report about the need for job creation - there should be 1200 B1 jobs on a site of this size, but there has been a shift away from B1 use, starting with the BMW car showroom. There should be no building greater than two storeys on the site – but the BMW showroom is four storeys high, with minis on top. The appeal refers to this being occasionally glimpsed from the A40, but it is a lot more than a glimpse – it looks like a docked cruise ship. To get buy-in from commerce, we have to deliver something honest, up front and straight. The developer has B1 permission – they should get on and build it.

The retail statement is rubbish, with no reference to nearest shops or the impact of another supermarket – this is incredible. The childcare business at the Reddings Community Centre isn't mentioned; it provides the main income for the centre, and loss of business may jeopardise its future. The report reads like an amendment for something already there, but it should stand on own merits.

With regard to jobs on the site, BMW employs 180 staff. Has met with the manager, and understands that BMW has paid £30k for 80 spaces in the Park and Ride for staff parking. This is an abuse of the facility. The robustness of job creation cannot be taken seriously, as staff have been imported from elsewhere. A more realistic figure would be about 20 new jobs.

Then there is the drive-through coffee shop – why? Cheltenham is already the Costa Coffee shop capital. Why do we need an other? And should CBC really be encouraging hot drinks for drivers...?

Regarding the traffic data, has read the report and doesn't accept a lot of what it says – it is out of date and misleading. There is no highways officer at the meeting to explain their contentious comments. Has Highways England really got no objections – seriously? There will be significant impact on the A40, and HW England is responsible for roundabout, which is already over capacity. By looking at developments in isolation, traffic data doesn't include the effect of the new care home or the impact of Pure Office Phase 2 – this traffic not taken into account, and the figures are therefore inaccurate. Grovefield Way is often backed up a considerable distance to Cold Pool Lane – what mitigation has been put in place by S106 from other developments in area? Notes on P70 of the report that there are no minimum parking standards for residential development, and not for commercial either. The Highways report is patronising. It talks about linked trips, but for shoppers, Lidl and Aldi are often additional trips. The claims are outrageous; it even talks about linked trips to the coffee shop...and how does a linked trip reduce pollution? Is very much opposed to the coffee shop.

The geotech report is the same as that used for the BMW application; the name has just been changed. Local population flood now, didn't before BMW. Denying responsibility.

Notes that opening hours during construction are limited to 8am-1pm on Saturdays, and not at all on Sundays or Bank Holidays. When shop open, will be 5.30am to 11.00pm every day – so how is that acceptable? The report also mixes am and pm with the 24-hour clock, which is annoying.

The video shown at the start of the meeting didn't show traffic queues on Grovefield Way – but they are there, nearly all of the time. The developers has permission for B1; they should get on with B1, and that be an end to it.

PB: it's a good thing that Monday's council meeting started at 2.00pm and finished at 10.00pm – it was good stamina building for this meeting. This is a really important item, and we need to bear with all speakers. There have been over 300 objectors; it is a critical development, potentially life-changing, and has sparked mass concern. Feels that in this case the officers are wrong. This application represents a significant change of use. In 2007, in special circumstances, the Inspector agreed to allowed 22,000 sq metres of the site for B1 use; in 2014, permission was granted for the BMW showroom, and later that year outline permission was granted for up to 16,800 sq metres B1 use. BMW was a special case, relocating the existing showrooms in Cheltenham and Gloucester, with a net gain of 80-100 jobs. Calculations

Calculations on 22,000 sq metres show we have lost 41% of original B1 allocation. This is significant. How can officers say there are now more jobs on site than originally envisaged? There will be 26 at Aldi, 20 at Costa, 35 at nursery. Suggests this as the first reason to refuse the proposal; it is not what Inspector envisaged. The dire shortage of B1 land was confirmed in 2007; the deficit has increased since then, and the JCS in 2011 still detailed a lack of B1 land of the kind that will be lost in this location if this proposal is permitted. The NPPF economy rule is to ensure there is sufficient land of the right type in the right place at the right time to support growth. In taking this away, we would be in breach of NPPF.

As a rule, planning proposals should reflect community needs; in no way does this reflect the needs of this community. It already has supermarkets, offices, and nurseries struggling to fill their places. The proposal will put more pressure on existing businesses. The Localism Act is supposed to empower local communities but what did this developer do to involve the community before submitting these plans? Paragraph 14 of the NPPF talks about positive site opportunities to meet development needs of area – this is in no way needed.

The retail report is skimpy, and didn't even mention the smaller retail areas a short distance from the site. Morrisons and Asda may be able to cope, but small stores will suffer, with pricing etc. Local policies RT6 and RT7 require the need for additional floor space to be demonstrated. It is not proven here. Coronation Square is on its last legs and is a critical area for town. This proposal will undoubtedly have a detrimental effect. Local policy EM2 is concerned with retail land and the loss of existing floor space. There is no gain here. The quality of retail jobs is nothing like the quality of jobs in B1 employment use. No consideration has been given to the range and type of sites for business use in area, to the impact of the site on business in the area, or whether the uses are appropriate to the location. Does the proposal add value to the area? No.

Regarding flooding, the Local Plan states that major developments should the reduce the risk– not just prevent it from getting worse. This field will be covered in concrete; if the application is permitted, it will need a much stronger flood condition.

Notes that the Architects Panel looked at the proposal twice. They didn't support it the first time, saying the design was uninspiring. They stated that the second version is a better scheme, but it isn't clear whether or not they supported it. The Civic Society was very critical, questioning the need for another supermarket, and the poor design at this major gateway to the town. Considers the BMW to be brilliant and worthy of its position here, but will move to refuse this proposal on EM2, RT6, RT7, the existing local plan, the emerging local plan, the newly adopted JCS adopted, and the NPPF.

SW: MC and PB have covered in detail a lot of what he wants to say. Councillor Britter and Mr Fulford came forward with a mass of information, shoehorned into a small space of time, which have meant they spoke quickly and without much emotion – although local people are very concerned and upset by this proposal. Looking back at the history of the site, it was originally earmarked for Park and Ride. The Council rejected that, as the area for expanding the Park and Ride was in greenbelt, and at that time, with that designation, no-one could build on it. The Planning Inspector then told us we needed B1 office space, and against better judgement, B1 office space was included in the next proposal. The goalposts moved again with the permission for a car showroom, and are now moving on even further, with shops and day care centre. Other variations have been introduced; the appeal decision talks about glimpses of BMW from the A40 – it may look good from that side, but isn't appropriate from the Grovefield Way side. There were meant to be trees on Grovefield Way. This proposal is part of same site, but it has not been built as was originally designed.

Has a problem with the proposed daycare centre. The Reddings Community Centre has childcare business; this is going to be decimated if a daycare centre is opened on this site – it will not survive. Regarding local shops, we weren't allowed to consider these previously but now we can. Park Stores, shops in the Reddings, Caernarvon Court – all will suffer. The parking issue will get worse. There are already issues with the park and ride; hopefully this proposal will have no impact on on-street parking, but unless full staff parking is provided, it will have a detrimental effect. . Highways won't have any further S106 money, but however much is spent, it will not solve the parking problem. MC asked how much S106 money left from Asda development – the answer is a lot, but not enough to mitigate the existing traffic problems – only a flyover or subway at Golden Valley could do that.

HM: agrees with a lot of what has been said. Members have spoken about the nursery as not being needed, but has a different view on this. There will be hundreds of jobs created on the site - people in the offices will need childcare – but doesn't like where it is situated in the model of the site. Is the paved area at the side of the nursery the outdoor playspace? It is not specified how many children will attend the nursery, but there will be 27 staff, some doing shift work. This isn't satisfactory for a site with several hundred workers.

EP, in response:

- To CN, yes, this site is definitely no longer in the greenbelt. The council adopted the JCS on Monday; the site is in the plan and the land is no longer classed as greenbelt;
- Regarding the impact on employment, the loss of B1 space, and whether there is sufficient justification for this to succeed at Appeal: officers tried to look at the situation in the round - the approach encouraged in the NPPF – and to consider all the pros and cons, merits and problems with the proposal; they made their recommendation on that basis. The loss of B1 floorspace is not sufficient ground to refuse when the proposal is also bringing lots of benefits – including a substantial number of jobs, even though not all B1 as in approved scheme. It is all about delivery. The 2007 permission was for B1 use, but no office use has been brought forward; this application is responding to market demands and proposing something different. An inspector at appeal would look at this in same way as officers;
- Regarding the sequential test, and why there is an issue re North Place. A sequential test looks at sequentially preferable sites for the locating new stores, starting in the town centre and working outwards. North Place was granted planning permission for a supermarket, which is why attention given to it; it is not a problem, but needs to be flushed out. Has sequential test been satisfied or not? The retail consultant is here and will give his opinion. The question is whether that site is available for development, and there is a question mark over that. Enquiries have been made but not led to anything, which suggests that the site is not available. There is, however, no contract on the site, which could suggest that the site is available. It is ambiguous, but even if the sequential test is not satisfied, officers would make the same recommendation.. It is the impact on the town centre and designated local centres which is taken into account and the report concludes that the proposal won't have any impact on the town. So can failure to comply with the sequential test be used as a reason to refuse? We have to perform a balancing act here, but with the lack of any defined impact, it cannot be seen as a refusal reason;
- Regarding the S106 – the applicant submitted a draft 106 with the revised plans; officers negotiated more robust terms, taking into account the B1/non-B1 elements of the scheme. As a result, the store will not open until the B1 accommodation is built and ready to use;
- Regarding trip generation, we have to rely on the county council to scrutinise the transport assessment. It has been back and forward to applicant many times, but officers are now satisfied that the figures are robust, and generated with best practice;
- On the issue of highways impact and whether the additional traffic will be over and above that for the extant permission - highways officers consider the difference to be negligible within the peak hour;
- To the question as to why a retail element has been included when business users are wanting to come onto the site, the potential occupiers are only interested in this location if there are complementary uses on site; if there was any demand for a pure B1 site, it would have come forward by now – it has been available for 10 years;
- Regarding the impact on local businesses, the NPPF gives guidance on what needs to be considered. Some local centres have policy protection to ensure their viability – this is why there is retail impact assessment – but there are no requirements to consider other commercial uses such as nurseries or to interfere with competition;
- Does the percentage of the site to be used for retail include car parking provision? No, it is just retail floor space. However the car parking provision for the supermarket is also for the nursery

and costa To MC, regarding the S106 for Asda and what the money has been spent on – there was an agreement which included £981,261 for traffic calming works on Hatherley Lane, and a contribution towards local/strategic traffic corridor management – the vast majority is now committed. £110k remains to be allocated, and this will be spent on footways, junction improvements, bus stops, footpaths, and traffic calming measures;

- Regarding linked trips, highways officers always consider the percentage of trips to site linked to one or more of the other uses on site – where someone might pop in on way to somewhere else – and this is shown as a percentage reduction;
- To MC, regarding the difference between hours of operation during construction and once the site is in business, construction is usually noisy and dusty and involves large vehicles in and out of the site; the hours proposed are normal;
- Regarding the figures on job creation and the various uses, this has varied with the different proposals, but the expectation at appeal was for 1100 B1 jobs on site. BMW has created 250 jobs, some relocated. Documents submitted with this application suggests the site will provide just over 1000 jobs, so not a significant reduction. PB queried the figures, but is comparing different uses. Pure B1 floorspace would bring a certain number of jobs, but the non-B1 brings different expectation. We have moved on since 2007, and advice from 2014 brings the overriding message that the reduction in the number of jobs is not significant, over and above the proposed scheme;
- With reference to the Localism act, is not aware of any discussion or consultation with locals; no pre-application submitted;
- On the subject of flooding, the LLFA requires a development to deal with run-off at greenfield rates, with allowance made for climate change. The improvement here will be over and above that, taking climate change into account;
- The Architects Panel considered the revised scheme to be an improvement and the lay-out better. They shared officer concerns about the street scene and landscaping, but the Architects Panel is not really required to come down one way or the other but to give a constructive commentary on the proposal;
- To HM regarding the lack of playspace for nursery, there is nothing in policy re space standards, therefore nothing for planning officers to take on board.

Mr Duncan McCallum, CBC's Retail Consultant

- as a broad point about need, RT6 refers to need in retail development, but that criteria dropped in 2009. Applicants are no longer required to show need for proposals. Would suggest that Members avoid that line if they are minded to refuse.

MC: will the Chair allow further questions?

GB: has six members still waiting to speak. A lot of members have already gone over ground precisely, so requests only new points are made.

PT: regarding the nursery, it would be better not having any outside participation. It isn't a good place for a nursery, surrounded by traffic, surrounded by vehicles. It shouldn't be allowed to be there.

BF: was the only person to refuse the BMW application. This is the severe cost of extending planning permission to B1 offices. The Planning Inspector gave permission to build on the greenbelt because of the perceived need for offices, yet the site has stood empty for ten years – it was not required. It is an economic fact that businesses want to be near facilities. There are some real points that need to be made here. The BMW showroom has caused flooding. The report says there will be flood

alleviation measures by the developer, and we have to accept LLFA advice that flooding won't be any worse than it is today as a green field. The highways officer says will not make much difference to highways congestion, and the highways department is the lead authority. Should we challenge this with officers and make remarks about things of which we have no real knowledge or proof? It is not what we are here to do. Reasons given for refusal so far are based on hearsay, and this is not enough to refuse an application. We will gain something here: office space, a nursery. Retail companies looking for new sites is a fact of life, and while we may ask how the different supermarkets can continue make a profit, we can be sure they wouldn't do job if they didn't. The proposal will provide work and a service. Whether we like it or not, people go to drive-through coffee shops. We have to judge the scheme on legislation as it is today, and need a legitimate planning reason to turn it down. It isn't on the green belt, the Localism Act has never really been enacted. The officer report recommends the scheme be permitted, as it is in line with the NPPF and local policies.

