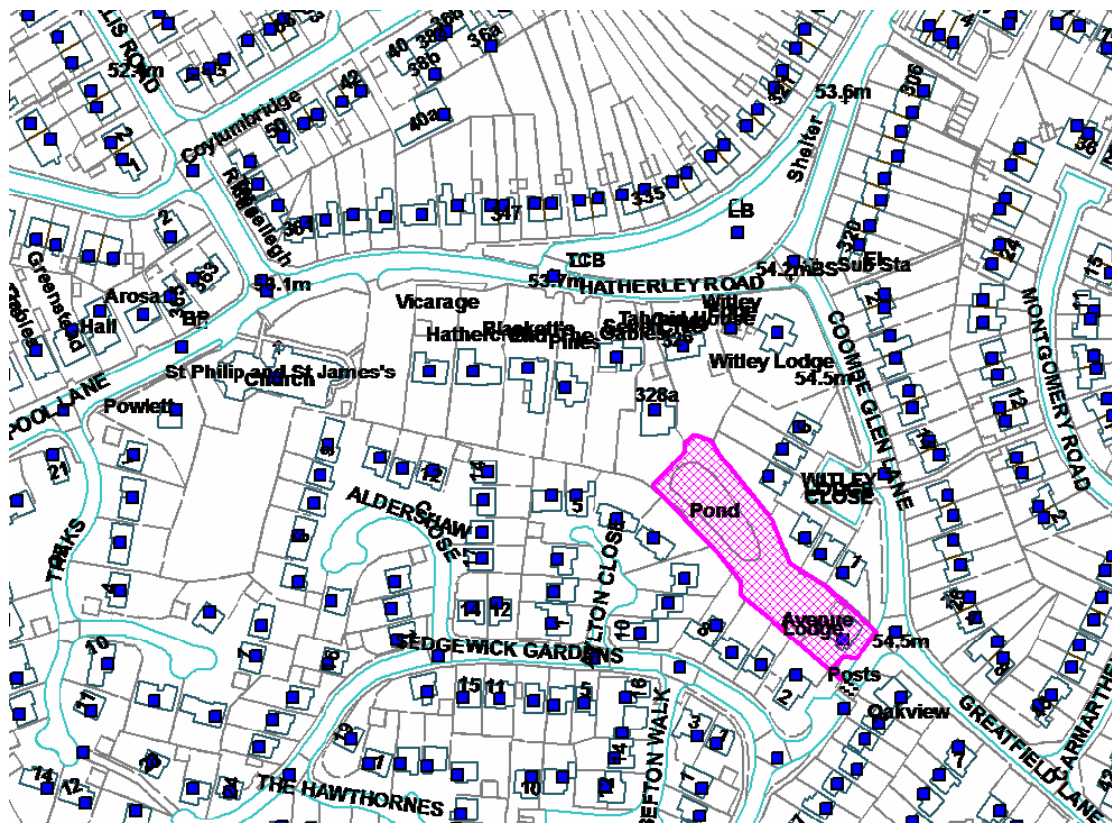


APPLICATION NO: 14/00505/FUL		OFFICER: Mr Ian Crohill
DATE REGISTERED: 22nd March 2014		DATE OF EXPIRY: 17th May 2014
WARD: Up Hatherley		PARISH: Up Hatherley
APPLICANT:	Mr Jeremy Limbrick	
AGENT:	None used	
LOCATION:	Avenue Lodge, Chargrove Lane, Up Hatherley	
PROPOSAL:	Garden landscaping	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application simply relates to the landscaping of part of the garden to the rear of Avenue Lodge. The application site has been the subject of several applications in the recent past (see planning history below) most of which have related to either the trees surrounding the pond located in this part of the garden or the pond itself.
- 1.2 The landscaping involves filling in of part of the pond and it is this element that requires planning permission, as an engineering operation. Normally landscaping of a private garden would not in itself require planning permission and even limited earth moving or remodelling would also not require the benefit of specific planning permission. It is a question of scale and degree and in this instance it is considered that the amount of infilling proposed is such that it is considered that planning permission is required.
- 1.3 The proposal therefore involves the importing of inert clay and soil and extensive planting including, according to the submitted Design and Access Statement in excess of 50 new trees.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints

None

Relevant Planning History

05/00725/FUL 24th October 2005 WDN

Erection of 2 no. dwellings

05/01150/CONF 15th September 2005 CONFIR

Confirmation of Tree Preservation Order number TPO618: all trees of whatever species within the area shown as A1 on the accompanying plan

05/01491/TPO 14th November 2005 SPLIT

Various tree works in accordance with recommendations made in arboricultural report by Mr B J Unwin dated August 2005, including: 1. re-pollarding willows 2. reduction in height to ash 3. fell suppressed trees (mainly ash) 4. (this item does not require consent) remove dead wood, dead and dangerous trees. 5. fell oak tree by pond (tree numbered 50 in Mr Unwins report)

05/01514/TPO 21st November 2005 PER

Remove all branches overhanging 4 Witley Lodge Close

06/01291/FUL 18th October 2006 WDN

Erection of 2 no. dwellings

07/00040/CLPUD 30th March 2007 REF

Filling in of pond within domestic curtilage

08/00037/FUL 6th May 2009 REF

Erection of single storey flat roof, 4 bedroom detached dwelling in rear garden of Avenue Lodge