CH: still has some questions to ask. Understands that a business park may need some complementary uses but a drive-through isn't one – it isn't providing a service for the offices or BMW, as there is nowhere to sit and have coffee. They may go to the supermarket to buy a sandwich but the coffee shop is overkill. Complementary uses should enhance the estate – is not sure this does that. As a member of the economic development scrutiny committee, knows that they LEP has stated there aren't enough employment land sites large enough for company headquarters, but this would fall into that category. What conversations have there been between the LEP and the planning authorities. This land is perfect in its aim to 'market Gloucestershire as a place to relocate'; we are being told on one hand that no-one wants this business site and on the other that there aren't enough business sites in the area. The highways assessment states that any development will impact on peak hours, but would suggest that there needs to be an overhaul of peak hours. It used to be a couple of hours in the morning and the evening and not at all on Saturday and Sunday. Now weekday peak hours last much longer, and with another supermarket bringing more people to the area, it will cause huge problems, not just in peak hours. This assessment needs to be tested by Gloucestershire Highways. The nursery site looks big, and will surely impact on other nurseries. An open space enhances the nursery's offer, but does it meet OFSTED standards?

SW: BF talked about flooding experts saying the proposal will not make the situation any worse than before, but there is very clear evidence that this is not the case. Since BMW was built, there is flooding on North Road, as far as Dundry Nurseries, where the greenhouses have been flooded - this didn't happen before. These are new flooding events. The experts have got it wrong; the proof is there. We are told that office space in the area can't be sold but has been speaking first hand with a senior officer at GCHQ who said that if the right sort of offices were available on the site, they would be seriously interested. The marketing company cannot be doing its job properly or not producing the right sort of offices.

CN: is very conflicted, but having listened to all the comments this evening, is moving towards voting to reject this application. Is amazed by BF's comments, and in particular the reference to the 2011 Localism Act, which encourages Members of Planning Committee to engage with members of the local community before events, who can speak with inside knowledge and give opinions on what the community thinks. Pulling together some of the strands and some comments of the officers: the Architects Panel commented on application and the whole quality of the design, but wasn't opposed to this development at the gateway to Cheltenham ; however the Civic Society said no, it wasn't appropriate for this site, and the ward councillor, MP and residents associations are all against it. The NPPF recommends a balanced view of applications, weighing the benefits and pain in the scales of justice. Officers have highlighted the benefits, but for him the pain tips the scales of justice and the proposal should be rejected. We need to take full advantage of B1 extant permission – with GCHQ in walking distance, and proposals to develop West Cheltenham for employment land, sites such as this

must be attractive for them; the B1 need for business land is important. This application for retail/nursery/coffee shop – how many jobs will this create as opposed to proper office space? There is a big difference, and we have already compromised re. BMW. Accepts what the officer says that the sequential test on its own wouldn't tip the scales of justice, but isn't convinced that the sequential test has been passed, or that the local retail study is accurate, or that the amenity of the local community won't be affected by long hours etc. Traffic is bound to increase. The report says a hybrid development will have less impact and fewer peaks but hours of operation will be more sustained and the impact on community greater. This, together with the lack of jobs, and poor design, tips the scales of justice for him to reject the scheme. Having read the report closely, feels that officer support for the application is quite weak, and they seem trapped by planning regulations, where the default recommendation is to support. Here there is a huge list of reasons to reject the scheme.

MC: thanks for breakdown on S106. Cannot see how this scheme can work. Have the figures for BMW traffic movements been checked? Why haven't figures for other sites with planning permission – the care home, Pure offices – been included? We are told that drainage will be no worse than before, but before BMW, North Road West didn't flood and now it does. Why do local residents have to wait for the rest of the site to be built out before anything is done about the flooding? When calculating the number of jobs, do relocated jobs count as new jobs? What about GCHQ? The highways officer talks about linked trips, but at the Tewkesbury Road retail park there is not enough parking space. The retail assessment hasn't considered Springfield shops, Hatherley Road, Benhall – why are none of these mentioned?

AH: has no problem with a development like this but struggling to define what it is. Understands that office space is needed but it seems like overkill to have a supermarket too, and also a conflict of interest. Knows of an 'office village' in Birmingham – a small high street of four shops to serve the workers, which works well - but this site needs to define what it wants to be. It is either an office area or a supermarket. The supermarket will not reduce the impact of the traffic. Is in two minds whether or not to support; will probably abstain. Wants to support but not enough reason to do so.

BF: as a new point, the site has been available for B1 for over 10 years. GCHQ and others are aware of it, but do not have the capital to pursue office space here.

EP, in response:

- Regarding the drive-through Costa and how useful it will be to people on site – it will include a sit-in café as well, and outside seating space. There are plans to improve the footpath links to site, making a more attractive route through the site to Costa. It is not just a drive-through;
- Regarding flooding, the LLFA look at discharge rates – it has to do this – can't be any more than pre-development greenfield sites. It could be that material piled on site, used as compounds while BMW was being built, may have had an impact on run-off from the site. This scheme has a drainage strategy to deal with run-off in controlled way. The LLFA says it will not create new water problems – the water would have to run off site one way or another - but the scheme has controlled mechanism which will improve the situation;
- Why are recent schemes with planning permission not included? With the extant scheme as a fall back, consultants are comparing the current scheme with that, not with an empty site. This is why the data and comments may not as fulsome as some members expect;
- With reference to the relocated jobs and whether these can be classed as new jobs, BMW closed one site and amalgamated a number of showrooms, so 100 BMW jobs on site are from elsewhere.

Mr Duncan McCallum, in response:

- Has referred to the glossary of the NPPF. It refers to main Town Centre uses but specifically excludes individual shops. Local shops don't fall into the protected areas.

MC: What about Coronation Square? Caernarvon Court?

DM, in response:

- These are not protected.

GB: feels that all the issues have been well debated. Will ask MJC to comment before moving to a vote.

MJC, in response:

- There have been a lot of comments and different areas explored, and it's clear that not all Members agree; notes that four issues have been talked about as potential refusal reasons, some stronger than others:
- The first is the employment issue - how the proposal is different from the 2007 consent, and the loss of B1 space. Some Members are disappointed, but policy-wise, we need to be sure of what we are saying and whether it is in keeping with policy EM2 of current Local Plan. The emerging Local Plan carries very limited weight, but it is right to make reference to it, and JCS Policy SD1;
- The JCS talks about employment being considered in a wider sense than just B1 uses, so we need to be careful. There is also potential conflict with the NPPF and its requirement to create an economy fit for the 21st century and policies around long-term protection. The site is earmarked for employment use; the proposal is a viable alternative, taking into consideration market signals. There is a lot of ammunition in NPPF for developer to throw at us at Appeal;
- Secondly, the retail issue and sequential test. This would be difficult to sustain at appeal. From an impact perspective, considering small local businesses, the advice is that the impact is not enough to warrant refusal – so this is a tricky argument;
- Thirdly, the traffic perspective. Would advise caution here, as the advice from our professional advisers is that the traffic generation would not change greatly from the extant permission – so another difficult case to argue;
- Fourthly, the design issue. AH said the site needs to choose what it wants to be; has some sympathy with this comment. There has been much discussion with the applicants regarding the layout of the site;
- So, of the four possible refusal reasons, would say that two – lay-out and employment – are significantly stronger than retail and traffic.

GB: so local policy EM2 and the NPPF are potential reasons to refuse, with officer backing?

CN: Paragraphs 7-10 of the NPPF.

GB: is PB happy with this?

PB: is policy RT6 no longer relevant, as DM said?

MJC, in response:

- Yes, RT6 is now lost as a result of the JCS. Advises against any refusal on these grounds.

PB: what about RT7?

MJC, in response:

- That is also deleted by the JCS;
- Do Members still want to pursue the retail/highways issues in their refusal?

CN: Members are not being malicious – they want to put forward whatever reasons they can for a refusal, and to be able to argue strongly as possible on all issues.

CH: regarding traffic, there is very little detail about the change. Any change in traffic may be considered insignificant, but retail traffic is very different from employment traffic, and this has not been fully addressed. If the retail argument wouldn't stand a chance, would rather not include it.

GB: suggests Members vote individually on the four suggested refusal reasons, after the main vote.

Vote on officer recommendation to permit

4 in support
8 in objection
2 abstentions
NOT CARRIED

Vote on EM2 as a refusal reason

10 in support, 1 in objection, 3 abstentions
CARRIED

Vote on retail issues as a refusal reason

5 in support, 7 in objection, 2 abstentions
NOT CARRIED

Vote on highways issues as a refusal reason

9 in support, 2 in objection, 3 abstentions
CARRIED

Vote on lay-out and design as a refusal reason

8 in support, 4 in objection, 2 abstentions
CARRIED

PB: there is also the issue of flooding – the scheme is supposed to reduce the risk, taking climate change into consideration.

GB: concerns about flooding come up regularly at planning committee meetings. Members have asked for training on this issue, and this will take place in the new year.

Vote on PB's move to refuse on EM2, Highways and Design

10 in support
1 in objection
3 abstentions
CARRIED – REFUSED

Application Number:	17/01390/FUL		
Location:	10 Greenway Lane, Cheltenham		
Proposal:	Erection of one new four-bedroom house to the rear of No.10 Greenway Lane.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	12	Update Report:	None

BH introduced the application as above, originally for two dwellings but now for just one. It is at Committee at the request of Councillor Babbage in view of the level of local interest. The officer recommendation is to permit.

Public Speaking

Mrs Claire Watson, neighbour, in objection

Moved to Little Ashley Court in 2014, conscious that No 10 Greenway Lane and/or its garden could be development in the future, but hopeful that any new building would be sympathetic in scale and character. Three years on, this is the fourth application for development in the garden of No 10, and although the plan is now for just one house rather than two, it needs to be seen in the context of the renovations made to the main house. No. 10 has been greatly enlarged into the roof and the garden, and is now a very different property – impressive but an imposing and dominating presence for the homes facing it, and also reducing the garden space in which to build. The plans show another property could be squeezed in, but is this justifiable, given the detrimental effect on neighbours and local amenity? There are nine properties encircling the site, including No. 10; a house landlocked in the middle will impact negatively in terms of light intrusion, noise, traffic safety issues, additional hard surface, and less habitat for birdlife. To accommodate the building, six mature conifers – which form the only remaining screen between Little Ashley Court and No. 10 – are likely to be felled. Several mature deciduous trees and an orchard have already been cut down, and even if new planting is conditioned, can any new planting scheme for this confined space give anything like the year-round protection the conifers currently afford? They only provide a partial screen now, from the light at night and feeling of intrusion by day from No. 10. The proposed house appears to be closer to Little Ashley Court than to No. 10, and the three houses directly facing No. 10 already feel they overlook the property far more than they would wish. On behalf of the residents of 4 and 5 Little Ashley Court as well as themselves, their enjoyment of their properties and the amenity has already been adversely affected by the renovation of 10 Greenway Lane. Will any positive contribution be made by building the proposed house on the space in between? Is it a truly sustainable option given the existing built environment at this end of Ryeworth Road and Greenway Lane. Residents feel it would be a poor outcome for the surrounding neighbours and the amenity in general.

Mr Jeremy Shaw, applicant, in support

This is an application for contemporary four-bedroomed house to the rear of 10 Greenway Lane. The previous application for two mews-style houses with viewed as too big for the site, and the majority of objections were submitted in relation to that proposal. Have listened to comments from immediate neighbours and changed the plans accordingly, reducing substantially to a single dwelling, brought in from the boundaries, with a ridge height lower than Whitefriars Court and Little Ashley Court. Most of the windows don't face the neighbouring properties but the rear of a bungalow over 30 metres away; just three first floor windows face neighbouring properties, two of which are obscure-glazed and one is 24metres from the first floor of 10 Greenway Lane. The new house will have a good-sized garden and outside space, and the design is very much in keeping with the neighbouring properties, with timber cladding on the ground floor, and zinc cladding on the first floor, as well as a flat sedum roof to blend into the surrounding area. There is excellent access to the side of 10 Greenway Lane, and only the

garden of the new property will be visible from the road. There have been comments about the traffic on Greenway Lane, but this is only heavy during pick-up and drop-off times at St Edward's School. It has never caused a problem, and the access arrangement study for two houses was carried out and approved by the highways officer. To summarise, Greenway Lane and ryeworth Road is a wonderful mix of modern houses and more traditional properties, most built in previously large gardens. 10 Greenway Lane is the last remaining house in the area with such a large garden. The proposed house is contemporary and in keeping with those around it, positioned carefully to not have a negative impact on the neighbours. The revised scheme is approved by the parish council and planning officer, and two immediate neighbours who objected to the previous plans have emailed their support of the revised scheme.

Member debate:

PB: assumes the trees officer will comment on the trees issue. Has sympathy with the neighbour, who accepts that something will be built here at some stage. The applicant has taken on board a lot of comments from neighbours, and people will either like the design or they won't. Contemporary buildings in traditional settings can work, and the officers would not have recommended this scheme for permission if they didn't feel it would fit in.

PT: is puzzled by the illustrations – one appears to have a shallow pitch and the other has a flat roof.

BH, in response:

- The 3D images are shown from different angles; the roof has a very shallow pitch – it is not completely flat.

AH: this modern design may be better off the road and set back. Considers it to be interesting, and will support the scheme. It is evident that the applicant has listened to the neighbours' concerns, and reduced the number of dwellings from two to one, off-set towards the back of the garden.

HM: condition 3 talks about the details of the landscaping scheme. Looked carefully at the site on planning view, and feels that if the conifers can be retained to screen the new building, it would be very welcome.

CC, in response:

- In context, these are slow-growing conifers – Lawson Cypress and Juniper. The privacy/screening issue works two ways and it won't be in the interests of the new owner to remove the trees. A condition putting a formal preservation order on the trees can be included. They aren't of good enough quality to be particularly worthy of a TPO, but can be protected, with the requirements that new trees are planted if they become damaged.

Vote on officer recommendation to permit, with condition re protection of trees

13 in support

0 in objection

1 abstention

PERMIT

Application Number:	17/01411/OUT		
Location:	Phase 1, Land At Old Gloucester Road, Cheltenham		
Proposal:	Outline application for proposed residential development of up to 90 dwellings, associated open space, landscaping and infrastructure, including new vehicular access to Old Gloucester Road		
View:	Yes		
Officer Recommendation:	Permit subject to a 106 Obligation		
Committee Decision:	Permit		
Letters of Rep:	6	Update Report:	i. Consultee comment from TBC ii. Officer update

MJC introduced the application as above, for 90 dwellings including 40% affordable housing. The site has been removed from the greenbelt under the JCS, and identified as suitable for 175 houses in the emerging Cheltenham Plan. The outline is an indicative lay-out, with the necessary open space, landscaping and infrastructure. Consideration was deferred last month pending a comment from Historic England. It has no objection to this application; had concerns regarding Phase 2 – the heritage report identifies an ancient monument in the north of the site, on land in Tewkesbury borough. Officer recommendation is that the scheme be permitted, subject to conditions regarding S106, affordable housing, education and library contributions.

Public Speaking:

Mr Phil Staddon, agent, in support

This is an important and much needed development, representing the first planned scheme in a new era of planned growth for Cheltenham. It is a housing opportunity identified by the JCS inspector as one of a number of sites which should come forward in the short term to help address the lack of new housing land supply in the town. This has been confirmed by this week’s adoption of the JCS, and through the latest version of the Cheltenham Plan, which allocates this site for housing development. Has worked closely with GCC and CBC, and provided a comprehensive master plan approach to ensure everything is joined up. Commissioned a major research project on flood risk, which demonstrates that the sites are outside the 1:1000 year flood risk. CBC has confirmed that the smaller Phase 3 nursery site was not affected by the July 2007 flood event, and the agent’s flood risk work is fully endorsed by the Environment Agency. The LLFA technical issues simply concern the position of the balancing pond which can be addressed by condition. The only neighbouring property will not be unduly affected, with extensive landscaping around it retained. The indicative layout is spacious with generous gardens, off-street parking and large areas of landscaped open space. The S106 agreement will guarantee 40% affordable housing – 36 homes, 27 of which will be rented; this is desperately needed and can be delivered quickly with CBC support. The S106 also guarantees payments to invest in local schools and libraries. The scheme will be high quality, attractive and sustainable. The applicants thank officers for their assistance and support and hope that Members will support the scheme. If they do, work on the detailed planning application will begin straight away, helping to deliver much-needed new homes in the borough as soon as possible.

Member debate:

CN: the agent talked about guaranteeing 40% affordable housing. This is something we don’t often hear. What is special about this application?

BF: this site has been taken out of the greenbelt and is now available as development land. If Phases 2 and 3 don’t materialise, Phase 1 can stand alone, but can we still be sure of a contribution to

schooling? This is in effect an urban extension and All Saints Academy is already full. Schooling will be a problem and this is a concern – where will the children go?

CH: looking at this outline application, with a good amount of space around, it looks a very liveable environment; is looking forward to seeing the actual plans. The lay-out of houses, including the 40% affordable, is ideal for solar panels – both rental and social landlords are often amenable to this. Can we ensure the roofs are designed to make maximum benefit and best use of solar energy? Will quiz this when final plans come to us.

HM: the update letter from TBC talks about a conflict with Policy SD10 in the JCS. Can officers expand?

AH: echoes CH's comments, and understands that this is a concept site plan, but will the lake/pond will still be there in final design? It provides a great opportunity to encourage wildlife, be more biodiverse.

MJC, in response:

- Re TBC's comment, this needs to be understood in context. Policy SD10 of the JCS identifies this land for new houses etc, to be allocated by district plans. TBC is saying this site not allocated, but the emerging plan will allocate this land. It is a sound and safe allocation, and officers are happy to give it weight. TBC is simply flagging up the JCS policy, and is less familiar with what we are doing with our own plan;
- To CN's question about affordable housing. We are entering a new era – greenfield sites bring less risk, less cost, and are more viable than brownfield sites. With a five-year supply now in place, it is harder for applicants to challenge issues. Now that proposals can be plan-led, with viable sites allocated, we can deliver what need to deliver, and proposals have to be policy compliant;
- The applicant has been up-front about this – the site can take 40% affordable housing - did not want to do battle over this. This is a good opportunity to deliver housing quickly; the applicant has signed an undertaking and can move quickly to the next stage;
- To CH, officers have spent a lot of time with the applicant on this – renewables – hopes this will be designed well. There are a lot of south-facing roofs, and solar panels should work well;
- To BF, re schools, the applicant is required to comply with county policy, but it is for the county to decide where to spend the money in the most appropriate way;
- To AH, re lay-out of pond, this is an important part of the scheme – landscape-led attenuation of any potential drainage/flooding problem. It will go forward to reserved matters scheme.

SW: has been 12-14 years on planning, and agrees that this proposal looks wonderful – but we should beware of Greeks bearing gifts. Will be over the moon if we get all that is promised, but this is an outline; the full application will be different. MJC is happy with the applicant so hopefully all will be well. The scheme looks great – footpaths etc; parking may be an issue, but is happy to vote in support at this stage.

CN: for the record, this is described in the report as the largest site in the Cheltenham Plan, with 175 houses. In fact Leckhampton is the largest – it has 250 houses.

MJC, in response:

- There is a typo in Condition 20 – pedestrian vehicular access – need to add the extra word.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

Application Number:	17/01459/FUL
Location:	Gallagher Retail Park, Tewkesbury Road
Proposal:	Erection of a Class A1 retail unit comprising 929 sq m at ground floor with full cover mezzanine, car parking, re-alignment of service yard access, renewal / adjustment of service yard drainage, diversion of a Class 5 highway, and associated works to the west of Unit A Gallagher Retail Park.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	Officer update

MJC introduced this application for a new two-floor retail unit as above. The site straddles the administrative boundaries of Cheltenham and Tewkesbury boroughs, and identical applications have been submitted to both councils. It is at planning committee at the request of Councillor Clucas, due to concerns about site access, anti-social behaviour on site, and public right of way.

Public Speaking:

Mr Peter Waldren, agent, in support

Having read the very thorough report and update, it is clear that the key issues have all been covered. Councillor Clucas raised the issue of anti-social behaviour ('boy racers') and the proposed right of way diversion. Will meet with Councillor Clucas and local colleagues in the new year, to discuss these issues further, but the retail park managers have advised that the boy racer issue don't relate specifically to the site, but more to the roads around it. The site's car park entrances and exits are all barriered, and will close 30 minutes after the shop units close. Furthermore, raised tables have been installed along the road running through the site as a further speed prevention measure, and all cars entering and leaving the car parks are monitored by automatic number plate recognition, all of which ensures that the potential for anti-social use of the site has been fully addressed. A separate diversion order application for the right of way will be made after tonight's resolution, and will be an improvement on the existing route which is subject to anti-social behaviour, fly-tipping and rough sleeping. It will be safe, lit, paved and maintained, and the highways authorities have raised no objection to it. Retail advisers have confirmed that the proposal meets the required retail tests in that there are no sequentially preferable alternative sites and no significant adverse retail impacts on the town centre, and the retail consultant has no objection, subject to the conditions set out in the report. The green belt designation of part of the site (in Tewkesbury borough) has now fallen away following the adoption of the JCS. Regarding traffic and parking, the highways authorities is content that 41 parking spaces is sufficient for the additional floorspace, particularly as customers will already be visiting other units on the site. No objections have been raised, having specifically considered highway safety and the compatibility of this proposal with the Elms Park proposal. The applicants have worked closely with officers and amended the scheme significantly since its original submission in July – specifically to maintain the majority of the existing trees on the site – and now believe the proposal is stronger as a result of that collaboration.

Member debate:

SW: as a member of the county right of way committee, which will vote on the diversion order application which is likely to follow this proposal, will not speak or vote on this application tonight.

NJ, in response:

- That is the correct course of action.

BF: Unfortunately Councillor Clucas couldn't attend the meeting tonight due to other commitments, but as fellow ward councillor, has discussed the issues with her in advance of the meeting. Is content that the anti-social behaviour issue has been addressed. It is good to see staff parking on the site – not many retail units provide this. The area has improved dramatically over the last few years, and the Gallagher Park management is doing a good job. Hopes that this application will be permitted tonight.

CN: the agent talked about 41 car parking spaces – are these for staff or customers? Uses the site a lot and always struggles to find a space. The greenery, trees and right of way are very attractive. Will these all go if staff car parking is to fit on the site, or is there any other way to retain the right of way and solve the car parking issue? Have there been any negotiations with Elms Park?

MJC, in response:

- Regarding the additional 41 car parking spaces, 32 of these are intended for staff use. There has been no objection to this from a highways perspective. These dedicated spaces can be used by all the retail units;
- The trees and greenery has been the subject of much discussion with the applicant, and perimeter planting can be successfully retained on the half of the site behind Sainsbury's. The greenery to the north cannot be retained through this scheme, but if the greenery goes, the applicant will try to reintroduce some form of landscaping. As so often, Members have to consider the balance – does the council want successful economic units or viable greenspace;
- The NPPF is pro-economic growth, and this application cannot fail because of existing trees.

Vote on officer recommendation to permit

11 in support

0 in objection

3 abstentions

PERMIT

Councillor Oliver left the meeting at this point.

Councillor Seacome declared an interest and withdrew for the duration of the following debate.

Application Number:	17/01566/CONDIT
Location:	4 Montpellier Walk, Cheltenham
Proposal:	Variation of condition 5 of 16/01888/FUL - to extend opening hours to 00:30 Thursday, Friday and Saturday nights and 01:00 on Bank Holiday Sundays, race days (up to 16 race days per calendar year), Christmas Day and New Years Eve
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	16
Update Report:	Additional representation

MJC introduced the application as above, saying it was submitted some time ago, and the hours have been negotiated down, following the input of environmental health officers. It is at committee at the request of Councillor Mason, due to neighbours' concerns about loss of amenity. The officer recommendation is to permit.

Public Speaking:

Mr Noori, applicant, in support

Co-owns Door 4 with his wife; it is managed by their son, and all are Montpellier residents. All three are sensitive to noise or nuisance that may concern neighbours, and have taken on board their views, radically reducing the original proposed opening hours in response. Sent letters to all neighbours to assure them of their intentions, and received a lot of positive feedback since, establishing an open channel for neighbours to get in touch with any views. Have furthermore changed operations by stacking chairs and tables on the Montpellier Street site between 10 and 11pm and closing the door, so no one uses this side of the premises for outside sitting and drinking, thus keeping noise away from neighbours. Live music only takes place on Thursday nights, and the hours have been changed from 8pm to 10pm instead of 11pm, as well as lowering the sound level in response to a neighbour's request – again demonstrating the aim to be good neighbours and respect local views whilst maintaining business viability. Have permission from the licensing authority until 1.00am, and any issues will be addressed by them on an ongoing basis. Since the revised proposed opening hours, only two objections have been received, as well as two letters of support, so hopefully the original objections have been satisfied. Environmental Health officers have approved the revised hours. In the past few months, have had a significant reduction in late night business due to current 12am closing time, Customers leave early and continue at neighbouring bars in Montpellier, where closing hours range from 1.00-2.00am, and 3.00am at Bar 131. Is only asking for a fair opportunity – not even an equal opportunity, just a small share. The original proposed 2.00am is now 12.30am, and 1.00am on race days and holidays – this is more than reasonable and shows that they care about neighbours' views whilst trying to run a viable business and employ local people.

Councillor Mason, in objection

Following the submission of the original application, a number of concerned residents contacted him; the proposed hours of business have now been reduced and the applicant has made concessions, but some residents are still unhappy. Is reminded of Travis Perkins and the impact on the town. We want our town to be vibrant, and we want people to live in them. By allowing this – more and more bars, extending their opening hours little by little, a gradual creep – we should not forget our duty to ensure quality of life for residents of the town. Policy CP4 is concerned with harm to residents' amenity. We need to consider this gradual creep and keep a sense of balance. Do we want people to enjoy a quality of life in the town? There are other local places to drink; let people go there. With respect to the speaker, an extra half-an-hour is quite significant at that time of the morning.

Member debate:

PT: notes from some of the neighbour comments that loud music is played, with the windows open. Can't there be a condition requiring the windows to be kept closed when music is being played. This would help.

GB: presumably this is a matter for licensing officers?

BF: on planning view, was told that no-one lives above the bar. There are letters from residents of the courtyard at the back, but this is some distance, on the other side of the road. There are other bars and restaurants in the area. What hours do they keep? We have got to be fair here, and make a balanced judgement. It is difficult, but the town and the economy is growing; nothing stands still.