08/00592/TPO 22nd May 2008 PER

Eucalyptus - cut back branches to boundary of 2 Sedgewick Gardens

09/01740/FUL 2nd February 2010 REF

Erection of single storey dwelling in rear garden of Avenue Lodge, Chargrove Lane

11/01217/TPO 3rd October 2011 PER

Trees along boundary with 3 Witley Lodge Close: cut back to boundary

12/01486/FUL 4th February 2013 WDN

Cutting back overhanging branches of Ash Tree, Damson and Sycamore trees to boundary
Safety works around pond incorporating limited infilling along one side and re-landscaping

13/01573/TPO 8th October 2013 PER

1) Eucalyptus - Fell due to damage to boundary wall. 2) Ash - Fell due to damage to boundary wall.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development
GE 7 Accommodation and protection of natural features
NE 1 Habitats of legally protected species
UI 1 Development in flood zones
UI 2 Development and flooding

National Guidance

National Planning Policy Framework 2012

4. CONSULTATIONS

Land Drainage Officer

24th April 2014

There is no evidence to suggest that the pond within the grounds of Avenue Lodge serves any flood risk management purpose. There is no formal inlet to, or outlet from the pond and water levels within it are determined by the normal variations of groundwater. Such variations being associated with seasonal changes and the prevailing weather conditions.

Infilling the pond (partial or complete) will have no long term effect upon ground water levels as they will balance out with time. However, if permitted, infilling operations would displace the water impounded within the pond at the time. Such displacement would need to be managed to ensure that the surrounding land and property was not adversely affected.

In my view (subject to the appropriate management of displaced water during infilling operations), in the long term, the proposal will not increase flood risk upon the site or the surrounding land.

I do not comment upon the possible historic or ecological interest of the site.

Tree Officer
6th May 2014

Theoretically tree roots cannot live within water and as such the infilling of the pond will not have an impact on the TPO protected trees within this garden. Similarly the application states than no trees are to be removed as a result of this proposed development. However it may be that damage could be incurred during the in-fill process and as such retained trees need to be protected during any operations. Therefore a Tree Protection Plan (to BS 5837 (2012)) needs to be submitted and agreed.

Where construction/infill traffic does need access within the Root Protection Zone, suitable ground protection measures need to be submitted and agreed to this council so as to avoid damage to roots.

The Design & Access Statement states that 'inert clay + soil backfill' is to be used as the infill. It is important that such soil used is to the British Standard for soil 3882 (2007) so as to ensure it is capable of supporting new roots of suggested plantings as well as ensuring that pollutants/toxins etc will not leech out into the local environment (or pond). It is anticipated that such infilling if undertaken with care will provide a new rooting environment for existing trees.

Regarding the proposed landscaping of the garden, providing that no protected trees are to be removed or are to be pruned, the Tree Section does not object and indeed such planting details could be beyond the remit of this council to control.

Gloucestershire Centre for Environmental Records
2nd April 2014

This report can be viewed online.

Parish Council
26th March 2014

This appears to be yet another application to reduce this important historic balancing pond in size, to which we are implacably opposed for all the reasons given in our objections to the many previous proposals. We have no objection to sensitive landscaping but the pond must NOT be reduced in size! This is an area liable to flooding as all the neighbours will readily testify, with flooding even reaching the churchyard on occasions. We therefore respectfully request that you refuse any application to reduce the pond in size, shape or depth.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	27
Total comments received	9
Number of objections	7
Number of supporting	2
General comment	0

Comments Received

A total of 27 letters were sent out notifying local residents of the receipt of the application. 9 letters of objection have been received and 2 letters of support.

The issues raised by the objectors relate to the following:

1. Reduction in size of pond
2. Previous refusals of permission involving in-filling of pond
3. In 2012 work on infilling was started but was not 'made good' after work was halted.
4. Reduction in size of pond will exacerbate existing flooding problems (photographs of flooded adjoining gardens have been submitted)
5. Pond provides a 'natural, relatively undisturbed environment for a variety of wildlife'
6. Further reduction of size of pond may possibly create a building plot.

The writers in support welcome the landscaping scheme and express the view that the alleged increase in flooding will not take place.

6. CONCLUSION AND RECOMMENDATION

- 6.1 To follow

7. CONDITIONS / INFORMATIVES / REFUSAL REASONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 3 Where construction/infill traffic does need access within the Root Protection Zone of retained trees details of suitable ground protection measures to avoid damage to roots shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the ground protection measures so approved shall remain in place until the completion of the infill of the pond hereby approved as part of the landscaping.
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 4 The 'inert clay + soil backfill' referred to in the submitted Design and Access statement accompanying the application to be used as the infill soil shall be of a standard to comply with British Standard for soil 3882 (2007) so as to ensure that it is capable of supporting new roots of the suggested planting as well as ensuring that pollutants/toxins etc will not leech out into the local environment (or pond)

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees and help promote new planting and avoid possible pollution.

INFORMATIVES

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

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

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