MC: this application is for the variation of a planning condition. The applicant will also need to apply to licensing to alter its hours. As a side issue, looking at the map, notes that the building opposite is still labelled as a bank, which it hasn't been for some time. This is misleading.

AL: looking at another bar in the immediate vicinity, John Gordons is open Monday to Wednesday 10am to 10pm, Thursday 10am to 12pm, Friday 10am to 1pm.

PB: Montpellier is the most vibrant part of the town. There is a good selection of restaurants and bars here, and anyone living there knows what they are moving into. The applicant is being reasonable, is clearly proud of his business, and wants good relations with his neighbours. Wishes him good luck.

MJC, in response:

- Was going to give members the same John Gordon opening hours as AL has relayed;
- To PT, officers are not recommending that the windows are kept shut. The application is now for just an extra half-hour weekends and an extra hour on bank holiday Sundays;
- MC's comments are correct, that planning permission has to be applied for because of the restrictive condition. The Licensing Committee runs separately, and a separate application will have to be made to them;
- Regarding the map, the 2007 Ordnance Survey map is used, which is now slightly out of date, but these maps are generally very useful.

SW: to put this in perspective, the applicant has taken on an unfair obligation and other businesses are pinching his customers because he is wanting to be a good neighbour. He is not asking for a great deal. We would be mean in not allowing this, in view of the neighbouring bars with longer hours.

Vote on officer recommendation to permit

9 in support
1 in objection
2 abstentions

PERMIT

Councillor Seacome returned to the meeting at this point.

Councillor Lillywhite declared an interest and withdrew for the duration of the following debate.

Application Number:	17/02022/FUL & LBC
Location:	The Cheltenham Townhouse, 12 - 14 Pittville Lawn, Cheltenham
Proposal:	17/02022/FUL - Change of use from C1 (hotel) to C3 (residential) to revert from guest house to two dwellings 17/02022/LBC - Alterations to convert guest house into two dwellings
View:	Yes
Officer Recommendation:	Permit / Grant
Committee Decision:	Permit / Grant
Letters of Rep:	0
Update Report:	None

MJC introduced the application as above. It is at Committee because the proprietor of the hotel is a local councillor. There are two applications – one for planning permission and one for listed building consent – and votes will need to be taken on both.

Public Speaking:

None.

Member debate:

BF: has no objection to this. The building is Grade II listed, and hopes that if a new door is needed, it will not be anything like the new door on the Grade I listed Ivy.

Vote on officer recommendation to permit 17/02022/FUL

12 in support – unanimous

PERMIT

Vote on officer recommendation to grant 17/02022/LBC

12 in support – unanimous

GRANT

Application Number:	17/02037/FUL		
Location:	5 Bournside Road, Cheltenham		
Proposal:	Two storey side extension and single storey rear extension		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	9	Update Report:	None

MJC introduced the application as above, at Committee at the request of Councillor Harman, in view of the number of objections from neighbours. The officer recommendation is to permit.

Public Speaking:

Mrs Goodlock, neighbour, in objection

Is representing residents at Nos. 1, 3, 6, 7, 9, 10, 11 and 12 Bournside Road, all of whom have objected to this application. Their issues may seem trivial compared with other applications on tonight's agenda, but they are not minor to the residents of Bournside Road, many of whom have lived there for 30-40 years and have a deep affection for the area. None are against house extensions – there are plenty in the road – but they are upset by the size of what is proposed at No. 5, which is why there are nine objections from people who have never objected to anything in their lives by felt compelled to comment on this. The recommendation to approve is flawed, with over emphasis on the inclusion of a set-back from the front of the house. Council policy is not just concerned with a set-back, but with ensuring that extensions are subservient, do not dominate the existing building or erode the space around it. This proposal is massive, wide and deep. It overwhelms the original house, and has a very large truncated crown roof hidden behind a dummy pitch roof at the back, because a roof with the correct pitch to the house would be ridiculously tall over an extension as wide as this. However, because the materials and windows match, the officer says the proposal is 'well-considered'. The extension will be extremely prominent from Hatherley Park, is not good design, is a very wide and substantial addition that will completely erode the character of the existing house and the space to the side of it. Residents of No. 3 will be most affected, mainly from the 14m two-storey side wall, just 1.5m from the boundary. They will lose afternoon sun and also privacy with the Juliet balcony overlooking their garden. The officer says there is a variety of houses and extensions in the road, it is not in a conservation area, and the house isn't listed, implying that a lesser standard might

be acceptable here. This can't be true – the NPPF is clear that good design is the key aspect of sustainable development and should contribute to making places better for people to live in. At this end of the road, there is visual harmony – Nos. 5 and 7 are twin houses, and No. 10 is almost identical. Various features are echoed in other houses which create the charm and character of the area, and attractive views to the side through to Hatherley Park, which will be lost if this extension is built. The extension should be narrower and shorter – it is all a question of scale. The proposed house will double in size, the space around it will be eroded, and it will harm the neighbour's living condition, all contrary to the Local Plan.

Mr Russell Ranford, agent, in support

The application being considered tonight followed pre-application advice from Gary Dickens, who suggested narrowing the width to create a larger gap between the first-floor elements of the proposed side extension and No 3 Bournside Road – this advice was taken on board and the gap was increased to 5 metres. A detailed analysis of the gaps between properties along both sides of the road between numbers 3 and 20 confirmed the average gap is 4.45m, with gaps ranging from 2m to 5.9m, so the 5m gap here is 0.5m above the average. A design steer was taken from 19 Bournside Road, which recently completed a similar extension, albeit with a smaller gap between the extension and the neighbouring property. As the officer report sets out, the proposals are in accordance with the SPD on Residential Alterations and Extensions, published in 2008, which states that side extensions can achieve subservience by being recessed from the front elevation and having a lower ridge height – this proposal has both. Given the generous plot size, the proposed extension will integrate well and not be a detriment to the existing building's character. Bournside Road is characterised by detached houses, but there is a vast range of building sizes and forms, and this proposal respects the street scene and character. The residents of No. 7 are concerned about the proposed high-level side window and rooflight causing light pollution, but these concerns about harm are perceived rather than actual. In addition, the window and rooflight could be included in a single storey extension under permitted development, making it inappropriate to demand design changes to appease their neighbour. Over all, the scheme is in total accordance with the NPPF and the local plan, constitutes sustainable development and creates no actual harm.

Member debate:

PB: Bournside Road is very special, and the spacing of each house on its plot is significant. Considers this design to be good – although this is always subjective – and notes that there are all sorts of designs and extensions in Bournside Road. This proposal respects the neighbouring properties. Has seen far worse-looking extensions.

KH: knows Bournside Road very well, and considers it a real shame from an architectural and personal taste point of view that these changes are being put forward on this property. The curved bay window, the proportions, the design and character of the house are all very pleasing, and are seriously compromised by this proposal. However, there is no proposal to change the bay, and it won't cause any further on-street parking problems in the area. Is mindful of a theme he regularly returns to – that people have the right to do what they want with their own properties – and is not persuaded that we should stop them, but is very to see the inherent character of this house lost.

CN: is conflicted here. Agrees with PB that every house in the road is different, but has sympathy with the speaker, who made an interesting point about subservience – this extension is very large. The proportions of the original house are overwhelmed – are there any examples of this elsewhere?

DS: looking at the plan at the moment, including the gap between the garage and the house, gives an idea of what the extension will do - it will be less than half the width of the garage. The proposal coordinates and compresses façade – has no problem with it.

MJC, in response:

- It is fair comment to say that this is a large extension, but there is no policy to prevent this *per se*. The SPD shows how they can be achieved; setting an extension back makes it subservient. It could be narrower, but Members need to consider whether or not it is actually harmful? How well does it sit in the street, which has a varied mix of properties? Is the design comfortable in its setting? This is the nub of the officer recommendation.

MC: has looked at the drawings and the plan view of the garage – it appears square rather than rectangular? Can officers confirm whether it is a functional garage?

MJC, in response:

- It isn't used for a car – like most garages nowadays, it is used for storage.

Vote on officer recommendation to permit

12 in support

0 in objection

1 abstention

PERMIT

Application Number:	17/02348/CONF
Location:	92 Evesham Road, Cheltenham
Proposal:	Confirmation of TPO 751 Yew to the rear of 92 Evesham Road
View:	Yes
Officer Recommendation:	Order is confirmed
Committee Decision:	Order is confirmed
Letters of Rep:	2
Update Report:	None

Public Speaking

Mr Charles Talbot, applicant, in objection

Thanked Members for the opportunity to speak. Originally submitted an application to fell this tree – it has outgrown its space, casts a wide shadow, but also gives rise to other concerns regarding safety. The shade cast by the tree is the biggest issue, limiting the use of the garden, and this will only get worse. Has discussed the option of pruning with the trees officer - this won't help with the shade issue but it will significantly reduce the visual amenity of the tree. It can only be seen from certain points on Central Cross Drive, and its removal will be largely unnoticed. Has offered to plant an alternative tree in its place, but this offer has not been acknowledged.

CC introduced the confirmation order which came about when the owner notified the council of his intention to fell the tree. There was an opportunity to negotiate – to permit this, or to place a TPO on the tree. Trees officers felt that the tree is significant enough in the area and in good enough health to be worthy of a TPO. The owner objects to this, which is why CC has brought it to committee – to allow Members to decide on what they consider the best course of action.

Member debate

BF: 1.5m crown and side pruning would reduce the shading considerably.

PB: is looking at the relationship between the tree and the house, and its view from different directions. Can be seen to the south from Central Cross Drive, and appreciates that it causes some evening shading, but as a tree lover, will vote to support the trees officer's recommendation.

Vote on recommendation to confirm order

12 in support

0 in objection

1 abstention

ORDER IS CONFIRMED

The meeting ended at 9.40pm.

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APPLICATION NO: 17/02402/CONDIT	OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th December 2017	DATE OF EXPIRY:
WARD: Benhall/The Reddings	PARISH:
APPLICANT: Mr Harry Madeley	
AGENT: EdgeDesignWorkshop Ltd	
LOCATION: Ragged Stone, Old Reddings Road, Cheltenham	
PROPOSAL: Variation of condition 2 (approved plans) on planning permission ref. 15/01673/FUL to allow for an increase in parapet heights	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site previously formed part of the rear garden to Ragged Stone on the southern side of Old Reddings Road. The site is bounded by the rear garden to Roebuck, Old Reddings Road to the north, rear gardens serving properties in Old Reddings Close to the south, and park homes in Enstone Park to the west. Land levels in Old Reddings Close are some 500mm higher than the application site.
- 1.2 Planning permission ref. 15/01673/FUL was granted in November 2015 for the erection of a three bedroom, single storey dwelling. Work is now well underway on site.
- 1.3 During the construction of the dwelling it has become apparent that the height of the dwelling exceeds that of the approved scheme by some 300mm when viewed from the neighbouring property. This application is therefore seeking to vary condition 2 (approved plans) on the planning permission to allow for the increase in parapet heights as a minor material amendment. If approved, this would have the result of issuing a new planning permission on the site.
- 1.4 The increase in height has been influenced by a number of factors, including the fabrication of the timber frame on site, and the need to provide a deeper than typical ground bearing slab due to poor ground conditions.
- 1.5 The application has been referred to the planning committee by Cllr Britter due to the level of local interest and the concerns raised by residents. Members will visit the site, and have the opportunity to view the property from the neighbouring garden, on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m

Airport safeguarding over 15m

Relevant Planning History:

15/01673/FUL

PERMIT

10th November 2015

Erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close

16/01841/CONDIT

PERMIT

1st December 2016

Removal of condition 4 (Sustainable Drainage System) on planning permission ref. 15/01673/FUL for the erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close

16/01845/DISCON

DISCHARGED

30th November 2016

Discharge of conditions 3 (Construction Method Statement), 5 (Samples of facing materials), 6 (Playspace), 8 (Surfacing of driveway), and 9 (Gates) on planning permission ref. 15/01673/FUL for the erection of 1no. 3 bed single storey dwelling on land to rear, with access provided from Old Reddings Close.

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

4. CONSULTATION RESPONSES

None

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 19 neighbouring properties. In response to this publicity 7 letters of objection have been received.

5.2 The objections relate to:

- Visual impact
- Loss of privacy
- Potential devaluation of property
- Loss of view
- Drainage concerns
- Overshadowing
- Concerns in relation to construction activity

6. OFFICER COMMENTS

6.1.1 The main consideration when determining this application is the acceptability of the proposed increase in height as an amendment to the approved scheme. The acceptability should be judged on the basis of any increased impact on neighbouring amenity and whether or not the increase in height is acceptable from a design perspective. As stated in the introduction to this report, the building under construction is some 300mm higher than that approved.

6.1.2 Guidance set out within planning practice guidance (nPPG) acknowledges that “*new issues may arise after planning permission has been granted, which requires modification of the approved proposals*” and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990, which allows for conditions imposed on planning permission to be varied or removed.

6.1.3 Members are advised that the principle of development has been established through the original grant of planning permission. The scheme that is being built on site is that which has planning permission, other than for the increase in height.

6.2 Neighbouring amenity

6.2.1 The following comments are taken from the officer report for the original approval:

6.3.1 The application site currently forms part of the rear garden to Ragged Stone on the southern side of Old Reddings Road. At present, the existing property benefits from a large rear garden which is approximately 70 metres long by 11 metres wide and largely laid to lawn. The site is bounded by the rear garden to Roebuck, Old Reddings Road to the north, rear gardens serving properties in Old Reddings Close to the south, and park homes in Enstone Park to the west. Land levels in Old Reddings Close are some 500mm higher than the application site.

6.3.2 Property types in Old Reddings Road vary but the majority of houses are two storeys and faced in brick with pitched tiled roofs. Similarly, many of the properties in Old Reddings Close, a cul-de-sac, are two storey, semi-detached houses with pitched roofs and brick elevations.

6.3.3 The site is located at the edge of the Principal Urban Area and the Borough boundary.

6.2.2 The report goes onto state:

6.5.1 Local plan policy CP4 advises that development will only be permitted where it would not cause unacceptable harm to neighbouring amenity.

6.5.2 In addition, one of the core planning principles set out at paragraph 17 of the NPPF states that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*

6.5.3 Given the nature of the site and the single storey nature of the proposed dwelling, no significant impact on neighbouring amenity in terms of loss of daylight, privacy or outlook is likely to occur. Furthermore, no objection has been raised by local residents on such amenity grounds.

6.5.4 The proposal therefore accords with the requirements of local plan policy CP4 and the national guidance set out within the NPPF.

6.2.3 Members will note on site that the dwelling is located at the end of a long garden, some distance from neighbouring buildings. Officers acknowledge that the dwelling is located in close proximity to the boundary with the neighbouring property, Roebuck, but this is as approved. Importantly, the dwelling itself is located a considerable distance from the neighbouring building and its associated principal amenity space. Whilst the house is noticeable the further down the garden you travel and at the bottom of the garden does have an impact, officers were of opinion at the time of the original decision, and remain of the opinion now, that the impact on the enjoyment of that garden is not so sufficient to have withheld planning permission.

6.2.4 It therefore follows that, given that this application relates to a relatively minor increased height of some 300mm, the level of impact is not noticeably greater. Officers accept the impact on the immediate neighbour; there is no getting away from the fact that the building has a presence when viewed from the garden, but given the context of the generous garden, officers remain firmly of the view that the impact on amenity in terms of visual impact and overbearance remains acceptable. Members are also advised that more permanent boundary enclosures to separate the application site from the neighbour's garden are yet to be erected and this will soften the relationship somewhat.

6.2.5 Reference has also been made to loss of sunlight. In this regard it should be noted that both the application site and the neighbouring garden have south facing gardens with the new building to the south east of the neighbour. The combination of the length and orientation of the garden and the single storey nature of the building ensures that loss of sunlight is limited and is again not to the degree that permission could be reasonably withheld. The

vast majority of the neighbour's garden will enjoy good levels of sunlight through all times of the day despite this development.

6.3 Design considerations

- 6.3.1** With regard to design, as this is a standalone, contemporary dwelling, the increased parapet heights do not result in harm to the building, or move away from the general design approach taken. Officers remain of the view that the building is well-considered and sits comfortably on the site.
- 6.3.2** The concerns regarding materials are understood, particularly in relation to the blue brick, but officers consider that given the form of the building is very different to anything in the immediate locality, the external appearance does not necessarily have to be governed by the prevailing palette of materials. Furthermore, it should be reiterated at this stage that the building has consent and that this application solely relates to the increased height.

6.4 Other considerations

- 6.4.1** Loss of privacy and a devaluation of property have also been raised as concerns in the representations from neighbours. In response to this, members are advised that the fenestration proposed within the dwelling has not altered and members will be well aware that the possible devaluation of property is not a material planning consideration.

7. CONCLUSION AND RECOMMENDATION

- 7.1** With all of the above in mind, the recommendation is to grant planning permission; the dwelling as built is not substantially different from that originally approved and does not result in any significant additional impact on neighbouring amenity.

8. CONDITIONS

- 1 Prior to the first occupation of the new dwelling, the alterations to the existing access to the site shall be completed in all respects in accordance with Drawing No. 1299_309_B and maintained as such thereafter.

Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 2 Prior to the first occupation of the approved development, the access driveway shall be surfaced in bound material for at least the first 4.5 metres from the carriageway edge of the public road and shall be retained as such thereafter.

Reason: To prevent loose material being carried onto the highway in accordance with Local Plan Policy TP1 relating to development and highway safety and national guidance set out in Section 4 of the NPPF.

- 3 Any entrance gates erected shall be set back at least 2.4 metres from carriageway edge of the public highway, and shall be hung so that they open inwards into the site.

Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety and national guidance set out in Section 4 of the NPPF.

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 application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 17/02402/CONDIT		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 8th January 2018		DATE OF EXPIRY : 5th March 2018	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Mr Harry Madeley		
LOCATION:	Ragged Stone, Old Reddings Road, Cheltenham		
PROPOSAL:	Variation of condition 2 (approved plans) on planning permission ref. 15/01673/FUL to allow for an increase in parapet heights		

REPRESENTATIONS

Number of contributors	9
Number of objections	9
Number of representations	0
Number of supporting	0

19 Allington Drive
Bristol
BS30 7AS

Comments: 13th December 2017

You have given permission to the original plans now they want more. I object on the grounds that it will block the view from 10 old reddings close. If they get this planning permission, what next even bigger. Enough is enough

Crossways
Old Reddings Road
Cheltenham
Gloucestershire
GL51 6RZ

Comments: 2nd January 2018

Letter attached.

6 Rowan Way
Up Hatherley
Cheltenham
Gloucestershire
GL51 3YF

Comments: 28th December 2017

After visiting the site overall the building is not in keeping with the area and is an eyesore. It is not being built in the manner in which planning permission was granted.

It is evident that they have already increased the height of the building despite being told not to proceed any further with work until this has been resolved. They have done substantial work on the build in the hope/anticipation that as it will cost them a lot of money to reduce the height back to the original plan the council will agree the new plan - this appears to be a blatant breach of the planning regulations.

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Looking at the dates on the plans, these were drawn up over two years ago surely the architects who designed the property and those approving them must have seen/know that the original height would not be sustainable.

Not only do the new plans show an increase in the height of the building, but an increase in the height in the steel flue. The doors in section A have changed. Plus cladding has been added to section C - this was not highlighted on the original plan and the cladding they have already put on is black bricks which makes the building look awful and unsightly. The view for the neighbours is horrendous.

What the plans to do not show is just how close to the neighbours' fences the property has been placed, it is not just near, it is right up against the fences/trees.

My other concern is that with all of this new hard standing, where will any excess water drain away to? This piece of land and the neighbours is renowned for flooding in the winter. The roof is flat and there are pipes coming out of it. I am guessing this is to ensure that the water drains away - but again where is it supposed to be draining away to? Should an adjacent property become flooded which had not done so in previous years until this hideous building was erected I assume I can sue the owners for any damage caused by the flood water?

Greenfields
Old Reddings Road
Cheltenham
Gloucestershire
GL51 6RZ

Comments: 14th December 2017

Objection due to

- increase in visual impact from our property,
- loss of privacy affecting our property.

Also a negative effect on our home's resale value

17 Old Reddings Close
The Reddings
Cheltenham
Gloucestershire
GL51 6SD

Comments: 30th December 2017

I am writing in response to your letter dated 11 December 2017 which outlines the variation of condition 2 (approved plans) ref: 15/01673/FUL to allow for an increase in parapet heights to the construction in the garden of Ragged Stone, Old Reddings Road, Cheltenham.

I am lodging an objection and feel the raising of the parapet heights unacceptable as the extra 25cm (10 inches) in height will have serious visual impact to neighbours living in close proximity with not only the design of the building but more importantly the height. The materials used in this build is already proving to be out of character with surrounding properties. I understand the reason outlined for the new height is for larger roof supports, but again, as throughout this process find the information to hand to be misleading and has masked the reason and extent of proposed changes. The updated diagram or "slight amendment" suggests to reinforce the roof structure BUT beg to ask the question why was a serious design error/fault passed the scrutiny of planning officers at application stage or by building inspectors during the build.

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I am concerned at the lack of transparency throughout the process of this development and as a resident who will be affected by the lasting effects of this construction, wondering what else the applicants to the new build will impose on those living close by. So far and contrary to the report submitted by SF Planning of 12 Royal Crescent, who stated the development along with the final landscaping planned would not have a negative impact on the landscape. They also stated the dwelling will sit relatively low within the site and will have a height and mass that will be unobtrusive, they add, given its single storey nature will ensure the development is well screened with a high quality contemporary design that will compliment and respect existing development in the area.

This is not the case, in fact from our view it looks like an industrial building which would fit more comfortably on a farm. Residents feel strongly that since the build started the applicants have kept us in the dark about proposed changes to planning and have demonstrated to be underhanded giving no consideration to residents, flouted planning consent, roughshod over planning rules and not complying to building consent conditions resulting in numerous complaints. As you may be aware the roof is almost complete.

When it was first realised the height exceeded planning consent the builders were told to carry on regardless employing a roofing firm to go on site to finish. It is felt they carried on completing the roof regardless of planning permission knowing it would be passed. If planning officers find this acceptable then why ask if we have an objection? Surely if the flouting of planning laws be allowed to win Cheltenham Borough Planning controls will lose integrity? I am now wondering what else they are proposing to do which will increase visual impact making the development more unacceptable.

We have yet to witness what they will do with the hedgerow on the east aspect of the boundary fence which has been in situ for 40 years or more. If this mature vegetation is allowed to be removed it will further expose the building to the whole surrounding area. As residents of Reddings Close are only too aware they underhandedly do work to change an outlook to suit themselves before getting permission. An example of this is they completely destroyed an orchard which had significant visual impact and also made out they had rear access to their property. During this process they were rude to some residents and kept insisting that we had to move our cars to accommodate them getting access to their garden, when in fact the plans of the area showed there was no rear access.

8 Old Reddings Close
The Reddings
Cheltenham
Gloucestershire
GL51 6SD

Comments: 28th December 2017
Letter attached.

Comments: 28th December 2017
Letter attached.

Roebuck
Old Reddings Road
Cheltenham
Gloucestershire
GL51 6RZ

Comments: 10th January 2018
Letter attached.

11 Old Reddings Road
Cheltenham
Gloucestershire
GL51 6SD

Comments: 10th January 2018
Letter attached.

6 Rowan Way
Up Hatherley
Cheltenham
Gloucestershire
GL51 3YF

Comments: 28th December 2017

The building in question is not in keeping with the surroundings and is unsightly. The increase in height has done nothing to improve that. I am wondering where any water will drain away to as there is now a lot of hard stand. There are pipes coming out of the side of the building which are not on the plans so I have no way of identifying what they are for. They appear to have continued to carrying on working on the building in full knowledge that the height of the roof is in excess of what they were given planning permission for.

Miss Michelle Payne
Planning Officer
Cheltenham Borough Council
Municipal Offices, Promenade
Cheltenham GL50 1PP

Crossways
Old Reddings Road
Cheltenham (Glos)
GL51 6RZ

31 December 2017

Your Ref.: 17/02402/CONDIT

Dear Miss Payne,

I am writing to you with reference to the case for planning permission ref. 17/02402/CONDIT, which has requested an increase in parapet heights to the planned development (Ref. 15/01673/FUL) at Ragged Stone, Old Reddings Road, Cheltenham.

I would like you to note the following:

- 1) Over recent weeks, I have noticed the ongoing construction activity in the garden at Ragged Stone, Old Reddings Road. Despite being an impacted party of the ongoing building, in this case, I have not received a single notification or any information to date from Cheltenham Borough Council (CBC) on the ongoing sizeable development project. Per the normal procedures for incremental development, I believe CBC should have contacted me and sought feedback on how this development may potentially impact us – the residents at Crossways, Old Reddings Road. I have only learnt of the specific development project details from the letter circulated by Councillor N.C. Britter, kindly informing the local residents of the current situation.
- 2) I understand from the website comments that some letters from the Architects (behind the project) addressed to residents, claiming to provide further information on the development project, somehow never arrived at the destination. I have also not received any such letter. I am very surprised as to how this whole process has been managed and how the planning approval was given without proper consultation of local residents. I would like you to investigate whether this project has seen some collusion between any individuals within the Planning Dept. and the interested parties promoting this development project.
- 3) I would like to inform CBC that gardens and surrounding areas at Ragged Stone, are subject to flooding during periods of intense rainfall. The development of the additional property in the back garden will make this significantly worse, as the surface area for natural absorption into the ground is considerably reduced by the removal of the pre-existing trees and soil. There will be an increased risk of this excess water spreading further to the surrounding properties. Other residents on Old Reddings Road have

separately notified CBC during 2017 about the flooding that can happen in Old Reddings Road, as water gradually moves onto the road, since there is nowhere for it to drain or get absorbed into the ground. The new development is therefore objectionable in my humble opinion.

- 4) Please note that I object to the current application to further increase the height of the ongoing development. Prior to the development, the view from our property was one of a collection of lawns, punctuated by trees remaining from the orchard days of the Reddings. The trees at Ragged Stone have been cut and instead we are now faced with looking at a new sizeable house seemingly constructed of industrial bricks, and out of step with the rest of the surroundings. This already creates a visually negative impact. Further raising the roof of this building will create a complete eyesore that will be highly visible from my property. On this basis, I strongly object.

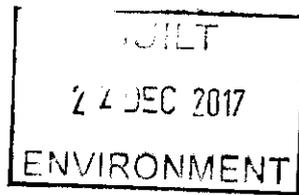
- 5) I also have learnt the developers for this project were communicated from CBC that the height of the actual new building is exceeding the agreed plans (15/01673/FUL). It seems the developers chose not to halt the project for a decision on the new planning application (917/04012/CONDIT) and instead continued to complete the roof and building, ahead of any CBC hearing for this revised application. This seems a very odd approach, given the expense involved – hence also increasing my concern highlighted in point (2) above, i.e. whether there has been some collusion between any CBC individuals and the new development promoters.

Based on the above, I strongly urge CBC to reject planning application ref. 17/02402/CONDIT.

Yours sincerely



Owner
Crossways, Old Reddings Road.



8 Old Reddings Close
The Reddings
Cheltenham
Glos.
GL51 6SD

Friday 22nd December 2017

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

Dear Ms Payne,

Planning Application Reference; 17/02402/CONDIT

Reddings residents are requesting clarification of details regarding the above application.

1. Referring to the wording: **“Construction detailing of roof depth has resulted in a requirement to slightly amend [raise] Parapet heights”**. The Retrospective Planning Request is very vague and does not give any valid reason to increase the height in line with that produced. There are no details of the increase in height requested. The Planning amendment does not quote any actual dimensions, referring to a slight amendment, to what in effect is thought to be 25cm (10 inches).
 - Was this a design error and if so, how did this pass the scrutiny of the planning process?
2. This Retrospective Planning Amendment has been raised some 2 months after the roof construction.
 - Why was such a significant increase in height not communicated at that time, via a planning application, to affected neighbours for consultation and comments?
 - Why, months ago, when it became apparent that the “development needed changes from the original approved design, was it not amended to stay within the designed height, after all it is of wood construction and could have easily been incorporated at that stage?

- Has there been a failing on behalf of the CBC planning scrutiny process?

3. The construction has carried on apace.

- Did anybody give the developer permission for this to happen?

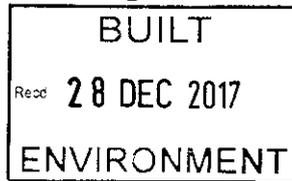
As there is much concern amongst neighbours regarding the above issues, and considering the limited time residents have to respond to the Retrospective Planning Application, your urgent response would be much appreciated.

I look forward to hearing from you shortly.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

Email: 



8 Old Reddings Close
The Reddings
Cheltenham
Gloucestershire
GL51 6SD

Wednesday 27th December 2017

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

Dear Sir / Madam,

Planning Application Reference; 17/02402/CONDIT

This amendment to the original Planning Application: 15/01673/FUL is totally unacceptable for the following reasons:

1. The wording "Construction detailing of roof depth has resulted in a requirement to slightly amend [raise] Parapet heights," is totally misleading and masks the true extent of change, or what has happened to bring this to the attention of the community. The "slight amendment" to the updated diagram suggested, appears to be a major reinforcement of the roof structure including much larger roof supports than originally planned.
2. The Retrospective Planning Request is very vague and does not provide any valid reason for the request to increase the height in line with that already produced. In fact there are no details of the increase in height requested. The Planning amendment does not quote any actual dimensions, and instead refers to a "slight amendment" to what in effect is thought to be 25cm (10 inches). As the roof is on, this appears to be a retrospective request for something that has already been built.
3. The additional height will further magnify a significant negative visual impact upon neighbours who are already suffering from a totally inappropriate construction, which will, in their eyes, devalue their property. In addition to the unsightly view caused by the high wall, which abuts the adjoining fence, much distress has been caused to the neighbours at Roebuck, Old Reddings Road, by the builders gaining unauthorised (illegal) access to their property during the recent construction. While the neighbours at Roebuck, Old Reddings Road were away on holiday, the building team dismantled the fencing belonging to Roebuck to gain access to work on the groundworks of the property. No prior notice of the construction was given, and there was no request for

permission to access their property. Such a blatant violation to their property has caused much distress to those neighbours, and subsequently has affected their health.

Furthermore, the local community are very concerned at the lack of transparency of this planning issue and many serious questions need to be answered and brought to the forefront of any Retrospective Planning Application. These questions are:

1. Was this a serious design error, and if so, how did such a serious structural design fault pass the scrutiny of the original planning process?
2. This Retrospective Planning Amendment was submitted some 2 months after the roof construction, and was only raised after the additional height was noticed by adjoining neighbours and reported to the Enforcement Team, which "enforced" retrospective action. Why is this the case?
3. Why, months ago, when it became apparent that the "development "needed serious changes to the construction, was it not amended to stay within the height of the design that had been approved by Cheltenham Borough Council? After all, it is of wood construction and could have easily been incorporated at that stage. Indeed, many neighbours are asking whether this was the intended reason or excuse to increase the overall height of the property? Again, the lack of transparency and timing of events is creating suspicion and disbelief amongst the community.
4. Had it not have been spotted by neighbours, would any planning changes have taken place?
5. Is the wording of the Amendment deliberately vague to mask design errors? If so, how will Cheltenham Borough Council ensure there are no further failings in the planning process?

The construction has carried on apace. We are told at risk (but seemingly at low risk), perhaps to ride roughshod over planning rules to create a fait accompli situation. Furthermore, it has been intimated that such a planning decision could come down to weighing the cost to reduce the added height of the construction to original agreed height against any visual impact on the neighbours!

If a situation were to arise where the flouting of planning laws be allowed to win, the bad feeling, disbelief and suspicion, which is ongoing in the community, cannot be over emphasised, and Cheltenham Borough Council's control and integrity will need to be questioned.

Yours Faithfully,

A large black rectangular redaction box covers the signature and name of the sender.

Michelle Payne
Cheltenham Borough Council
Municipal Offices
Cheltenham GL50 1PP

MUNICIPAL OFFICE
28 DEC 2017
COUNTER

Roebuck
Old Reddings Road
Cheltenham
GL51 6RZ

27 December 2017

RE: Planning Application 17/02402/CONDIT

Dear Michelle Payne,

BUILT
Recd 29 DEC 2017
ENVIRONMENT

We object strongly to the retrospective planning application to "slightly amend (raise) the parapet height". To us it is a **MAJOR** material amendment taking into account the raised height of the roof and the sheer size of this building which completely overshadows our garden. This ugly building looks like an industrial building one end on our side (very high blue brick wall) and an enormous shed the other end neither of which can be seen from Ragged Stone, but looks horrendous from our property. The additional height will further add a significant **NEGATIVE VISUAL IMPACT**.

.When first digging the footings for the site the applicants and the builder ripped out our fence (which was only 2 years old) breaking off all the posts to accommodate their digger in OUR garden to dig THEIR footings!!! this was done without permission as we were on holiday. According to neighbours this was done the day after we went away and the footings were finished and concreted when we came back 2 weeks later, we were therefore horrified to see the huge area this building was going to cover and was actually touching our fence. This act has made me ill as we still cannot believe that someone can do this to neighbours who made them more than welcome 21/2 years ago.

This building is not in keeping with the surrounding area or anything else in The Reddings. We purchased our property 46 years ago because it had a large SOUTH FACING garden (gardening is one of our hobbies) for our children, grandchildren and great grandchildren to play in.

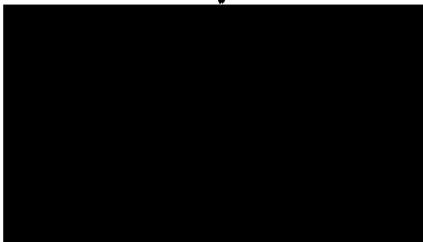
We stated in our initial planning objections that we and our neighbours suffer considerable flooding during periods of rain throughout the year - see photographs submitted in the first application, this building now cuts out an **UNACCEPTABLE** amount of sunlight to our garden and being blue clay will not be able to dry out, in addition the rain normally comes from the south west which will impact on the 20 metre length of the building and drain onto our land due to the close proximity to our boundary. Any increase in height of this wall will only exacerbate the situation.

The overall look of this development is horrendous and none of us in the neighbourhood had any idea how big it was going to be in area or height as there was only a scale on the drawings which for the layman was impossible to work out. In the drawings it looked like a low building which it is not and now they want us to accept it even higher. In our opinion this extra height of approximately 25cms was intentional right from the start and if not why were we not informed weeks ago.

We informed the Enforcement Officer way back on the 30/10/17 when this extra height could have been addressed by using RSJs or the floor and ceiling lowered. Since they were "rumbled" on 28/11/17 they have been frantically getting the roof finished before submitting their retrospective planning application.

This is Garden Grabbing at its worst which CBC is supposed to be against so why was the original application approved.

Yours sincerely



27/12/2017 14:31

[REDACTED]
Ragged Stone
[REDACTED]



VIEW FROM MAIN BEDROOM WINDOW

Sent from my iPad

- IMG_0343.JPG (2 MB)

26/12/2017 20:23

[REDACTED]

New Build Ragged Stone

[REDACTED]



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- IMG_0246.JPG (4 MB)

26/12/2017 20:26

[REDACTED]
New Build Ragged Stone
[REDACTED]



Sent from my iPad

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26/12/2017 20:16

[REDACTED]
Shadow at 11.29. 26/12/17
[REDACTED]



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26/12/2017 20:08

[REDACTED]
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Retrospective Planning Application

Michelle Payne

11, Old Reddings Rd
Cheltenham, GL51 6SD

BUILT
Recd 29 DEC 2017
ENVIRONMENT

Cheltenham Borough Council
Municipal Offices
Cheltenham GL50 1PP

22nd December 2017

Re: Planning Application 17/02402/CONDIT

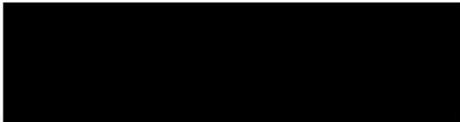
Dear Miss Payne

I strongly object to the retrospective planning application to maintain the increased height. I have lived at my present address for 50 years with a very pleasant outlook which has been ruined by a building which from my property looks like a massive chicken shed! If the conifer hedge is removed or trimmed I will see even more of this immense building which I had no idea would be as long and high as it is. It is so ugly and not inkeeping with the surrounding area.

If the building had been built to the original specified height on the original planning application I would not have had to look at the top of this massive shed.

I am also very concerned about visitors to this property parking in the turning bay of our cul-de-sac.

Yours sincerely



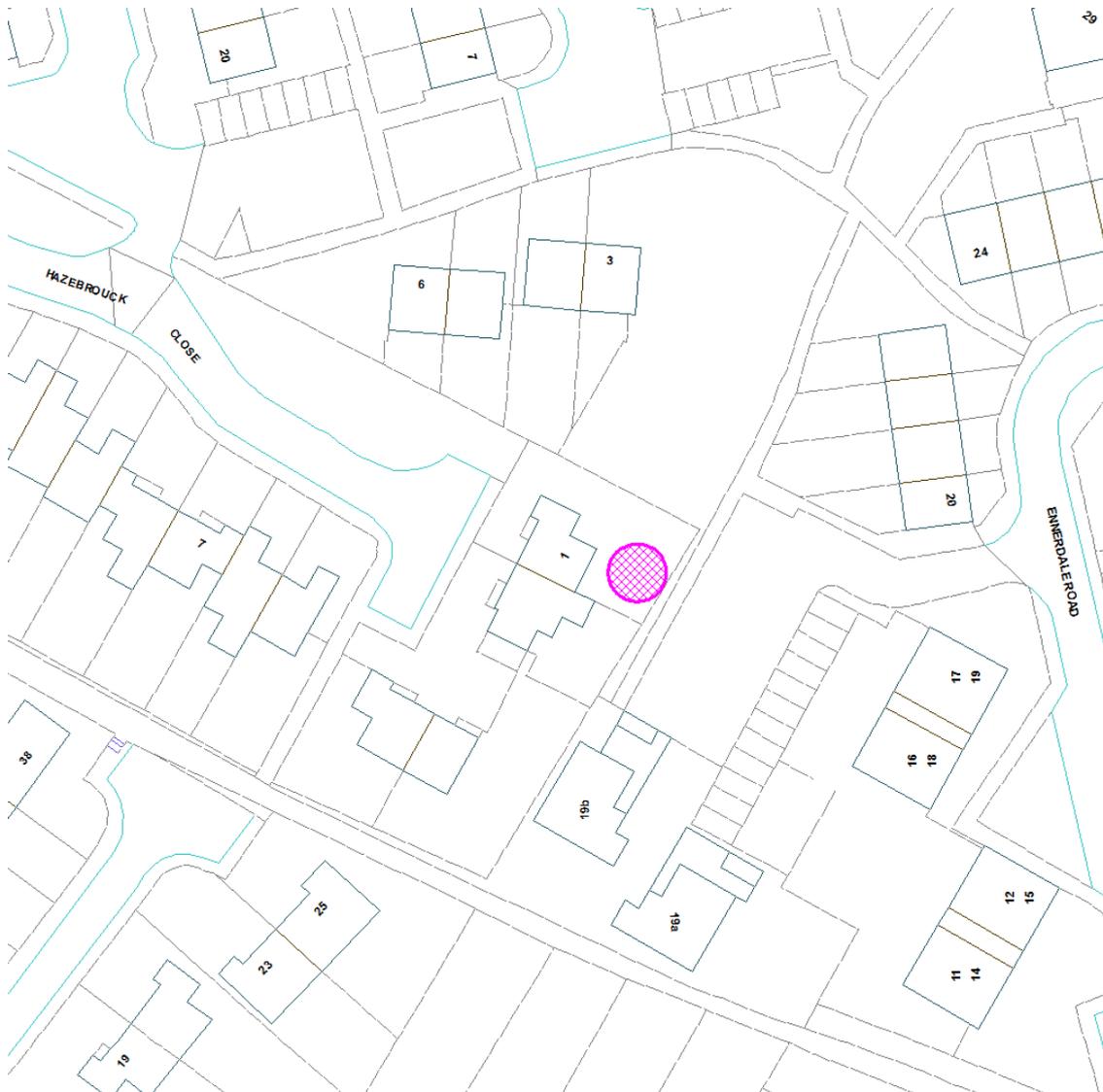
MUNICIPAL OFFICE
28 DEC 2017
COUNTER



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APPLICATION NO: 17/02251/TPO	OFFICER: Miss Ann Holdstock
DATE REGISTERED: 17th November 2017	DATE OF EXPIRY: 12th January 2018
WARD: Up Hatherley	PARISH: Up Hatherley
APPLICANT:	Mr & Mrs M Ling
AGENT:	Hampshire Planning Ltd
LOCATION:	1 Hazebrouck Close, Cheltenham
PROPOSAL:	Oak Tree in rear garden - fell

RECOMMENDATION: Permit application to fell



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a 15m high and 12-15m broad, native oak tree in good structural and biological condition. It has a future life span of several decades and could grow a further 25-30%. It is located in a domestic rear garden in the suburb of Hatherley and is flanked by a mature London Plane under the management of Cheltenham Borough Homes. There is a TPO protected Yew tree within the same rear garden. The proposal is to completely remove this oak tree.
- 1.2 The application is at Planning Committee at the request of Councillor Whyborn.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Tree Preservation Order 28, made October 1977 and confirmed December 1977.

Relevant Planning History:

02/00143/TPO 28th March 2002 REF

Fell Oak tree in rear garden

The appeal against this decision was dismissed; Reference NO. SW/THM//8147/394

06/00373/TPO 17th May 2006 PER

Crown thin oak by 30% remove lowest three branches from yew

3. POLICIES AND GUIDANCE

Cheltenham Borough Council Local Plan 2006:

Policy GE5 – The Borough Council will resist the unnecessary felling of trees on private land.

4. CONSULTATIONS

Cheltenham Tree Group

7th January 2018

I visited the house on Saturday [yesterday, 6th] at 12:30 and was kindly invited in by the female owner. The visit lasted 10 minutes as it was unannounced and I did leave a Tree Group 'business' card with the owner and explained what we do.

1. It is a beautiful Oak, mature with a diameter of, I am guessing, nearly a metre. It visually looks in good order, with a balance on the boughs and no obvious signs of previous 'maintenance'

2. It is clearly in the wrong place for the house. The height and spread - whilst viewed in Winter, I could imagine the tree in full leaf and the affect on light etc. to surrounding houses - mean that the trunk cannot be more than seven or eight metres if that from the house. So, when the house was originally built, I understand from the owner that building regs allowed such a proximity

3. Clearly too there is strong feeling from the owner and neighbours: there is no obvious grass nor other planting in the garden, which has some decking but little

else. I can imagine that light for other plants typically found in urban gardens would struggle, especially grass, but then again, there was no obvious evidence of attempts having been made. I was told that boughs have also fallen in the past

4. Comment was made as to structural damage to the house, or the potential for, by the owner and so it would be helpful to understand whether this tree is the cause through a structural report. There is another fir on the fence boundary for the garden that looks to have been pruned regularly, so this tree may also have an impact

Overall, it would seem that the options would be:

a] As stated, no obvious, extensive pruning has been undertaken to the canopy and this would be my first thought, given that it is an oak and was in place before the house was built. I want to make clear though that the strength of feeling of the owner needs to be taken into account and equally, whilst they knew that the tree was there when the house was bought, they did not plant it. The surrounding environment of course would need to be taken into account, as this area has some large trees that may still restrict light etc. but it is generally open and limited in trees

b] Complete removal [I struggle to see how the roots could be removed, so this would mean cutting to ground level - thus still restricting garden use but ensuring light etc.]. I would see that this COULD set an unwelcome precedent - as stated, no obvious pruning has been undertaken to the canopy in the first instance

This is not an easy case, as the tree is fantastic.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	7
Number of objections	0
Number of supporting	7
General comment	NB: 5 of the 7 letters of support received were from the applicant's relatives

5.1 12 Letters of consultation were sent to adjacent neighbours and two site notices were erected.

5.2 Comments Received

The applicant has engaged tree consultant Jim Unwin to support the application. His report is attached (Appendix A). A synopsis of his arguments in support of removal are:

1. Tree dominates the garden by its overbearing nature and shade cast on the rear of the house and garden.
2. The tree has taken the outdoor amenity of the garden which will increase as the tree continues to grow.
3. A lesser concern is the proximity of the tree to the rear of number 1 on shrinkable subsoil.
4. Effective pruning options will reduce the amenity of the tree.
5. Removal of the tree would not denude local tree cover, because other adjacent trees would be retained.

6. A replacement tree of appropriate species could be planted.

6. OFFICER COMMENTS

6.1 Determining Issues

This is a large but not fully grown tree in a domestic suburban garden. The tree overwhelms the garden, there is no solution to the tree's overbearing nature on the property without removal of the majority of the tree's amenity. The overbearing nature of this tree will increase if left unpruned.

The tree is 60-80 years old. When the current owner bought the property the tree would not have been significantly smaller or less oppressive.

A previous application to remove the tree was made in 2002 (02/00143/TPO) this was refused and a subsequent appeal was dismissed. The arguments within the owner's consultant's report do not vary significantly from this current application. The appeal inspector stated that "the appeal tree forms a significant feature in the locality and the Secretary of State considers therefore that it has an important amenity value. In the Secretary of State's opinion the proposed felling should not be permitted unless there are clear and convincing reasons to do so". The tree would unlikely have grown by more than 1-1.5m in the subsequent 15 years.

6.2 The site and its context

The rear garden of this property does not appear well used. It is not easy to quantify the overbearing nature of the tree. The tree will cast much shade and extract much water from the soil making the cultivation of usual domestic plants all but impossible. The tree will deposit many leaves, twigs, flowers and fruit throughout the year.

There are several adjacent and nearby large trees within this neighbourhood.

6.3 Design and layout

The tree is east-southeast of the property and as such will cast shade for the morning till afternoon, later in the afternoon the sun will go behind the house and so it is the house which casts shade.

6.4 Impact on neighbouring property

Reference has been made to the shrinkable nature of the soil adjacent. Professional consideration of the potential for heave of this semi-detached property must be made prior to the removal of this tree.

Whilst many neighbours view this large tree, this Council has received no objection to the proposed removal.

6.5 Sustainability

Should this application be refused it would seem unreasonable to refuse moderate proposals to prune the tree away from the property. Heavy and repeated pruning would be required to substantially improve light levels to the garden and rear of the property. This may detract from the tree's visual amenity.

6.6 Other considerations

Owners have reported squirrels are using the tree to access the roof and are eating the soffit which has to be replaced.

7. CONCLUSION AND RECOMMENDATION

7.1 Trees Officers consider this to be a fine tree in good condition with a long future life expectancy. It is considered to be growing in the wrong place and causing an unreasonable degree of perceived nuisance which could not be alleviated through pruning without significant reduction of the trees visual amenity. These arguments were rehearsed in 2002 with a previous application to fell. Since then the tree has continued to grow if the tree had been removed and replaced with a more appropriate species in 2002 the replacement tree would already be substantial enough to be making significant visual amenity to the area.

Trees Officers consider that the best long-term plan is to remove and replace this tree with an appropriate species such as pear, apple, cherry, hawthorn etc. Officers consider that whilst such species do not equate to the majesty of a mature oak such smaller species would be more appropriate for such a domestic setting.

8. CONDITIONS

8.1 Replacement tree is planted in the current growing season.

9. Informatives

9.1 An appropriate heave assessment to the property should be undertaken prior to the removal of the tree.

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B. J. UNWIN FORESTRY CONSULTANCY

Principal:

Jim Unwin BScFor, MICFor, RCarborA, FArborA, CEnv.
Chartered Forester - Arboricultural Association
Registered Consultant - Fellow of the Arboricultural
Association -
Chartered Environmentalist.



Parsonage Farm
London
Tewkesbury, Glos.
GL20 6BD, UK
T & F 01684 833538
M 07860 376527
Email Jim@bjunwin.co.uk



24th Oct 2017 - BJU/mmi

1 Hazebrouck Close,
Cheltenham, GL51 3QA.
Mobile: 07960 814364 Email: matthew.c.fing@hotmail.com

ROY 2017
17/02251/

Dear [REDACTED]

OAK Tree inspection @ No.1 Hazebrouck Close.

1. Instruction.

- 1.1 You have lived at No.1 since 2007. Increasing oppression by trees is causing your family and neighbour at No.3 increasingly severe oppression.
- 1.2 Therefore, you have asked B.J.Unwin Forestry Consultancy to inspect the tree and advise, subject to quote.

2. Inspection.

- 2.1 I visited site on 10th October, and made an accompanied inspection, with you, in average light conditions.
- 2.2 The survey was from ground level. It involved visual observation, measuring dimensions, and sounding with a hammer: and chisel and long steel rod if required (Visual Tree Assessment: Mattheck and Breloer 1994 and Lonsdale 1999).
- 2.3 The survey was by Jim Unwin, who has forty years' experience working with trees (professional CV attached).

Notes:

Copyright: This report is copyright of BJUFC, and licensed only to the client, site and purpose(s) named above. It may not be assigned without the author's permission.

Limitation of Report: The statements made in this Report do not take account of the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. BJUFC cannot therefore accept any liability in connection with these factors, nor where prescribed work is not carried out in a correct and professional manner in accordance with current good practice. The authority of this Report ceases at any stated time limit within it, or if none stated after two years from the date of the survey or when any site conditions change, or pruning or other works unspecified in the Report are carried out to, or affecting, the Subject Tree(s), whichever is the sooner.

**Tree and Woodland Consultancy
Woodland Valuation and Timber Sales
Landscape Management**

Visit our website: www.bjunwin.co.uk for more information



3. The Site.

- 3.1 The site inspected is a small domestic plot, on a 1970s residential estate. The front garden is mostly paved parking. The property's outdoor amenity space is the rear garden south east of the house, about 8.5m deep from rear of house to rear boundary fence, by about 13m wide. The rear garden extends along the northern end of the house as yarding and garden sheds.
- 3.2 The site is low-lying. The whole plot appears adequately drained, but a ditch runs just outside the northern boundary of the plot.
- 3.3 Solid geology from BGS website: Charmouth Mudstone Formation - Mudstone. Sedimentary Bedrock formed approximately 183 to 199 million years ago in the Jurassic Period. Local environment previously dominated by shallow seas. Superficial deposits: None recorded
- 3.4 Google Earth 2007 aerial below. Oak tree marked. It has grown since.



4. Tree.

- 4.1 The oak in the middle of No.1's small rear garden is a sessile oak (*Quercus petraea*), which is the western native oak. Stem diameter (DBH) is about 70cm. The oak is 15m tall, with a well-shaped and very dense canopy.
- 4.2 Radial spread is 4.7m north east (where it over-sails a yew canopy), 7.1m south east (5m over the rear boundary), 6.7m south west (2m over the side boundary), and 6.4m north west (where it reaches the house).
- 4.3 View of the oak from the south in photo below. Bedroom windows of No.1 just visible level with base of oak canopy. Note the dense and broad-columnar canopy.



5. Problems caused by the oak tree.

- 5.1 The oak stands near the middle of a small rear garden which is the only outdoor amenity space for the property. The photo below shows the exposed and public front garden area, which is unsuitable for use other than parking. (Oak tree rear right.)



5.2 Shading and domination of rear garden and rear windows:-

- 5.2.1 Photo north east, below, shows bare rear garden on an early-autumn day. Note absence of vegetation, I believe caused by shading and roots drying soil, from the oak (on right) and to a lesser extent by the yew (centre).



5.2.2

J:\Arb reports 2017\Hazebrouck Close oct17\Hazebrouck Close BJUFC oct17.doc

View south showing lack of vegetation. Oak centre.



5.2.3 View upwards along rear of house to the oak's dense canopy.



- 5.2.4 View north west to rear of house in late afternoon, note lights in living room and bedroom / landing above, due to shading from the oak canopy, across top of picture.



5.3 Root action.

- 5.3.1 The local geology is mudstone, producing clay and silt-sized particles at foundation depth, which can change volume depending on moisture content. Although there is no evidence of cracking in the house structure, there is ample evidence of oak roots desiccating subsoil to cause settlement of rear-garden patio. See in profile below. Note original paving level on right by house.



5.4 Discussion

- 5.4.1 The oak is a healthy and well-shaped tree. I would estimate it to be early-mature, with the potential to increase by a quarter to a third in dimension, which would be a doubling of canopy volume.
- 5.4.2 However, the combination of the oak's location, its dense canopy, and the small size of No.1's rear garden, combine to create excessive domination, over-bearing, and shading of the rear of the house and rear garden.
- 5.4.3 No.1 is robbed of an outdoor amenity space by the oak. The tree cannot be retained as it is, particularly with the potential to increase in size.
- 5.4.4 A lesser concern is the proximity of the tree to the rear of No.1 on shrinkable subsoil.

5.5 Recommendation.

- 5.5.1 There is no option to retain the oak as it is, so crown pruning or tree removal are the possible options:-
- 5.5.2 Crown lifting:- This would have to be excessive (at least to half tree height) to improve light conditions under the tree, leaving a 'lollipop tree', with much-reduced amenity value.
- 5.5.3 Crown reduction & / or thinning:- Given the health of the tree, any crown reduction with or without thinning would be mitigated by rapid regrowth. Further, any pruning sufficient to give a longer return period would involve high pollarding with 'skeletonising' of the canopy. This would remove the tree's amenity value.
- 5.5.4 Removal:- The oak has a smaller but well-shaped yew 6.7m to its north, a large plane tree stands a little further north, and a mixed belt of trees and hedging runs north west from No.1. North of the large plane is a small area of public open space containing several trees, some of similar size to the oak. Therefore, removal of the oak would not completely denude local tree cover.
- 5.5.5 The impact on local amenity value of oak-tree removal would not be great, because the public area closest to the tree is parking at the end of Ennerdale Road, which appears not to have intensive use. The oak could be replaced by a more-suitable tree planted near the south-east corner of No.1's rear garden, such as an ornamental rowan, a fruiting pear on a Quince A rootstock, or fruit tree such as an apple fruit tree on a vigorous M25 rootstock.

5.6 Treework informatives

5.6.1 Disturbance to wildlife.

It is essential to check for nesting birds, bat roosts, badgers and hibernating animals such as hedgehogs under trees, before pruning or removing trees, as negligent disturbance is an offence under the EC Habitat Directive 1992 as amended and strengthened 21st August 2007 to protect European Protected Species (bats are most relevant concerning trees) and CROW Act 2000.

In general, autumn tree work: September, October and November is least disruptive to bats

and birds. However, with appropriate risk assessment work can proceed at any time.

5.6.2 Permission.

Trees may be protected by a TPO, or lie within a Conservation Area. Either are possible here and should be checked with the local planning authority.

A Felling Licence may be required for felling or thinning > 5 tonnes of wood in any calendar quarter.

As part of a felling licence, European Protected Species must be considered.

Therefore, a contractor must satisfy himself that all necessary permissions are in place before touching trees.

5.6.3 Contractor.

All off-ground tree work should be done by insured tree surgeon with certificates in aerial chainsaw use (new designations:- NPTC 020-04, 0020-05, 0020-07, 0021-01, 0021-07; LANTRA 600/5703/8, 600/5717/8, 600/5715/5, 600/5704/X, 600/5714/2), and working to BS3998:2010, and "Treework at Height", the Arboricultural Association's ICoP. (Stumps can be left to shoot again, ground out, or grubbed out, or poisoned depending on location.)

Thinning work can be done by a competent woodland contractor.

6.0 Conclusions:-

- 6.1 On the evidence seen at No.1 Hazebrouck Close I have strong sympathy for Mr & Mrs Ling and their children, where the oak creates difficult living conditions.
- 6.2 We consider the oak tree in the rear garden of No.1 Hazebrouck Close creates completely unreasonable levels of shading, oppression, over-bearing, vegetation suppression, and diminution of private amenity value to the property.
- 6.3 We strongly recommend removal of the oak tree, and its replacement by a smaller ornamental or fruiting tree.

This report may be submitted to local council for permission, and to contractor for quote.

Please contact us if you have any queries, or require further assistance.

Yours sincerely,



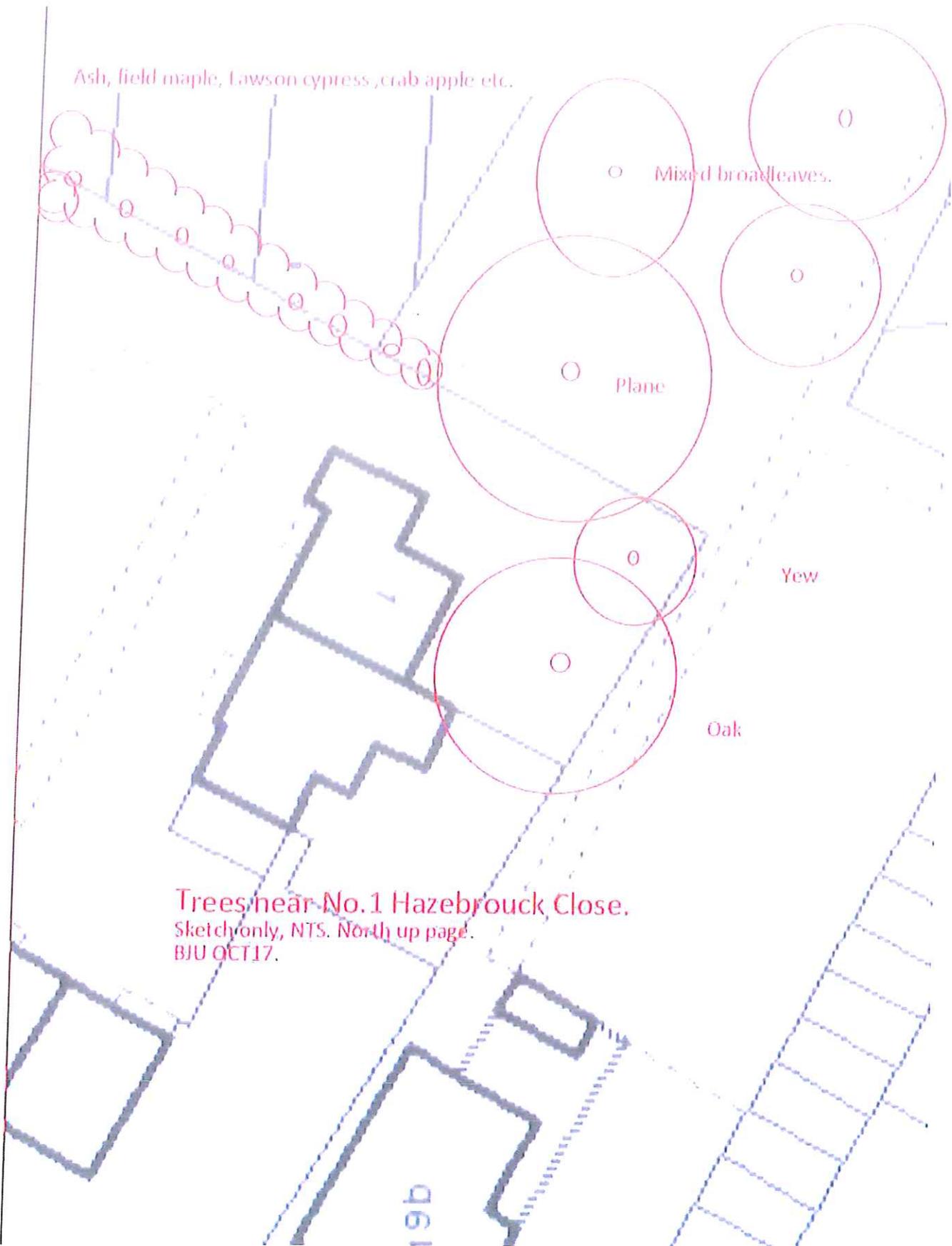
B J Unwin Forestry Consultancy.

References:

- "The Body Language of Trees". Claus Mattheck and Helge Breloer. HMSO 1994.
- "Principles of Tree Hazard Assessment and Management". David Lonsdale. HMSO 1999.
- BS 3998: 2010 "British Standard Recommendations for Treework".

Attached:

- Sketch plan.
- BJUFC professional CV.



APPLICATION NO: 17/02251/TPO		OFFICER: Miss Ann Holdstock	
DATE REGISTERED: 17th November 2017		DATE OF EXPIRY : 12th January 2018	
WARD: Up Hatherley		PARISH: UPHATH	
APPLICANT:	Mr & Mrs M Ling		
LOCATION:	1 Hazebrouck Close, Cheltenham		
PROPOSAL:	Oak Tree in rear garden -fell		

REPRESENTATIONS

Number of contributors	7
Number of objections	0
Number of representations	0
Number of supporting	7

20 Ullswater Road
Hatherley
Cheltenham
Gloucestershire
GL51 3PR

Comments: 7th December 2017

I am writing in support of the felling of the tree in the back garden of 1 Hazebrouck Close, Hatherley.

My children have been invited for many play dates at the above property and are unable to utilise the back garden due to the aforementioned tree. Not only does it shade the garden to such an extent that grass is unable to grow, it also turns the dirt to muddy slush (and VERY slippery) whenever it rains. This makes the garden completely unusable!

I also will no longer allow my children to play in the above property's garden after an incident where a large branch fell hitting the occupants child.

Due to (what I feel) is a dangerous environment; the tree is inhibiting not only the lives of the occupants, but those family and friends who visit the property!

4 Hazebrouck Close
Cheltenham
Gloucestershire
GL51 3QA

Comments: 11th December 2017

I have already written a letter in support to accompany the application - these comments are to confirm all the details contained in the letter. In summary, the tree has not been cut back sufficiently over the years and so now is far too big for its environs. It overhangs a public footpath which is dangerous. The leaves block the drains. It blocks all light from number 1 and surrounding properties. It has completely outgrown its position and creates a danger to us all if it

were to fall, be struck by lightning? It needs to be removed or severely cut and regularly maintained.

2 Hazebrouck Close
Cheltenham
Gloucestershire
GL51 3QA

Comments: 8th December 2017

I have received the letter with the proposal of the oak tree fell from 1 Hazebrouck Close Cheltenham.

As I have made clear in my previous email the tree continues to create problems some already known as in the size of the tree it is already far too big for its surroundings and is still growing - what worries me more is the parts of the tree we cannot see and the damage this could have on nearby properties.

The previous routine of cutting back the branches did not solve the ongoing problem the tree got stronger and flourished.

Some would argue the tree was there first however who authorised the decision for houses to be built there knowing there could be problems in the future?

Can I have confirmation from the council to compensate me and my neighbours for any future damage this tree creates to my property or land by not listening or acting now?

My parents went through this with the first application for this tree to be removed and now years later the same problem has now passed onto me after my parents death and although we are still considering what to do with the property this could prevent or stop future buyers.

Sadly the tree is going to continue to grow up and down - it has got to go to stop any future damage.

42 Fernleigh Crescent
Cheltenham
GL51 3QL

Comments: 18th December 2017

I am supportive of this application, since clearly very significant loss of amenity is being experienced by Mr & Mrs Ling. Mr Unwin's report does not envisage that possibilities for managing the system would work well. The alternative is to do nothing at all, which could have very negative consequences. So on the basis of the evidence I have seen (18/12/2017), felling would seem to be the only realistic option.

11 College View
Cirencester
GL7 1WD

Comments: 6th December 2017

I am emailing in support of the application to fell the tree in the garden of no.1 Hazebrouck close.

Over many years of visiting my brother and his wife, I have observed the continued growth of the tree and seen first hand the effect it has had on the family. The tree has appeared to absorb all the moisture and nutrients from the ground and instead of a green garden with lots of sunlight

and colour there is a dark barren stretch of land without even a weed. The patio is slowly sinking, making it unusable and the tiny bits from the tree carpet the floor making a very uncomfortable area for kids to play in. Coupled with the risk of larger falling debris, the garden is useless for kids play or indeed any family activities, limiting their ability host social events and making them feel isolated, its such a shame that their daughter has been unable to enjoy the fresh air and exercise offered by the safety of a garden, its hardly a pleasant and joyful surrounding.

Its still growing, and along with it the stress and anxiety on the family. Its been awful watching the garden slowly consumed by shade its quite simply too big and overwhelming.

Removal of the tree would make a huge difference to their quality of life, allowing them to enjoy their garden in the same way as anyone else and as sunlight and nutrients return to the ground the garden can once again flourish

227 Alexander Drive
Cirencester
GL7 1UH

Comments: 7th December 2017

In respect of the application to fell the tree in the garden of 1 Hazebrouck Close, I would like to declare my absolute support. This is based on a number of key factors: the impact on the garden and surrounding areas; the impact on the quality of life of the inhabitants; and the safeguarding of all residents at the address, but specifically that of Mr and Mrs Ling's young daughter.

Since Mr and Mrs Ling moved into the house it became apparent that the tree was causing a number of issues on the surrounding area. This included disruption of the garden as was demonstrated by the undulating paving slabs in part of the garden area. Given the size of the tree, the roots are certain to be significant and will undoubtedly be causing, and will continue to cause further damage to the surrounding area.

The tree is also having a significant impact in the quality of the garden itself. A combination of the excessive shade coupled with the draw of water it has on the surroundings has turned the garden into a very dry and arid landscape. This is a great shame for the family that live there. Having spent time with them at their house and enjoyed their cooking which they are passionate about, it seems such a shame that this tree is limiting their ability to develop, for example, a vegetable patch, which their young daughter would not only really enjoy, but learn a great deal from as she grows her own veg and turns it into her own meal.

Further to this the landscape limits what they feel they can do with their garden and I know they find it very upsetting that they cannot share what should be a lovely green space with family and friends.

But finally, and I think most importantly, I have a real concern around the safeguarding of everyone in both this address and the surrounding area, but specifically for their young daughter. The tree has clearly grown bigger since they've been at this address, and with this comes an increased risk to what falls from it. I've seen first hand some of the small branches that get blown out of the tree, but I dread the thought of something bigger falling and damaging the dwelling, or worse still a member of the family.

Whilst I love the outdoors and am a great supporter of the environment, I do not believe that there's any other option than to fell this tree and put life back into this garden and the lives of the family that live there.

18 The Green
Cirencester
GL7 1AU

Comments: 7th December 2017

As my son, I visit Mr and Mrs Ling and their young daughter to find an increasingly unusable, barren garden that is unsafe for her, her friends and cousins to play in and to hold the normal family events others enjoy. It is dark, unwelcoming and unable to support the growth of any flowers and plants - and even grass will not grow anywhere as the trees canopy blanks out any sun and its roots suck the life out of it.

It is such a shame to see their lives affected in such a way. As you consider the needs of those wishing to keep the many trees in Cheltenham for their environmental impact, please also consider the devastating impact this single tree is having on a young family.